

**CITY OF NICHOLSON CEMETERY**  
**POLICY AND PROCEDURES MANUAL**

Adopted by the Mayor and City Council  
this 3rd day of October, 2016.

## INTRODUCTION

Pursuant to Sections 1.12(b)(20), (21) of the Nicholson City Charter, the City of Nicholson owns and operates a public cemetery on approximately 2.018 acres of land located along the western right of way of Memorial Drive in Nicholson, Georgia (the “Nicholson Cemetery”) as shown on a Survey of the City of Nicholson Cemetery prepared on September 2, 2016 by Ingram, Lord & Associates, Barry Lord, Registered Land Surveyor No. 2641 attached hereto as Exhibit “A” and incorporated herein by reference. It is the desire of the City of Nicholson to operate and maintain a cemetery that is beautiful, dignified, and an appropriate final resting place for departed loved ones. This policy and procedures manual was formulated to help explain the operations of the cemetery. The City of Nicholson has attempted to accommodate the needs of its residents, while still preserving those rules and regulations necessary to maintain a high standard of beauty and efficiency at the Cemetery.

## BUSINESS HOURS AND CONTACT INFORMATION

1. The Nicholson Cemetery is regulated and controlled by the City of Nicholson. Business and maintenance inquiries may be directed to the City Clerk or their designee at City Hall during normal business hours.
2. Nicholson Cemetery Grounds – 6:00 am to 10:00 pm Monday through Sunday.
3. Disinterments and grave marker installations shall not be allowed on City holidays including New Year’s Day, Martin Luther King, Jr. Holiday, Memorial Day weekend beginning the Saturday morning before and through Memorial Day, Independence Day (July 4), , Labor Day, Thanksgiving Day and the following Friday, Christmas Eve,

Christmas Day, or any other City observed holiday. No disinterments or grave marker installations shall be allowed in the Nicholson Cemetery on any Sunday.

#### CEMETERY FEES

A Burial Lot shall consist of enough land in which persons may be buried in single grave spaces, as defined on the plat of the Nicholson Cemetery maintained by the City. The cost of a Burial Lot shall be \$275.00 or such other amount as may be determined by the Mayor and City Council from time to time. Burial Lots shall be conveyed by Cemetery Deed to the person(s) tendering the purchase price of the Burial Lot. Designation of the person(s) who may be buried in each Lot shall be made pursuant to the terms of this Policy and Procedures Manual. To purchase Burial Lots in the Nicholson Cemetery, individuals may contact the City Clerk during normal business hours at City Hall. Lots may also be purchased for future needs (preneed). At any time, the burial Lot may be sold back to the City of Nicholson. The resale price will be the amount the Grantee originally paid for the Burial Lot. The original purchase price is indicated on the Certificate.

#### CEMETERY RECORDS

A map of all Burial Lots within the Nicholson Cemetery shall be maintained in City Hall showing both those Burial Lots that have been utilized for interment as well as Burial Lots sold including the names of those individuals buried in the cemetery and individuals who purchased each Burial Lot.

## TRANSFERRING OR ASSIGNMENT OF USE OF BURIAL LOTS

Upon transfer of any interest in a Burial Lot, the seller must notify the City of Nicholson in writing within 48 hours of the sale. No conveyance of the Burial Lot shall be effective unless in writing and recorded with the Superior Court of Jackson County, Georgia. In the event a purchaser of any Burial Lot wishes to convey to any other person the right to use a Burial Lot for burial or interment, the purchaser shall notify the City of Nicholson in writing of such designation and/or conveyance. In the event any purchaser of a Burial Lot dies and does not utilize a Burial Lot, the rights and title to the unused Burial Lots shall pass to the heirs and assigns of the decedent in accordance with Georgia law.

## INTERMENTS

All funeral services shall be conducted in accordance with Georgia law and shall be overseen by a funeral director licensed with the Georgia Board of Funeral Services. The Nicholson Cemetery requires 24 hour notice for all pending funeral services. All interments must be inside containers of minimum standard as approved by the City (pine construction or better) and shall be placed in vaults, placed underground at a minimum depth of four (4) feet. Vault construction shall be of fiberglass, steel, or concrete only.

## MONUMENTS

Before installation all monument contractors must secure a Marker Installation Request Permit from the City. All monuments must be of solid materials base and die, marble or granite only. All monuments or memorials of four (4) feet height or less shall have a concrete foundation, not less than four (4) inches thick, of adequate strength and construction. All

monuments or memorials of height between four (4) and six (6) feet shall have a concrete foundation, not less than six (6) inches thick, of adequate strength and construction. All monuments or memorials in excess of six (6) feet in height shall have the foundation designed by a licensed professional engineer. This design must be submitted to the City and approved in writing prior to installation.

All bronze monuments must be placed on a granite base. All foot markers and corner markers shall be installed so that the top of the markers are level with the existing ground.

No mausoleums are permitted within the Nicholson Cemetery. Benches will be permitted if design is deemed appropriate by the City, constructed of granite or marble only, and placed so as not to interfere with the use and visitation of the Nicholson Cemetery as may be decided in the sole discretion of the City. No new improvements such as coping, walls, fences, walks, sidewalks, fixtures or enclosures will be allowed in the Nicholson Cemetery except as approved in writing by the City. Should such improvements be made without written consent, the City shall have the right to remove, alter or change such improvements or alterations at the expense of the lot or grave space owner.

No rocks, gravel, stones, blocks, bricks, wire, wire stands, signs, shells, crockery, glass, ceramics, figurines, toys or other materials deemed hazardous to personnel and maintenance equipment shall be allowed on grave sites.

#### FLORAL ARRANGEMENTS, TREES, & SHRUBS

1. If any tree or shrub, situated in any Burial Lot, shall, by means of its roots or branches, become detrimental in any way to the adjoining lot, avenue or walk, it shall be the duty of the City, and it hereby reserves the right, to enter upon the Burial Lot

and remove the trees or shrubs, or any part thereof. However, no tree growing in any Burial Lot or border shall be pruned or removed without the consent of the City.

2. The City shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery when, in the judgment of the City Clerk or their designee, they become unsightly, dangerous, detrimental or diseased. The City shall not be liable for damage to floral pieces, baskets or frames in which or to which such floral pieces are attached.
3. Only one floral arrangement shall be placed on the ground at each grave site. Arrangements shall be placed at the base of the monument. Any flowers which are determined by the City or their designee to be outside of the appropriate area may be removed by the City. Floral arrangements may be placed in monument vases and a saddle arrangement may also be placed on the monument stone. All floral arrangements shall be placed in clay or plastic containers. Glass, tin, wire or cement containers are prohibited. Any other type of container must be approved by the City.

#### RESPONSIBILITY FOR DAMAGE

The city disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, a common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or orders of any military or civil authority, whether the damage is direct or collateral.

The City of Nicholson assumes no liability for any property damage, including damage to a casket, vault, memorial, etc., or for bodily injury sustained during a disinterment from causes beyond its reasonable control. The City is not liable for acts or omissions of any third party for

any reason. The City is not liable for damage to the contents of any casket or adjacent lots from causes beyond its reasonable control. Any expenses incurred due to damage to an adjacent lot/vault will be the responsibility of the requester. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any disinterment.

#### DISINTERMENT POLICY

The City must balance its responsibilities for the health, welfare, and safety of its employees and the public with the requests of a Burial Lot owner when asked to disinter human remains. Any request to disinter human remains shall comply with all applicable federal, state and local laws. All requests for disinterment must be made by appointment only at City Hall. The City reserves the right to deny any requests for disinterment in its sole discretion.