RULES AND REGULATIONS FOR BYHALIA CEMETERY

**SECTION 1:** That the name of the public Cemetery owned and maintained by the Town of Byhalia, Mississippi shall be Byhalia Cemetery, hereinafter referred to as "the Cemetery", and for the mutual protection of every lot purchaser, these rules and regulations are hereby adopted for the government of the Cemetery and all lots heretofore or hereafter sold are subject to these and such other additional rules and regulations, amendments, or alterations as may be adopted by the governing authorities of the Town of Byhalia for the government of the Cemetery. The word "Town", as used hereafter, shall mean the Town of Byhalia, Mississippi, and its duly authorized representatives and officials.

**SECTION 2:** All funerals as far as use of the Cemetery is concerned shall be under the charge of the designated appointee of the Town. Once a casket containing a body is within the confines of the Cemetery, no funeral director, or his embalmer, assistant, employee, or agent shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased, or without a court order.

**SECTION 3:** The Town reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose, except on written application by the plot owner of record made out on blanks provided by the Town and duly filed in the office of the designated appointee of the Town. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the designated appointee of the Town tray, at his discretion, open it in such location in the lot as he deems best and proper, so as not to delay the funeral; and the Town shall not be liable in damages for any error so made. The Town shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the space, size and location in plot where interment is desired.

**SECTION 4:** The Town reserves, and shall have, the right to correct any errors that may be made by it either in making interments, dis-interments, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Town, or in the sole discretion of the Town, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property the Town reserves and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

**SECTION 5:** The Town reserves the right, at the discretion of the Board of Aldermen and in the best interest of the Town of Byhalia, to re-purchase and/or refuse to re-purchase any plots or portions thereof which might be made available for re-sale by current owner at a price not to exceed the original purchase price.

**SECTION 6:** The Town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Rules and Regulations have. not been complied with. The Town shall be under no duty to recognize any protest of interment unless they be in writing and filed in the office of the designated appointee of the Town.

**SECTION 7:** No interment shall be permitted, or memorial placed in or on any property not fully paid for except by special consent of the governing authorities of the Town, and in the event such consent is given, any and all interments or memorials placed in or on such property shall be considered as temporary, and a promissory note shall not be considered as payment and no right shall be acquired by the plot purchaser of said interment or interments until such property is fully paid for in cash, including principal and interest; and in case the purchaser of said property shall fail to meet any payment within 30days after the same is demanded by the Town, then the Town may re-enter said property and hold the same as of its former estate. The Town thereupon shall be relieved from all obligations thereunder, and it may retain such payments as may have been made toward the purchase of said property, as liquidated damages. The Town reserves the right and shall have the right immediately or at any time thereafter, without notice, at its discretion, to remove to single graves to be chosen by the Town, each of the remains thus interred in said property. The Town, further, shall have the right to remove any memorials that may have been placed on said property.

**SECTION 8**: Not more than one body, or the remains of one body, shall be interred in one grave, vault, crypt, or niche, except by special consent of the Town. If the Town allows additional remains to be interred in an existing grave plot, vault, crypt or niche, an additional grave marker will not be permitted, aside from a flat headstone in front of the original grave marker or a replacement headstone. Additional headstones, other than a flat headstone, will not be permitted.

**SECTION 9:** The grave or remains shall be within a vault or grave liner and must be at least four (4) feet six (6) inches minimum depth and have at least twenty-four (24) inches of tamped earth from ground level at its lowest point to the top of the grave box, vault or burial chamber.

* The Town must be notified if an urn is to be buried so it can be properly recorded.
* The urn must be made of plastic, metal or wood.
* The urn must be buried 3 ft deep.
* The urn can be buried using a post hole digger or shovel.

This addendum was adopted 8-18-2020 by the Byhalia Board of Alderman

**SECTION 10:** Removal by the heirs of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely prohibited.

**SECTION 11:** No transfer or assignment of any plot, or interest therein, shall be valid without same be made in the office of the designated appointee of the Town. On each Certificate of Ownership, there is a blank provided for transfer, and this must be filled in and signed by the lot owner, before the Town can make such transfer. Only lot owners of record are recognized by the Town.

**SECTION 12:** No person while employed by the Town shall receive any fee, gratuity or commission, except from the Town, either directly or indirectly, under penalty of immediate dismissal.

**SECTION 13:** The Town shall take reasonable precaution to protect plot owners, and the property rights of plot owners, within the Cemetery, from loss or damage; but is distinctly 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, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

**SECTION 14:** All monuments permitted in the Cemetery and the markings of all graves shall be of permanent material or granite construction securely mounted on granite or other permanent stone base. To preserve uniformity, style, quality, and workmanship, the Town reserves the right to inspect and approve all markers and monuments in the Cemetery. The markers and monuments shall be set under direction of the Town so that they are safe and permanently fastened. Any marker or monument placed in the Cemetery which is not considered by the Town to be of the quality and workmanship required or in every way safe or in accordance with these rules may be removed by the Town without liability.

**SECTION 15:** No firearms shall be permitted within the Cemetery except on special permit from the designated appointee for the Town.

**SECTION 16:** No signs or notices or advertisements of any kind shall be allowed in the Cemetery, unless placed by the Town.

**SECTION 17:** Dogs shall not be allowed on the Cemetery grounds, or in any of the buildings.

**SECTION 18:** The Cemetery grounds and buildings shall be open from 7 a.m. until sunset. No one except an employee of the Town shall be allowed on the grounds after closing hours.

**SECTION 19**: It is of the utmost importance that there should be strict observance of all the proprieties in the Cemetery, whether embraced in these rules or not. No improprieties shall be allowed, and the Superintendent shall have the power to prevent improper assemblages and boisterous and unseemly conduct. The designated appointee of the Town is hereby empowered to enforce all rules and regulations, and to exclude from the property of the Cemetery any person violating same. He shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons in the Cemetery, including the conduct of funerals, traffic, employees, plot owners and visitors.

**SECTION 20:** All grading, landscape work and improvements of any kind, and all care of plots shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed, only by or under the supervision of the Town.

**SECTION 21**: All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the designated appointee of the Town: and should they be made without his / her consent, he / she will have the right to remove, alter, or change such improvements or alterations at the expense of the plot owner, or in any event, at any time, if his judgement they become unsightly. 

**SECTION 22:** No gravesites or lots within the Cemetery shall contain any coping, curbing, or permanent borders of any material whatsoever. Any violation of this section shall result in the removal of such coping, curbing, or permanent borders by the Town with costs assessed to the proper persons responsible for such prohibited actions.

**SECTION 23:** Children under fifteen years of age shall not be permitted in the

Cemetery, or its buildings, unless accompanied by proper persons to take care of them.

**SECTION 24:** All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery, or plants, or feeding or disturbing the birds, or fish, or other animal life.

**SECTION 25**: No person shall be permitted to have refreshments within the Cemetery grounds, and the bringing of intoxicating beverages into the grounds is strictly forbidden.

**SECTION 26:** Strangers shall not be permitted to sit or lounge on any of the grounds, graves, or in any of the buildings.

**SECTION 27:** The throwing of rubbish on the drives, paths, or any part of the grounds, or in the buildings, is prohibited. Receptacles for waste materials are located at convenient places.

**SECTION 28:** It shall be unlawful for any vehicle traveling any part of the Cemetery other than on paved roadways therein unless authorized by person or persons designated by the Town. Automobiles traveling on the paved roadways shall travel at a speed no greater than fifteen (15) miles per hour and must always be kept on the right-hand side of the Cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in the attendance of the funeral. Vehicles must not be turned around in the avenues. Funeral Directors will be held responsible for the action of all vehicle drivers or others employed by them while within the grounds of the Cemetery. Heavy trucks or vehicles with heavy loads shall not enter the grounds without first procuring the permission of the designated appointee of the Town. No bicycles or motorcycles shall be admitted to the Cemetery except such as may attend funerals or on business.

**SECTION 29:** Peddling of flowers or plants, or soliciting the sale of any commodity, is positively prohibited within the Cemetery.

**SECTION 30:** Persons within the Cemetery grounds shall use only the avenues, walks, alleys, or roads and any person injured while walking on the grass, except that be the only way to reach his plot, or while on any portion of the Cemetery other than the avenues, alleys, walks or roads, shall in no way hold the Town liable for any injuries sustained. Only the plot owner and his relatives shall be permitted on the Cemetery plot. Any other person thereon shall be considered a trespasser and the Town shall owe no duty to the trespasser to keep the property, or the memorial thereon, in a reasonably safe condition.

**SECTION 31:** No loud talking shall be permitted on the Cemetery grounds within hearing distance of a funeral service.

**DECORATION OF PLOTS**

**SECTION 32:** Flower containers are to be permanently placed on the headstone and there shall be no free-standing containers. Flowers placed on gravesite within the Cemetery that are not permanently place on the headstone as noted above, shall be removed therefrom within five (5) calendar days after the date of the burial service for which they were placed with the following exceptions, to-wit:

1. Christmas wreaths placed on graves may be permitted to remain until January 15, following which time the Town reserves to the right to have same removed.
2. Potted plants such as Easter lilies, azaleas, tulips, etc., will be allowed only at Easter, Mother's Day, Memorial Day, and Father's Day. These will be allowed to remain for one week or until in the judgment of the designated appointee of the Town, they have become unsightly. Families desiring to save same should remove them within that time as those remaining longer will be removed and destroyed by the Town.

**SECTION 33:** The placing of boxes, cans, shells, toys, metal designs, ornaments, signs, cards, concrete urns, concrete benches, pictures, artificial flowers, and similar articles, or any article other than the approved monument or marker upon plots shall not be permitted, and if so placed, the Town reserves the right to remove same without notice to the lot owner. No gravel, brick, stone, cement, or other kind of artificial walks will be permitted on any lot.

**SECTION 34:** The Town authorities shall have full right to fill and level graves and plant grass thereon. No grave mound whatsoever shall be permitted. All graves shall be filled, tamped and finished to the same levelus the surrounding ground, and be covered completely with sod. This regulation must be enforced in order to preserve the beautiful, park-like appearance of the lawns as a whole, and to assure the perpetual maintenance of the property.

**SECTION 35:** Tents or other coverings used in connection with funerals or burials shall be removed from the Cemetery within forty-eight (48) hours after the burial service is complete.

**SECTION 36:** Upon the effective date of this resolution, Lot prices shall be as follows, to-wit:

* Byhalia address: $1,025.00 + $26.00 filing fee + $275.00 Headstone Fee, once a headstone has been placed on the grave, the owner will be refunded the $275.00. Total $1,326.00
* Out of area: $1,225.00 +$26.00 filing fee + $275.00 Headstone Fee, once a headstone has been placed on the grave, the owner will be refunded the $275.00. Total $1,526.00

**Section 37**: Headstones, once you have a funeral and body or cremated remains are placed in the grave; you have 30 days to order a headstone, you must notify the Town of Byhalia Cemetery Manager that is has been ordered.

**Maintenance Fee**

**Section 38:** A $40.00 annual maintenance fee will be required per plot. Maintenance will include sod on new graves, cutting trees, fixing roads and any other maintenance items that may arise.