

TITLE 4

Public Works

- Chapter 1 Streets and Sidewalks
 Chapter 2 Solid Waste Collection and Disposal
 Chapter 3 Municipal Cemeteries – (Amended 12/10/12)

CHAPTER 1

Streets and Sidewalks

State Law Reference: Constitutional powers regarding streets, Const. of 1983, Art. IX, Sec. II, Para. III (a)(4): authority of municipalities to own, operate and maintain streets, O.C.G.A., Sec. 36-34-3: street obstructions, O.C.G.A., Sec. 36- 30-10: municipal street administration, O.C.G.A., Sec. 32-4-90 et seq.; assessments for improvements, O.C.G.A., Title 36, Ch. 39.

- § 4-1-1 Permit to dig in streets.
 § 4-1-2 Same; application for permit
 § 4-1-3 Same; city indemnified.
 § 4-1-4 Street repair.
 § 4-1-5 Excavations; leaving unprotected.
 § 4-1-6 Sidewalk construction.
 § 4-1-7 Sidewalk maintenance.
 § 4-1-8 Streets and sidewalks not to be damaged.
 § 4-1-9 Obstructing streets, alleys or sidewalks prohibited.
 § 4-1-10 Trees projecting over streets.
 § 4-1-11 Trees obstructing view at intersections prohibited.
 §§ 4-1-12 4-1-13 Reserved
 § 4-1-14 Gates or doors opening over streets, alleys or sidewalks prohibited.
 § 4-1-15 Obstruction of drainage ditches.
 § 4-1-16 Violation.

- Sec. 4-1-1 Permit to dig in streets.
 No person, firm or corporation shall make any excavations or openings or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purposes, unless a written permit therefor has been issued by the city clerk. A permit shall not be required where the work is performed under a contract with the city but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the city clerk and the police department at least two

(2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

Sec. 4-1-2 Same; application for permit.

All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in section 4-1-1, shall make written application therefore, which application shall show the location of the proposed opening, the purpose therefore and the approximate number of square yards of surface to be cut.

Sec. 4-1-3 Same; city indemnified.

Any person, firm or corporation obtaining a permit as provided for in sections 4-1-1 and 4-1-2 agrees, as a condition of the issuance of the permit to indemnify and hold harmless the city against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

Sec. 4-1-4 Street repair.

When any part of any street, sidewalk, alley or other public place of the city shall be torn or dug up for any purpose, the person, firm or corporation making that excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening. Any person, firm or corporation, neglecting, refusing or failing to comply with any provision of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the city clerk, every day's continuance thereafter shall constitute a separate and distinct offense.

Sec. 4-1-5 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the city without placing and maintaining proper guard rails and signal lights or other warnings at, in or around the work, sufficient to warn the public of any excavation or work, and to protect all persons using reasonable care from injuries on account of work.

Sec. 4-1-6 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or other material without a written permit from the city.

Sec. 4-1-7 Sidewalk maintenance.

The occupant of any building and the owner of any lot shall keep the sidewalk in front of his respective building or lot clean of refuse and free

of the growth of weeds. As used in this section, "sidewalks" shall include all the ground, whether paved or not, between the property line and the curb line. (Code 1974, Sec. 5-906)

- Sec. 4-1-8 Streets and sidewalks not to be damaged.
No person shall drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other type of permanently paved street or sidewalk of the city which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.
- Sec. 4-1-9 Streets, alleys or sidewalks prohibited.
No person shall use or occupy any portion of any public street, alley, sidewalk or right-of-way for the purpose of storing, selling or exhibiting any goods, wares, merchandise or materials. (Code 1974, Sec. 5-1201)
- Sec. 4-1-10 Trees projecting over streets.
No property owner or occupant shall allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than 14 feet. (Code 1974, Sec. 5-1202)
- Sec. 4-1-11 Trees obstructing view at intersections prohibited.
No property owner or occupant shall have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (Code 1974, Sec. 5-1203)
- Sec. 4-1-12 4-1-13 Reserved
- Sec. 4-1-14 Gates or doors opening over streets, alleys or sidewalks prohibited.
No person owning or occupying property shall allow any gate or door to swing open upon or over any street, alley or sidewalk. (Code 1974, Sec. 5-1206)
- Sec. 4-1-15 Obstruction of drainage ditches.
No person shall permit or cause the obstruction of any drainage ditch in any public right-of-way. (Code 1974, Sec. 5-1207)
- Sec. 4-1-16 Violation.
All persons found guilty of a violation of this chapter shall be punished as provided in section 1-1-5 of this code.

CHAPTER 2

Solid Waste Collection and Disposal

State Law Reference: Authority of municipalities to provide for garbage and solid waste collection and disposal, Const. of 1983, Art. IX, Sec. II, Para. III(a)(2).

- § 4-2-1 Applicability.
- § 4-2-2 Definitions.
- § 4-2-3 Waste acceptable for collection.
- § 4-2-4 Waste unacceptable for collection.
- § 4-2-5 Preparation and storage of acceptable waste.
- § 4-2-6 Grass clippings; limbs.
- § 4-2-7 Fees.
- § 4-2-8 Unauthorized accumulation of solid waste; nuisance.
- § 4-2-9 Scavenging.
- § 4-2-10 Littering prohibited.
- § 4-2-11 Penalties.

Sec. 4-2-1 Applicability.

- (a) The provisions of this chapter shall apply to all public and private markets, as well as all places of business, hotels, restaurants, and all other premises, whether used for business or residential purposes.
- (b) For the purpose of enforcing this chapter, any person living on any premises and the person in charge of any market, or stall in any market, shall be deemed an occupant; and any person receiving the rent, in whole or in part, of any premises, shall be deemed an agent. (Ord. of 12/9/86)

Sec. 4-2-2 Definitions.

- (a) For the purposes of this chapter the following words and phrases shall have the meanings ascribed to them in this section:
 - (1) Ashes means and includes the waste products from coal, wood and other fuels used for cooking and heating from all public and private residences and establishments.
 - (2) Building rubbish means waste material resulting from construction, remodeling, repairs and demolition operations on houses, commercial buildings and other structures, including driveways and walks, and it comprises waste and rejected matter such as excavated earth, stones, bricks, plaster, wallpaper, sheetrock and lathes, lumber, shingles, tile, concrete and waste parts occasioned by the installation or replacement of plumbing, heating systems, electrical work and roofing.

- (3) Garbage means waste accumulation of animal or vegetable matter used for or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (4) Industrial waste means solid waste materials from factories, processing wholesale establishments, assembling food processing wastes, cinders and ashes, lumber scraps, saw dust, excelsior, shavings, floor sweepings, metal scrap and shavings, glass and other waste products.
- (5) Rubbish means a variety of combustible and noncombustible waste not subject to rapid decomposition derived from places of residence, commercial areas and institutions and shall include paper, rags, plastics, cartons, boxes, cans, bottles, glass, crockery, excelsior, rubber, discarded clothing and similar materials.
- (6) Scavenge means uncontrolled picking from discarded solid waste materials.
- (7) Solid waste means:
 - a. Putrescible and nonputrescible waste, except human body waste, and includes garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue incineration, food processing wastes, demolition wastes, construction wastes and any other wastes in a solid or semi-solid state, not otherwise defined in this section.
 - b. Recyclable Solid Waste means plastic containers which are marked with numbers 1 or 2 within a triangle, aluminum cans, steel cans, clear glass, brown glass, green glass, newspapers, cardboard, and such other materials as may be so designated from time to time by the City of Pembroke. (Ord 7/12/94)
- (8) Standard container means and includes a durable, rust resistant, nonabsorbent, rodent-proof, watertight plastic or metal container with handles or bails, having a tight-fitting cover, and having no more than a 33-gallon capacity.
- (9) Waste means unwanted or discarded material, except human body waste.
- (10) Yard rubbish means tree branches, stumps, twigs, grass and shrub trimmings, bushes, weeds, leaves and general yard and garden waste materials and includes stone and dirt rakings and any waste materials resulting from landscaping.

Sec. 4-2-3 Waste acceptable for collection.

Garbage, rubbish and industrial waste constitute waste acceptable for collection by the city.

Sec. 4-2-4 Waste unacceptable for collection.

- (a) The following items constitute waste unacceptable for collection by the city:
 - (1) dangerous materials or substances such as poisons, acids, caustics and explosives;
 - (2) building rubbish;
 - (3) ashes;
 - (4) yard rubbish except as hereinafter provided;
 - (5) furniture and appliances;
 - (6) automobile and motor vehicle tires; and
 - (7) all other solid waste not specifically authorized herein;
- (b) Any person responsible for waste not acceptable for collection by the city shall make any arrangements as may be necessary for the collection and disposal of the unacceptable waste.

Sec. 4-2-5 Preparation and storage of acceptable waste.

- (a) The owner, agent, and/or occupant of any premise, improved or unimproved in the City of Pembroke whereupon acceptable waste is created, shall provide a sufficient number of standard containers to receive the acceptable waste accumulated between periods of collection from each such premises, and such containers shall be placed in a location which is easily accessible for the purpose of having their contents removed by sanitation workers. Such location shall be between the curb-line of the street where the premise is located and the building line of that portion of building upon the premises closest to the street. The owner, agent, or occupant of any premises may erect an enclosure to screen the container from view, but the enclosure shall not be locked and shall be so constructed as to enable sanitation workers to enter the enclosure and remove the containers without being required to lift the containers over the fence or enclosure so provided.
- (b) Containers shall be tightly covered at all times except when momentarily opened to receive solid waste or to have the contents removed. Containers shall be so located as not to be turned over and lids shall be securely fastened.
- (c) Any customer that generates acceptable waste in the form of cardboard boxes, packing crates, and/or other dry materials shall break these materials down into their most compact form and bale them in bales of not more than 30 pounds in weight, in such form that they shall be easily picked up and loaded by sanitation workers without special tools for handling and so as to also occupy minimum space for storage and/or transportation from the premises.

- (d) Recyclable solid waste shall be sorted and stored for pick up in separate containers, which will be designated by color to be used for specific recyclable materials. A list of specific materials to be stored in specific containers shall be maintained at city hall. All recyclable materials shall have been emptied of all liquid and solid contents. All recyclable materials in the appropriate container shall be placed as near as possible to the street or sidewalk for pickup on the scheduled day but shall not be placed in a manner to block the street or sidewalk. (Ord of 7/12/1994)
- (e) The provisions of this section may be waived for persons who are physically handicapped because of age or infirmity to the extent that complying with this section would work an undue hardship upon such persons. (Ord. of 12/9/86; Ord of 7/12/1994)

Sec. 4-2-6 Grass clippings; limbs.

- (a) Grass clippings, pine straw and leaves shall be placed on the street curb on pickup day. These items must be secured in disposable plastic bags of a type, size and material designed for solid waste storage and disposal. Disposable bags shall be unbroken and securely sealed and loaded in such a manner that normal handling will not cause the bag to open. No bag that cannot be loaded by one (1) person shall be collected.
- (b) Fallen limbs, trees, cut limbs, cut trees and trash of this category shall be cut by the property owner into lengths of not more than four (4) feet. Other trash which shall include yard wastes, weeds, grass, trimmings, leaves, brush and pine straw must be bagged. All trash and cuttings shall be placed as near as possible to the street or sidewalk right-of-way adjacent to the property owner's property but not so as to get into the street or block the sidewalk. At no time shall trash be placed in gutters, drains, walkways or alleys or streets of the city.

Sec. 4-2-7 Fees.

The city council shall prescribe fees for collecting and disposing of solid waste. Fees may be set by motion in the usual course of business for each fiscal year. (Ord. of 12/9/1986)

Sec. 4-2-8 Unauthorized accumulation of solid waste nuisance.

Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within a reasonable time as may be fixed by written notice from the city shall be deemed a violation of this code.

Sec. 4-2-9 Scavenging.

No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove

or take any of the contents thereof, or remove any container from the location where the container has been placed by the owner thereof.

Sec.4-2-10 Littering prohibited.

No person shall throw, deposit or permit to be deposited or scattered upon any sidewalk, street, or other public property, or upon any private property, any waste or other material of any kind.

Sec. 4-2-11 Penalties.

- (a) Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-1-5 of this code.
- (b) All accounts or bills for the collection and disposal of solid waste shall be due and payable to the City of Pembroke by consumers thereof, on the 20th day of each month. Accounts that are delinquent on the 21st of each month will be assessed a penalty as set forth by motion in the usual course of business by the Mayor and Council.

TITLE 4
Public Works

- Chapter 1 Streets and Sidewalks
- Chapter 2 Solid Waste Collection and Disposal
- Chapter 3 Municipal Cemeteries – AMENDED 12/10/12

CHAPTER 3 MUNICIPAL CEMETERIES

- § 4-3-1 Short title and Definitions
- § 4-3-2 Administrative responsibility.
- § 4-3-3 Duties of superintendent.
- § 4-3-4 Requirements for interment. *Amended 12/10/2012*
- § 4-3-5 Lot valuation and Sale of Lots. *Amended 12/10/2012*
- § 4-3-6 Method of purchase. *Amended 12/10/2012*
- § 4-3-7 Records of ownership.
- § 4-3-8 Cemetery accounts.
- § 4-3-9 Reports.
- § 4-3-10 Rules, Regulations, and Procedures for Operation and Administration of the Cemetery *Amended 12/10/2012*

- Appendix A Cemetery Deed
- Appendix B Cemetery Lot Purchase Installment Payment Agreement
- Appendix C Application and Agreement for Cemetery Lot Purchase

Section 4-3-1 Short Title and Definitions.

(a) This chapter shall be known and may be cited as the “Pembroke Municipal Cemetery Ordinance” (Code 1974, Sec. 5-401; Code 2005, Sec. 4-3-1).

(b) Definitions. All References in this Chapter 3 to the following terms shall be defined as stated, unless specifically stated otherwise:

- (1) “Department” shall refer to the Cemetery Department of the City of Pembroke.
- (2) “Superintendent” shall refer to the Public Works Superintendent for the City of Pembroke or his designee.
- (3) “Municipal Cemetery” or “Cemetery” shall include the Northside Cemetery or any other cemetery hereafter acquired, constructed, or operated by the City of Pembroke.
- (4) “Lot Holder” or “Lot Purchaser,” or “Purchaser” shall refer to any person purchasing burial rights to Cemetery Lots subsequent to the adoption of this Chapter 3.
- (5) “Lot Owners” or “Owners” shall refer to persons who have purchased Cemetery Lots prior to the adoption of this Chapter 3.

(6) "Lot" refers to a specific section of the Cemetery as designated by the City of Pembroke. Lots are referred to by Cemetery Section and Lot number, and shall be of the size designated by this Chapter 3 or by future amendment by the City Council.

(7) "Burial Space" refers to the actual site within a Lot that is the site at which the remains of a deceased human have been interred or at which remains may be interred. The number of Burial Spaces within a specific Cemetery Lot will vary.

- (c) Application of this Ordinance to Cemetery Lot Owners. Unless specifically exempted herein or unless not authorized by law, all provisions of this Chapter 3 shall apply to Lot Owners as well as Lot Holders and Lot Purchasers.

Section 4-3-2 Administrative Responsibility.

- (a) The Cemetery Department, under the direction of the Superintendent of Public Works, shall manage, operate and maintain the Municipal Cemetery subject to any limitations and restrictions set forth in this chapter or contained in any applicable law.
- (b) The Department shall establish rules, regulations, and procedures for the use and operation of the Cemetery, as set forth in Sections 4-3-4 and 4-3-10 of this Chapter 3. Such regulations shall be submitted to the City Council for approval prior to becoming effective and enforceable.

Section 4-3-3 Duties of Superintendent.

- (a) Direct Cemetery. The Superintendent shall look after and take proper care of the Cemetery and see that no lot is used or occupied in violation of this chapter or any rule or regulation promulgated by the Department.
- (b) Prepare and Inspect Burial Sites. The Superintendent shall upon issuance of a burial permit mark burial sites for the proper interment of the deceased humans or human remains. The Superintendent shall inspect burial sites and burial spaces after burial to assure that burial is complete and that the site has been properly cleaned up following burial.

Section 4-3-4 Requirements for Interment.

- (a) No person shall bury any person within the city limits except in an established Municipal Cemetery or other Cemetery approved for such use.
- (b) No body or remains shall be interred in the Cemetery unless it shall be the body or remains of a deceased human being. A vault is required for the burial of a body or any remains of a deceased human being, except that no vault is required if the remains consist solely of ashes resulting from the cremation of a human body which are contained within a sealed burial container such as a burial urn. *Amended 12/10/2012*

- (c) No deceased person shall be interred in the Cemetery until the Superintendent determines that:
- (1) A burial permit has been obtained from the City Clerk;
 - (2) The lot in which burial is to be made has been fully paid for;
 - (3) The person arranging for such burial has the right to the use of such lot for burial or interment
 - (4) Such lot is not used beyond its capacity; and
 - (5) Proper record is made of the name and age of the deceased person, the date of death, date of burial, and the exact location of the grave. Such information shall be provided to the City Clerk's office.

Section 4-3-5 Lot Valuation and Sale of Lots

- (a) The City Council shall place a value upon all unsold Lots in the Cemetery, and shall record such valuations on an official map or plan of such cemetery that shall be kept on file, open to public inspection, in the office of the City Clerk. Such valuations shall be in the fixed and established value of such lots and the price at which the burial rights for such Lots shall be sold by the City of Pembroke. There shall be no deviation from the fixed and established price for any reason.
- (b) Commencing on the date of the adoption of this Chapter 3, all sales of burial lots shall be by deed conveying the right of burial or interment. The fee simple interest in the real property shall not be conveyed. The form of the Deed to be used to convey burial rights for a particular lot from the City of Pembroke to a purchaser shall be substantially in the form set forth at Appendix A to this Chapter 3.
- (c) Burial Lots shall be designated by Section of the Cemetery and Lot Number, each Lot to consist in size of 10 feet by 20 feet, except in Section "M" of the Northeast Annex of the Northside Cemetery, in which Lots may consist of 10 feet by 10 feet. The City Council may from time to time approve different lot sizes and configurations by appropriate amendment to this Ordinance, including but not limited to the sale of individual burial spaces. *Amended 12/10/2012*
- (d) Cemetery Lots sold by the City of Pembroke prior to the adoption of this Chapter 3 shall be subject to the provisions of this Chapter 3 to the greatest extent allowed by law.

Section 4-3-6 Method of Purchase

- (a) Any person desiring to purchase the burial rights for a particular Lot for the purpose for which it is intended, shall be permitted to do so upon (1) Completing an Application and Agreement for Cemetery Lot Purchase; and (2) Payment of the price fixed for such lot or upon making a deposit of no less \$250.00 and entering into a Cemetery Lot Purchase Installment Payment Agreement as provided in paragraph (b) of this Section The Application and Agreement for Cemetery Lot Purchase shall be substantially in the form set forth at Appendix C to this Chapter 3. The Cemetery Lot Purchase Installment Payment Agreement

shall be substantially in the form set forth at Appendix B to this Chapter 3. (Code 1974, Sec 5-408). *Amended 12/10/2012*

- (b) Any person desiring to purchase the burial rights for a particular lot for the purpose for which it is intended, but who is unable to pay the entire Purchase Price at the time of purchase, shall be permitted to pay a deposit of \$250, and enter into a Cemetery Lot Purchase Installment Payment Agreement, the form of which is provided at Appendix B to this Chapter 3, and make monthly installment payments of \$200 per month until such time as the Purchase Price is paid in full. The Purchase Price must be paid in full by the last date of the month which is four months from the date of the Cemetery Lot Purchase Installment Payment Agreement. Fees and assessments due in connection with the purchase of burial rights to a lot are set forth in the Cemetery Purchase Installment Payment Agreement, and may from time to time be amended by the City Council. *Amended 12/10/2012*

Section 4-3-7 Record of Ownership

- (a) The Cemetery Department shall keep full and complete records of the ownership of all lots in the cemetery, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the name of the person buried in each grave that has been or shall hereafter be used, and of the date of burial of each. (Code 1974 Sec. 5-409)
- (b) Any owner, purchaser, or holder of a Lot in the Cemetery may sell, give, assign, transfer, or otherwise convey his or her interest in the Lot. Any such transfer or other conveyance shall be registered with the Clerk of the City of Pembroke. A \$10 fee shall be payable by the Owner, Purchaser or Holder to register any such transfer. The fee to be assessed may be from time to time amended by the City Council and shall be reflected in the City's Schedule of Fees.

Section 4-3-8 Cemetery Accounts.

- (a) The City Clerk shall keep full and detailed accounts of the receipts and expenditures on account of the Cemetery. (Code 1974, Sec. 5-410)
- (b) Collect and turn over fees. A Schedule of fees, as set by Council, shall be maintained by the City Clerk. All fees and charges collected in connection with the cemetery shall be for the use of the City and shall immediately be turned over to the City Clerk. The Schedule of Fees shall include the price of burial Lots, and any fees to be assessed in connection with the purchase, sale, transfer, conveyance, or maintenance of burial lots.

Section 4-3-9 Reports.

The City Clerk shall report to the City Council on the condition of the Cemetery on a regular basis as needed. The City Clerk shall make an annual report on the condition of the cemetery, providing the City Council with all information necessary for recommending the amount that should be appropriated for the Cemetery in the annual budget.

Section 4-3-10 Rules, Regulations, and Procedures for Operation and Administration of the Cemetery

The Cemetery shall be operated in compliance with the Rules, Regulations, and Procedures set forth in this Chapter 3. In addition to the requirements set forth in Sections 4-3-1 through 4-3-9, the following requirements apply:

- (a) Maintenance fees shall be paid annually, as billed by the City Clerk. The Maintenance fees may from time to time vary in amount as adopted by the City Council in its Schedule of Fees. The maintenance fees are presently \$35 per year per burial lot. If any lot holder or purchaser fails to pay the annual maintenance fee for two successive years, the burial rights conveyed to that Lot holder may be revoked as set forth in paragraph (b) below.

- (b) For any lot holder or purchaser who has failed to pay the annual Maintenance Fees for two successive years, the following procedures to revoke burial rights shall be followed:

(1) The City Clerk shall first send such lot holder written notice of delinquency to the address provided to the City of Pembroke by the lot holder. Such notice shall be sent via Certified U.S. Mail, Return Receipt Requested. Such notice shall be sent no sooner than 30 days past the due date of the second successive unpaid annual Maintenance Fee. Such notice shall allow the lot holder or purchaser to pay the fee in full within 60 days, and shall notify the lot holder or purchaser that if not paid in full within 60 days from receipt of the notice, then the City shall conduct a hearing in the Municipal Court to consider the revocation of the burial rights granted.

(2) If the Maintenance Fees due are not then paid in full within 60 days, a second written Notice shall be likewise provided to the Lot Holder or Purchaser, notifying the Lot Holder or Purchaser that Burial Rights shall be revoked unless the Lot Holder or Purchaser requests a hearing before the Municipal Court within twenty days of receipt of the notice. If no hearing is requested within twenty (20) days of receipt of Notice, then the Clerk shall notify the Lot Holder or Purchaser that burial rights have been revoked. The Lot Holder or Purchaser may at any time after the 60 days notice given but prior to the actual revocation pay the maintenance fees due plus a penalty of \$30 and all revocation proceedings shall immediately terminate.

(3) If Lot Holder or Purchaser requests a hearing before the Municipal Court, such hearing shall be scheduled giving the Lot Holder or Purchaser no less than twenty (20) days notice of the date and time of the hearing. At the hearing to be conducted before the Municipal Court, the Court shall consider any appropriate evidence as to payment or non payment of fees, including but not limited to amounts paid and unpaid. The Court shall at the conclusion make findings as to whether or not maintenance fees are due and whether or not burial rights shall be revoked. The Court shall have the authority to continue the matter for good cause to allow the lot owner or purchaser to pay any amounts found to be due. At the conclusion of the hearing, whether the initial hearing date or at a continued hearing date, upon a finding that burial rights should be revoked, the Court shall enter a written order revoking the burial rights and the deed issued, and a copy of the Order shall be provided to the Lot Owner or Purchaser, and to the City Clerk. The City Clerk shall make appropriate entries in the records maintained to show that the burial rights to the lot in question have been revoked.

(4) In providing notice to any Lot Holder or Purchaser as provided by this Section 4-3-10, the Notice mailed to the Lot Holder or Purchaser via Certified U.S. Mail, Return Receipt Requested, shall be mailed to the last address provided to the City by the Lot Holder or Purchaser. If the Lot Holder or Purchaser is deceased, such notice shall be provided to "The Estate of [Lot Holder or Purchaser]" at the last address provided to the City by the Lot Holder, purchaser, or representative of the deceased person's estate. If any

such notice is returned as undeliverable, the notice shall be deemed to have been received by the Lot Holder or Purchaser seven (7) days following the date it was mailed.

(5) For any burial spaces in any such Lots for which annual maintenance fees are due, if a burial space has already been used for burial of a deceased person or for other human remains, no revocation hearing shall be conducted with respect to any such burial spaces within a Cemetery Lot. This provision shall not limit the City's right to initiate revocation proceedings for the revocation of burial rights within the remaining portion of any such Cemetery Lot.

(6) For any Cemetery Lots for which burial rights have been revoked, the Lot Holder shall be entitled to payment consisting of the original Purchase price, less each of the following:

(A) The greater of \$250 or the amount required as the nonrefundable deposit to purchase a Lot pursuant to a Cemetery Lot Installment Payment Agreement;

(B) The amounts of each unpaid annual maintenance fee;

(C) If any portion of the Cemetery Lot has already been used for burial, then an amount to be determined by multiplying the ratio of amount of the Lot used for prior burials by the original Purchase Price (for example, if one fourth of the Lot has been used, and the original Purchase Price was \$1000, then \$250 would be deducted); and

(D) a \$50 administrative fee.

(7) For any Cemetery Lot or portion of Cemetery Lot for which burial rights have been revoked, the City Clerk also shall cause notice of such revocation to be recorded in the property records maintained by the Clerk of Superior Court of Bryan County, Georgia.

(8) For any such Cemetery Lot to which burial rights have been revoked, nothing shall prohibit the Lot owner from repurchasing such Lot if it remains available, provided that all costs and fees are made as required by this Chapter.

(c) A Cemetery work permit must be obtained prior to any work being done on any Lots, including but not limited to paving, gravelling, and erection of headstones or markers. For any interment or burial, a Burial Permit is required. The Burial Permit includes any activities or work associated with preparation of the site for interment or burial and clean up afterwards. After installation of a vault, dirt must be scattered evenly over the site.

(d) The types of plantings, monuments, and markers that will be permitted for the proper and attractive maintenance of the Cemetery are set forth herein. The rules set forth below may from time to time be amended by the City Council.

(1) No coping shall be allowed on Lots for which burial rights are purchased subsequent to the adoption of this Chapter 3. As to Lots purchased prior

to the adoption of this Chapter 3, Coping is only permitted in the Northeast, Northwest, or Northwest Addition, Southeast, Southwest, Southwest Addition, Southeast Addition Annex, and Southwest Addition Annex Sections of the Northside Cemetery. *Amended 12/10/2012*

- (2) For all portions of the Cemetery, headstones and markers may be no more than three feet in height. Headstones or markers which exceed this height but which were placed prior to the adoption of this Chapter 3 may remain without penalty or disturbance. If any headstone or marker is placed in the Cemetery which exceeds the allowed height, the lot owner or holder shall promptly remove it upon notification to do so. The Cemetery Department may remove any such headstone or marker if the lot owner or holder has not removed it within sixty (60) days of being requested to do so.
 - (3) The planting of any trees, shrubs, grass, or flowers is prohibited. The Cemetery Department has the right to remove any such planting. Lot owners or Holders shall maintain their Lots in a neat and appropriate manner.
 - (4) No rubbish, waste, or refuse of any nature is to be left in the Cemetery, except in trash receptacle provided for such waste.
 - (5) Dead flowers, plants or grass clippings are to be removed within thirty days of placement. For items other than flowers, such as personal mementos and seasonal items, said items must be removed when they become worn out, past season, or so deteriorated that they appear to be trash. The Cemetery Department is authorized to remove and dispose of any such items that have been left at any grave site for more than sixty days and which are deteriorated to the point of destruction or spoliation.
 - (6) Personal items and mementos left at grave sites must be reasonable in their size and quantity. They must not exceed the three feet height limit imposed for markers and headstones, except for floral arrangements left at gravesites immediately after burial. The Cemetery Department is authorized to remove any such items left at any grave site for more than sixty days and which are deteriorated to the point of destruction or spoliation, or any items which exceed the three feet height limit.
- (e) The City of Pembroke shall maintain the roadway and walkways in the Cemetery.