

## Chapter 18 - CEMETERIES

*Footnotes:**--- (1) ---****State Law reference**— Authority to legislate on matters pertaining to municipal affairs, A.C.A. § 14-43-601 et seq.; authority as to cemeteries, etc., A.C.A. §§ 14-54-802, 14-54-803; death and disposal of the dead, A.C.A. § 20-17-101 et seq.*

## Sec. 18-1. - Duty of sexton, undertaker, etc.

No sexton, undertaker, or other person shall assist in or assent to or allow any interment or aid or assist in preparing any grave or place of deposit for any body for which a permit has not been given authorizing the same.

(Code 1962, § 12-7; Code 2006, § 5.20.05)

## Sec. 18-2. - Monuments.

It shall be unlawful for any contractor or other person, to erect a monument or tombstone within any cemetery of the city unless the same shall be placed upon a concrete base, made perfectly level and all such monuments shall be constructed in a substantial and permanent manner and approved by the city sexton. Such approval shall be granted upon a showing that the work complies with all laws and ordinances.

(Code 2006, § 2.68.02)

## Sec. 18-3. - Grave containers.

Rigid outside containers made of concrete, metal or fiberglass shall be used for all burials in city cemeteries.

(Ord. No. 3527, § 1, 4-5-2005)

## Sec. 18-4. - Inspection of construction.

The city sexton is hereby authorized to inspect and to regulate the construction of the base or foundation for all monuments or tombstones and the construction of all monuments and tombstones and shall have authority to prevent erection of any such tombstone or monument, without proper foundations, or in a negligent, impermanent or unskillful manner.

(Digest 1934, § 784; Code 1962, § 6-3; Code 2006, § 2.68.03)

## Sec. 18-5. - Repairs by the city; charges.

If any person shall undertake to erect a monument or tombstone in the cemeteries of the city and on account of negligent or unskilled workmanship, or on account of the lack of foundation, the same shall become uneven or insecure, or shall sink or fail, or become in danger of doing so, then the city sexton may have the same repaired or made level and secure, and the charges for such work shall be paid, either by the person who erected the monument or tombstone or by the person controlling the lot, whereon it stands.

(Digest 1934, § 785; Code 1962, § 6-4; Code 2006, § 2.68.04)

## Sec. 18-6. - Driving.

It shall be unlawful for any person to drive any vehicle or cause it to be driven in any part of the cemetery owned or controlled by the city, except in driveways therein provided.

(Digest 1934, § 780; Code 1962, § 6-5; Code 2006, § 2.68.05)

Sec. 18-7. - Negligence.

It shall be unlawful for any person to drive any vehicle within any cemetery of the city or permit it to be driven or to negligently or carelessly cause it to be drawn over, across or upon or against any of the walls or enclosures or any monuments upon or within any of the lots or graves of said cemeteries.

(Digest 1934, § 780-A; Code 1962, § 6-6; Code 2006, § 2.68.06)

Sec. 18-8. - Obstructing driveways.

It shall be unlawful for any person to obstruct any driveway in any cemetery of the city with any kind of material or substance used in protecting, ornamenting or decorating any lot or grave therein or to leave or permit to remain any rubbish or surplus material or substance within or upon any driveway or upon any lot or grave owned or controlled by another.

(Digest 1934, § 780-C; Code 1962, § 6-7; Code 2006, § 2.68.07)

Sec. 18-9. - Planting of trees and flowers.

No shrubs or trees shall be planted in the city cemeteries. Persons planting such trees or shrubberies shall be assessed the cost of their removal by the city. Nothing herein shall prevent the city acting through its parks and recreation department, the cemetery division thereof, from landscaping and planting such trees, shrubberies and other plants in such spots as may be designated and directed by the director of the parks department.

(Code 2006, § 2.68.08; Ord. No. 2123, §§ 1, 2; Ord. No. 3462, § 1, 3-1-2004)

Sec. 18-10. - Cost of lots and fees for opening graves.

Cost for all city-owned and controlled cemetery lots and fees for opening graves shall be established by the city council. Twenty-five percent of the selling price of each lot shall be designated for perpetual care of the cemetery.

(Code 2006, § 2.68.09)

Sec. 18-11. - Hours of operation.

- (a) All cemeteries shall be closed from one-half hour after sunset until one-half hour before sunrise the following day.
- (b) The closing time of a cemetery, or any portion thereof, may be extended or shortened by the director of parks, recreation and cemeteries when necessary to accommodate or regulate any permitted activity.
- (c) For purposes of security or public safety, the director may exclude members of the public, on a temporary basis, from a cemetery or any portion thereof, including any trail or road, when it is determined by the director, the director of public safety, or the mayor that such closing is necessary to protect public safety or public property. No person shall enter or remain in any cemetery, any portion thereof, or any trail or road that has been ordered closed.
- (d) No person shall enter or remain in any cemetery during the hours it is closed.

(Code 2006, § 2.68.10; Ord. No. 3358, §§ 1—7)