

ORDINANCE 2021-022-ADM

**AN ORDINANCE ESTABLISHING THE GROUNDS REGULATIONS FOR  
TRUSSVILLE CEMETERIES**

**WHEREAS**, § 11-47-40 of the Code of Alabama, as amended, states that all cities and towns in the state have the power to own, regulate, improve, lay out, and control town or city cemeteries and permit additions thereto; and

**WHEREAS**, the *Code of Ordinances, City of Trussville, Alabama*, empowers the Trussville Cemetery Rehabilitation Authority to make recommendations to the City Council regarding cemetery ground and structure maintenance and improvements regarding all cemeteries which the City operates and maintains; and

**WHEREAS**, the *Code of Ordinances, City of Trussville, Alabama*, gives the authority to maintain the grounds of cemeteries that the City owns and operates; and

**WHEREAS**, the *Code of Ordinances, City of Trussville, Alabama*, states that the City Council may, from time-to-time, establish grounds regulations for cemeteries that it owns and operates; and

**WHEREAS**, on the 26<sup>th</sup> day of January, 2021, by its approval and passage of Ordinance 2021-005-ADM, an Ordinance Creating the Trussville Cemetery Rehabilitation Authority, the City Council adopted grounds regulations to be created and enforced by the Chairman of the Board; and

**WHEREAS**, Trussville Cemetery Rehabilitation Authority has made certain recommendations to the City Council for the establishment of the City's grounds regulations to the extent those recommendations do not preempt the aforementioned authority given to the Chairman of the Board or operate to prevent his or her exercise thereof;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRUSSVILLE, ALABAMA**, that the following grounds regulations are adopted:

**“CITY OF TRUSSVILLE, ALABAMA  
CEMETERY GROUNDS REGULATIONS**

- (1) ***Provision and acceptance of regulations.*** Upon submission of an Interment Order to the Board, the Responsible Party, as therein designated, shall be provided a copy of these regulations and then acknowledge his or her receipt and acceptance of same by signing a copy thereof.
- (2) ***Grounds keeping authority.*** The Chairman of the Board or his or her duly authorized designee (hereinafter “Chairman”) has ultimate and final authority to direct or perform any lawful action determined by the Board to be necessary to effectuate the beautification, maintenance, and repair of the City's cemeteries.

(3) ***Monuments and ornamentation.***

- (A) Before a Responsible Party can install a new monument, replace an existing monument, or affix ornamentation of any kind to an existing monument (the term "monument" to include, but not be limited to, a headstone, ledger stone, cornerstone, or marker), he or she must notify and seek approval from the Board.
- (B) Monuments may be installed only under the supervision of the Board, who has final approval over the installation and placement of every monument.
- (C) Ornamentation of any size on a monument, including, but not limited to, vases, statutes, and medallions, must be either original to the monument, having been permanently and physically incorporated into the monument by design and construction, or permanently affixed to the monument in the manner prescribed by the Board.
- (D) Ornamentation prohibited from use or display in all City cemeteries includes, without limitation:
- Statues and figurines which are not physically incorporated into or permanently affixed to a monument in accordance with these regulations;
  - Benches, except for those which are designed, constructed, and installed as monuments;
  - Balloons, trinkets, pinwheels, etc.
  - Concrete items of any kind or size;
  - Gravel, rocks, stones, wood shavings or pieces, marbles, and similar objects;
  - Funeral home markers for graves that have a monument or headstone;
  - Hanging decorations other than a flower pot installed with a shepherd's hook under Section 5;
  - Lawn furniture;
  - Solar lights;
  - Vases or urns;
  - Curbing, fencing, borders, edging, or materials of any kind which serve to enclose a grave or graves or separate a grave or graves from the remainder of the cemetery.
- (E) The City reserves the right to remove prohibited items and items which, in the judgment of the Board, fall within the general parameters established in Paragraph D, and to discard same without further notice or liability;
- (F) The City reserves the right to preserve any monument or ornament of historic value, regardless of its compliance with these regulations, subject to the determination by the Board of the item's historical significance after consultation with the Alabama Historical Commission.



(4) ***Flags and flag poles.*** No person can place flags or flag poles in any City of Trussville cemetery except as provided below:

- (A) Subject to the supervision of the Board, temporary flags may be placed on graves for two (2) weeks prior to and two (2) weeks after Memorial Day, Independence Day, and Veterans Day. Any flags not picked up will be appropriately discarded by Public Works without further notice or liability.
- (B) Any flag pole properly and permanently installed in any Trussville cemetery before the date of approval of these regulations shall be allowed to remain in place unless the Board determines that the flag pole is damaged, in disrepair, or not being utilized for a continuous period of thirty (30) days. Any flag poles found to be in any one or more of these conditions will be removed by Public Works without further notice or liability.
- (C) The City is not responsible for maintaining any flags or flag poles unless they are the City's property.
- (D) Once flag poles have been removed, whether by the City or an individual, they cannot be replaced.
- (E) The City of Trussville will remove and promptly dispose of worn flags without further notice. Notwithstanding the timeline set forth in Paragraph B, the City of Trussville will not replace any worn flags that it removes.

(5) ***Plants and flowers.***

- (A) Cut or silk flowers and flower arrangements may be temporarily attached to the top of a monument or placed at its base. Except as provided herein, no other flowers or arrangements shall be placed anywhere on any grave.
- (B) In the event a monument, whether single, double, or family, cannot accommodate a standard flower saddle, up to two (2) shepherd's hooks may be used for the sole purpose of holding and displaying flowers, whether cut or silk. Each hook shall be no more than forty-eight inches (48") in overall height; made of powder-coated steel with a double-prong forked base; and placed flush with the base of the monument with the hook facing inward toward the center of the monument in a manner that will not interfere with grounds keeping efforts. The City reserves the right to move or adjust any shepherd's hook that poses a hazard or obstacle to grounds keeping efforts and to remove and discard any shepherd's hooks that are damaged, abandoned, or in disrepair.
- (C) Where a grave is marked by a flat or ground-flush monument or by no monument at all, up to two (2) flat-bottom flower pots with a maximum capacity of five (5) gallons each may be placed immediately adjacent to the monument or in the area

where a headstone would be placed for the sole purpose of holding and displaying flowers, whether cut or silk. The placement of each flower pot shall be done in a manner that will not interfere with grounds keeping efforts. The City reserves the right to move or adjust any flower pot that is an obstacle to grounds keeping efforts and to remove and discard any flower pot that is damaged, abandoned, or in disrepair.

- (D) Following a funeral, Public Works will remove fresh flowers after seven (7) days and artificial flowers after twenty-one (21) days without further notice or liability.
- (E) The City reserves the right to remove any flowers when they become faded, dried, worn, or otherwise unpresentable, as determined by the Board.
- (F) No flowers or flower arrangements shall be placed or planted in cemetery walkways or common areas.
- (G) No flowers, plants, trees, shrubs, or any other vegetation shall be planted in or removed from any location within any cemetery except by the City.
- (H) The City reserves the right to prune, trim, relocate, or remove any flowers, plants, trees, shrubs, or any other vegetation on any grave or in any common area of any cemetery at any time and without notice or liability.
- (I) Subject to the supervision of the Board, temporary wreaths may be placed on graves for one (1) week prior to and one (1) week after any City-recognized holiday. Any wreaths not picked up will be discarded without further notice or liability.

(6) ***Miscellaneous.***

- (A) Parking or driving on graves is prohibited.
- (B) Scattering cremated remains anywhere within any cemetery is prohibited.
- (C) Responsibility for compliance with these regulations and for communication of the same shall inure from the original purchaser or owner of the lot to all of those who succeed him or her by assignment, sale, or inheritance."
- (D) Food, beverages, and alcohol, regardless of the container, are prohibited.

**BE IT FURTHER ORDAINED** that the City Council affirms its commitment to enforcement of these grounds regulations, as amended, and authorizes and directs the Mayor to enforce the same; and

**BE IT FURTHER ORDAINED** that the City of Trussville hereby expressly states that it does not assume any liability for any monuments, flowers, flags, flag poles, or other ornamentation

placed in any City-owned cemetery by entities or individuals other than the City and its representatives; and

**BE IT FURTHER ORDAINED** that if any word, clause, phrase, sentence, paragraph, or provision of this Ordinance shall be invalidated by a court of competent jurisdiction, such invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or provision hereof; and

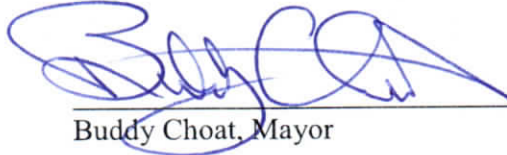
**BE IT FURTHER ORDAINED** that this Ordinance after its adoption and publication as provided by law, shall become effective on the 15TH day of SEPTEMBER, 2021; and

**BE IT FURTHER ORDAINED** that the City Clerk is hereby instructed to provide a copy of these regulations to each person submitting an Interment Order.

**READ and ADOPTED** this the 14TH day of SEPTEMBER, 2021.



Alan Taylor, Council President



Buddy Choat, Mayor

ATTEST:



Dan Weinreb, City Clerk  
City of Trussville, Alabama