

RULES AND REGULATIONS
OF
MAPLE HILL CEMETERY
AND OTHER CITY ADMINISTERED CEMETERIES

OF
HUNTSVILLE, AL.

1982

In compiling these Rules and Regulations the officials of the City of Huntsville and the Cemetery Department have endeavored to safeguard the rights of the individual lot owners, as well as the beauty and charm of the grounds, and have endeavored to protect the graves against desecration. We trust that every lot owner interested in the successful operation of the Cemetery will realize that these rules have been formulated after careful consideration, that they are necessary to assure the proper management of a large cemetery like Maple Hill and that they will be enforced against and for the protection of all concerned in a manner which would not be considered arbitrary. All persons are therefore urgently and respectfully requested to conform to the regulations so that those entrusted with the operation of the Cemetery will not be required to use the police powers with which they are invested to secure compliance.

The office of Maple Hill is located at the main entrance of the Cemetery and will be opened from 7:00 a.m. to 4:00 p.m., except Saturdays, Sundays, and Holidays. There will also be someone on

duty Saturday mornings 7:00 a.m. to 11:00 a.m. for emergency situations.

DEFINITIONS

"Owner", as referred to herein, is defined as the person or persons shown on the records of the Cemetery as being entitled to burial and the other privileges hereinafter given, in a designated lot, and who acquired such rights by purchase, devise or inheritance.

"City", as used herein, shall mean the City of Huntsville, Alabama.

"Lot", as used herein, shall mean the designated space sold to an owner for burial purposes, and shall embrace the entire area held by an owner or owners.

"Space", as used herein, shall refer to that part of a lot in which one interment may be made.

"Cemetery Department", shall mean the City of Huntsville Cemetery Department.

VISITORS

All persons are encouraged to visit the Cemetery. Visiting hours are restricted to the hours between 7:00 a.m., and sunset every day of the year.

In order that the proper atmosphere may be maintained on the

cemetery grounds, children under twelve years of age, unless attended by an adult responsible for their conduct, and persons having firearms in their possession, except military companies and firing squads in attendance upon a funeral, are prohibited from entering the grounds.

In order further to safeguard the quiet and peaceful atmosphere of the Cemetery grounds, visitors are prohibited from using loud, boisterous or obscene language; from sitting or climbing on markers, monuments, mausoleums or fixtures of any kind; from peddling, begging, soliciting or collecting; from displaying or distributing signs, cards, handbills, circulars, etc., of any nature unless the same be approved by the cemetery officials; from picnicking, lunching, camping, gathering berries, fruits or nuts, running, playing, romping, loitering, lounging or lying full length on the ground; and from improper conduct or noise of any nature.

For obvious reasons, visitors are prohibited to bring into the cemetery grounds dogs not on a leash, intoxicating liquors, soft drinks or any material other than cut flowers, potted plants and vases which are approved for placement on graves. In addition, visitors are prohibited from removing all or any part of any flower or plant from the present location of the plants; from scratching, marring, defacing, injuring or disturbing any monument, memorial, vase, building, fence or anything within the limits of the grounds; and from putting paper, rubbish, dead or wilted flowers, shrubs, plants or parts thereof or any other unsightly or improper thing any place except in the containers provided for waste materials.

MOTOR VEHICLES

All motor vehicles must be operated within the limits of the grounds in a quiet, safe and orderly manner. Vehicles must be driven at not more than 20 miles per hour, must be driven only on roads provided and must be operated there in accordance with the laws of the City of Huntsville and State of Alabama. All vehicles must be parked on the roads in a manner that will permit other vehicles to pass without leaving the road.

All vehicles must be stopped when meeting a funeral procession and must remain stopped until the funeral procession passes. Drivers must refrain from passing any funeral procession going in the same direction or parked for a funeral service. Drivers of vehicles hired to transport persons to the funeral site must remain quietly in the vehicles while the funeral service is in progress.

TREES, SHRUBS, PLANTS AND PLANTING

The Cemetery Department undertakes to maintain and to preserve the landscape features. But it does not undertake to maintain plantings upon individual lots.

No lot owner shall be allowed to plant shrubs or trees or have them planted on his lot unless the Manager deems it would improve the general appearance of the grounds and not be injurious to other lots.

The Cemetery Department reserves the right to reject and

decline the planting of any and all plants which in the opinion of the Manager are diseased or injured or not in good taste or in keeping with the general plans of the grounds or otherwise objectionable or unsuitable.

Experience has proven that any planting around a grave is unwise because such planting makes it more difficult to maintain the grounds in general and makes it almost impossible to maintain properly the grave so planted. It is therefore recommended that all such plantings be discontinued.

The Cemetery Department reserves the right to remove at any time without notice, any tree, shrub or plant, in whole or in part, whether growing on a lot or in the reservation, when, in the opinion of the Manager, the same or its roots, branches or any other part thereof, is diseased, dangerous, or is injurious or detrimental to any adjacent lot, road or walk or is dangerous or renders access to any other lot inconvenient or is otherwise objectionable.

The Cemetery Department reserves the right to determine, establish, modify or change the grade of each and every lot, road, driveway, path or part thereof, and it shall not be liable to anyone for any such action.

The Cemetery Department reserves the right to disturb or remove the sod on any lot or grave and make any change in or on any lot. The Cemetery Department may remove without liability any plants which may have been placed at such spot and restore such lot to its former condition without notice. If, in the opinion of the

Manager, flowers are set out in an unsightly manner, or at any time are not properly cared for, the Cemetery Department shall have the right to remove the same.

Attempts to grow flowers in beds by planting seeds are not satisfactory. It takes a long time for the seeds to make growth enough to prevent unsightly conditions and workmen cannot distinguish between such beds and unplanted ones.

Unplanted vases and boxes are unsightly. Flower boxes or vases not planted by June 1st of any year, must be removed by the lot owner. All urns, flower boxes or other receptacles for planting flowers must be of the self-watering type, except those which form an integral part of a mausoleum or monument, and all others may be removed by the Cemetery Department without notice whenever the plants therein die or become unsightly or objectionable.

Plants shall be taken or removed from the cemetery only with permission from the office. Flowers or cuttings must not be taken from plants anywhere in the cemetery. Lot owners, properly identifying themselves, will be allowed to take cuttings from their own plants or to remove the plants.

Flower beds will be cleared of tender plants after the first killing frost in the Fall. Lot owners desiring to remove any plants must do so before that time.

FLORAL ARRANGEMENTS

The Cemetery Department shall have the right to remove from any grave, without liability, arrangements of flowers, both live and artificial, after they have become wilted, unsightly or discolored or if in the opinion of the Cemetery Department they have served their purpose.

GENERAL CONDITIONS

Cemetery lots shall be owned only by human beings and the said lots shall be used only for burial of human bodies, and such ownership and use shall at all times be subject to the Rules and Regulations and City Ordinances regarding City Cemeteries now or hereinafter in force.

A person need be recognized by the City as owner or part owner of any lot only if his name appears on the records of the Cemetery Department as owner or part owner thereof. It shall be the duty of each lot owner to notify the Cemetery Department of any change in his address. Any notice required to a lot owner shall be deemed legally sufficient upon depositing such notice in the mail, addressed to such lot owner at the last address on file in the City Clerk's office.

When two or more persons own the same lot, no dividing line thereof will be recognized by the Cemetery Department, each owner having an undivided interest, and all owners having equal rights therein. After the death of one of such owners, the heirs of such deceased owner shall inherit the rights of the deceased owner in

the lot unless such interest be devised as hereinafter provided. Under joint ownership, it is advisable that an agreement in writing be executed and filed in the office of the Cemetery setting out the portions of such lots as are to be used by such owners. Such agreement shall be binding on the respective owners, heirs, devisees and assigns until an agreement terminating or altering such arrangement shall be executed by all lot owners and delivered to the Cemetery office.

The sale, transfer or assignment of any lot, or part thereof, or interest therein, shall not be valid or recognized by the Cemetery Department until evidence of the transfer satisfactory to the Manager is submitted and until the purchaser of any lot or part thereof or interest therein shall have executed and delivered to the Cemetery Department an agreement satisfactory to it wherein the purchaser represents that he is entitled to the use and ownership of a lot in Maple Hill Cemetery under the Rules and Regulations thereof, and obligates himself as such owner to abide by the Rules and Regulations governing the ownership and use of lots in Maple Hill Cemetery, and all outstanding indebtedness against such lot.

Anything to the contrary herein notwithstanding the purchases of a lot, or any present owner thereof may transfer his or her interest in said lot by a specific devise in his or her will, provided that in said specific devise the lot is described with certainty. Any transfer made in accordance with the provisions of this paragraph may not contain restrictions or provisions with respect to burials on or use of the property other than those

imposed by the original deed and these Rules and Regulations. The inclusion of such restrictions and provisions in a Will shall be of no force or effect; and shall not be binding either on the devisee or the City. No devise of such interest shall be valid or recognized by the City unless the aforesaid requisites are met and a certified copy of the Will is presented to the Cemetery Department office.

No easement or right of interment is granted to any lot owner in any road, drive or walk within the cemetery. Any such road, drive or walk must be used for access to a lot, as the Cemetery Department will not be responsible for injury suffered by anyone not on such means of access when such means of access is provided but not used. The right to use any lot in connection with the performance of the work of operating the cemetery is reserved by the Manager, whether this involves parking dirt carts thereon, pulling equipment thereon or across, driving stakes therein, or anything else.

Only the lot owner and his friends and relatives shall be permitted on the lot as any other person thereon shall be considered a trespasser and the Cemetery Department shall owe no duty to said trespasser of keep the property or the memorials thereon in a reasonably safe condition.

Cement products of all kinds are prohibited above the ground on any lot, as the use of these products, where exposed to the elements, has proven to be unsatisfactory.

Coping, fencing of any kind, hedging borders or enclosures of

any kind are prohibited around any lot and no walks of brick, chert, cinders, tile, stone, marble, terra cotta, sand, concrete, gravel, wood or any other material will be allowed on any lot. The Cemetery Department reserves the right to remove the same if so erected, planted or placed.

All trinkets, toys, shells, artificial flowers, glass vases, glass jars, tin cans, sand, artificial material or anything which, in the opinion of the Manager are unsightly, are prohibited on any lot; and all such articles, materials any things will be removed without notice.

All benches or seats except those of granite, which are placed as monuments, have been found to be unsatisfactory because they are too easily moved and soon become rusted or broken. Therefore, the placing of any benches except those made of granite is prohibited, such other benches placed after the adoption of these Rules and Regulations will be removed and stored, for a limited time, at the risk of the owner.

A grave will be opened on a lot upon any owners, or his duly authorized representatives instructions, pointing out the exact location on the lot. In the event it is found that it is impossible to open the grave where directed, the Cemetery Department may open the grave in such other location on the lot as the officials of the Cemetery Department deem proper so as not to delay the interment; and the Cemetery Department shall not be liable in any way for any changes so made. In the event an owner of a lot is deceased, a request for the opening of a grave for such

decedent may be executed by the husband and wife, as the case may be, or by any heir at law of such deceased person. The Cemetery Department will not be liable for any action taken by it in compliance with such a request by any such person.

The spouse of the owner of a lot containing more than one interment space has a vested right of interment of his or her remains on the lot. The vested right of interment may be waived and is terminated by the divorce, remarriage or burial elsewhere of the remains of the person in whom vested. However, the Cemetery Department shall not be responsible for safeguarding the interment space on the lot in which to make such burials.

Lot owners may designate in writing the names of individuals, other than owners and their spouses, whom they wish to have interred on their lots; provided, however, that where there is more than one owner, all owners must join in the designation in order that it be valid; and further provided, however, that no written instructions or orders given by such lot owner or owners, designating the names of individuals to be buried on said lot, shall survive the death of any lot owner giving such instructions or orders. After such instructions are given, the Cemetery Department may act upon such instructions without liability until such instructions are revoked by a written order signed by the owner or owners of the lot, or until the Cemetery Department is notified of the death of an owner giving such instruction, which will automatically terminate same.

The Cemetery Department may refuse to allow an interment or

work of any character upon a lot for which the purchase price has not been paid in full. Should there be an interment on any such lot, whether consented to by the Cemetery Department or not, the Cemetery Department will have the right to disinter the remains and reinter the same in a grave elsewhere, without notice, if such purchase price and/or charges are not paid in full upon demand.

The Cemetery Department shall in no way be liable for any delay in the interment of a body where purchase price has not been paid in full or where ownership is not proven.

All grave charges and fees are payable in advance. They are the same to everyone and will be given upon request at the office. All prices are subject to change without notice.

Requests for disinterring must be by the lot owner or owners, as the case may be, or their authorized representatives, who are so authorized in writing, together with the next of kin of the person whose body is to be disinterred. The work of disinterring shall be done by the Cemetery Department only with the exercise of due care and at such time and in such manner as it may deem proper; however, the Cemetery Department shall assume no liability for any damage incurred.

Sale of that part of a lot, either with or without removal of a body or bodies or cremated remains, for profit to those arranging the sale, or removal and/or sale contrary to the expressed or implied wish of the original lot owner is repugnant to the ordinary sense of decency and is absolutely forbidden. Similarly, any space on a lot on which a lot owner himself or any member of his family

is interred will, as long as that grave remains on the lot, be considered inalienable and shall be held as the family lot of the owner.

MOUNDS AND GRAVES

The location and direction in which graves are placed shall in all instances be determined by the Manager of the Cemetery Department.

Mounds and plantings around graves are not permitted. Through experience, it has been proven that grass will grow better and may be maintained in better condition if graves are level rather than mounded. It is therefore required that all graves be made level. Leveling mounds and seeding will be done free of charge. So called "cradles" or slabs are not permitted around or over graves.

When a grave sinks or collapses from any cause, the Cemetery Department will refill it to grave level and soil without charge.

INTERMENTS

All interments must be made in the presence of an authorized representative of the Cemetery Department. Interment of any body, or the cremated remains of any body, other than that of a human being shall not be permitted in the cemetery.

Not more than one body, or the remains of more than one body, shall be interred in one grave unless such grave has been purchased

with the written agreement that more than one body, or the remains of more than one body, may be interred, except by consent of the Manager of the Cemetery Department.

A burial permit signed by the proper authority must be delivered to the Cemetery Department before the service. Undertakers are requested to see that burial permits are provided and so delivered to avoid delay; however, the Cemetery Department shall not be responsible for the identity of the body to be interred. (This is no longer a State requirement as of 1992).

The cemetery requires notice of not less than twenty-four hours to open a grave.

Cremated remains sent to the cemetery for future burial must be interred within four weeks after receipt at the office of the Cemetery Department. If the arrangements for said interment are not made in the specified time, the Cemetery Department shall in no way be liable for the loss or destruction of the cremated remains or of the container in which stored. The practice of "Scattering" cremated remains at any place in the cemetery is specifically prohibited.

The outer container to be used in connection with an interment must be on the grounds not less than two hours before the hour set for the funeral.

The Manager, or his representative, shall exercise general supervision and control of the interment. Further, once the funeral service is completed the Manager of the Cemetery Department reserves the right to refuse permission to anyone to open the

casket without the consent of an heir of the deceased or without a court order.

The Cemetery Department may direct the route within the cemetery grounds that each funeral procession and every motor car or vehicle shall travel, and may designate the places where such cars and vehicles shall be parked, but the Cemetery Department will not be responsible for the manner or method by which such route is traveled or such cars and vehicles or any of them are operated or handled or parked.

In the event that two or more funerals should arrive on the grounds at the same time, those funerals shall be attended first in the order that they entered the gates, and the remainder must wait until an attendant of the Cemetery arrives to supervise the interment.

Incoming funeral processions shall be entitled to the right-of-way over other traffic except in cases where the Manager or his representative, for cause which is deemed sufficient, may order to the contrary.

Those persons in attendance at a funeral service are encouraged to leave the area before the grave is filled.

MEMORIALS

As herein used the following words have the following meanings:

Marker - A small individual memorial placed at either the head or foot of a grave.

Monument - A large memorial placed on either a family or society lot; but not erected to indicate any individual grave.

Mausoleum - An over-ground building or tomb, containing individual catacombs for the reception of bodies.

FOUNDATIONS

All markers, monuments and mausoleums must be placed on foundations built by the Cemetery Department.

All foundations will be constructed by the Cemetery Department upon written order from the monument dealer or the lot owner. Upon receipt of such order the work will be executed without unnecessary delay. Orders for foundations must be delivered to the cemetery office at least ten days before delivery of the markers or monuments. However, the Cemetery Department shall in no way be liable for failure to complete foundations in such ten day periods.

No foundation will be built higher than one inch below the lowest point of the surface of the ground.

Prices for foundations will be furnished upon request at the office and are subject to change without notice.

All charges for foundations are payable in advance.

GENERAL RULES

Designs and specifications of each mausoleum, accompanied by a blue print or scale drawing showing the inscription to be used thereon must be first submitted to the Manager of Cemetery Department for approval, and no mausoleum shall be erected in the Cemetery unless and until the design and specifications therefor have been approved by the officials of the City. The City reserves the right to disapprove the design or specifications of any mausoleum theretofore erected in the Cemetery.

The erection of monuments made of marble material are not permitted in the cemeteries administered by the City provided however, that such monuments are permitted to march existing monuments erected on the same lot, and in any other area where the same are erected upon bases with rough unfinished edges, and erected in a manner prescribed by the Manager of the Cemetery Department so as to reduce or diminish the exposure to damage by maintenance equipment within the cemetery.

The Cemetery Department reserves the right to refuse or prohibit the erection of and to remove any marker, monument or mausoleum or other memorial, if in the opinion of the Manager it is objectionable, whether regards size, material, design or structure; or, if made of inferior materials; or, if not true to specifications; or, if not in compliance with the rules of the Cemetery Department.

Through experience it has been found that bronze is the only

material which may be attached permanently and satisfactorily to granite. Therefore, the practice of attaching pictures of enamel or similar material to memorials of any kind is not recommended and the Cemetery Department disclaims all responsibility for damage to pictures so placed.

Only one monument or mausoleum shall be erected on any individual lot, whether this plot consists of a lot, a fraction of a lot, or more than one lot.

The locations of markers, monuments, mausoleums or other memorials shall be determined by the Cemetery department. Lot owners are invited to consult on the subject of memorials and their location with the cemetery officials who will always be glad to offer suggestions based on their experience and observations.

A memorial may not be removed from the cemetery or from the location in the cemetery, except by the Cemetery Department, unless the written order of the lot owner be presented at the cemetery office and approved by the Manager.

ERECTION

All persons in charge of erecting monuments, mausoleums or memorials are required to hold a current city license for that activity before proceeding to the place of erection, and must observe the rules of the Cemetery Department.

Markers, monuments, mausoleums, and material, machinery, tools and other things for use in the erection thereof shall be brought

into the cemetery grounds as needed only after the work of constructing the foundation therefor shall have been fully completed; and shall not be brought therein on Sundays or legal holidays, nor on any day when the roads or grounds are in a soft or wet condition.

Ropes or other guys must not be tied to any tree or other object except by permission from the Manager. No post or anchors may be sunk in the ground except in spots designated by the Manager and no material may be hauled over any rope or placed on any spot except those designated by the Manager.

The erection of markers, monuments, mausoleums and foundations therefor shall not be made until the full amount of the purchase price of any lot has been paid in full.

The Cemetery Department reserves the right to stop all work of any nature whenever, in the opinion of the Manager, proper preparations therefor have not been made; or tools and machinery are insufficient or defective; or the work is being executed in such manner as to threaten life or property; or any reasonable request on the part of the officials of the Cemetery Department is disregarded; or the work is not being executed according to specifications; or any person employed on the work violates any rule of the Cemetery Department. However, the Cemetery Department disclaims all responsibility for failure to stop the work and for any damage resulting even though one or more of the requirements set out here be violated.

All work must stop at 4:00 p.m. on weekdays and at 11:00 on

Saturdays, and all workmen must leave the grounds immediately. No work will be permitted on Saturday afternoons, Sundays or holidays. When work is completed, the lot and surroundings must be left in a clean and acceptable condition. All waste, litter, trash, and lumber must be immediately removed from the grounds.

Damage done to lots, walks, drives, trees, shrubs, or other property by dealers or contractors or their agents will be repaired by the Cemetery Department and cost of same charged to the dealer, or contractor or principal.

SPECIAL

These Rules and Regulations are deemed to be known by the plot purchaser. Therefore, it is not necessary that they be printed and presented to each lot purchaser, but it is sufficient that they are on file in the cemetery office and available to the lot purchaser if he or she wishes to see them.

The Rules and Regulations are binding not only upon the lot purchaser, but upon all those who succeed to the interest of the lot purchases, either by assignment, sale or inheritance.

The deed or sales contract and these Rules and Regulations and any amendments thereto shall be the sole agreement between the City and the lot owner. The statement of any agent of the Cemetery Department to the contrary shall in no way bind the City. However, all orders and laws of the properly constituted authorities of the City of Huntsville, County of Madison, and State of Alabama,

whether at variance with these regulations or not, must of course, be complied with.

The Cemetery Department reserves, and shall have, the right to correct any errors that may be made by it in placing memorials, or in performing any other operation; or that may be made by it 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, or in the sole discretion of the City officials, by refunding the purchase price. In the event the error shall involve the interment of the remains of any person in such property, the Cemetery Department reserves, and shall have, the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

The Cemetery Department shall have the right to maintain guards if in the discretion of the officials of the Cemetery Department it is deemed necessary, but is under no legal obligation to do so. Whether or not guards are used, the Cemetery Department distinctly disclaims all responsibility for loss or damage of any nature, from causes beyond its reasonable control, and, especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrection, riots, or order of any military or civil authority, whether the damage be direct or collateral.

Should any memorial, mausoleum or other object in the cemetery

become unsightly dilapidated or a menace to visitors through any cause whatsoever, the Cemetery Department shall have the right to correct the situation or to remove the object at the expense of the lot owner.

It is quite possible that situations and problems may arise when, to apply any rule in the strictest and most literal sense, would be unwise or inexpedient, possibly causing unnecessary hardship or injury to the parties concerned; or situations may arise, or problems confronted, that are not covered by these rules. If such an occasion should arrive, the Cemetery Department, through the officials of the City, reserves the right to modify or vary any rule or rules as in their best judgement seems most satisfactory to solve the problem or situation confronting it; provided, of course, that the same shall be in harmony with the spirit of these rules, and the purpose for which they were drafted, and shall best serve the interest of all parties concerned. The City or Cemetery Department shall not be liable or answerable to anyone on account of such modification or variance.

The City reserves the right to make or adopt at any time any new, further rule or regulation and the right to change, modify, amend, alter, revoke, or annul at any time any rule or regulation contained herein. Any such rule, adoption, modification or alteration shall be as binding on lot owners as if same were a part of the rules and regulations in effect at the time they acquired their interest in a lot.

The above rules and regulations are meant to be operational

guidelines and in no way are meant to alter or annul existing City Ordinances adopted by the City of Huntsville in regard to City Cemeteries and the operations thereof.

(See Chapter 8, Cemeteries Code of Ordinances, Sections 8-1 thru 8-31)

Re-typed February 18, 1993