

## ORDINANCE NO. 2002-05

### AN ORDINANCE REPEALING ORDINANCE NUMBER 338 OF THE TOWN OF FALKVILLE, ALABAMA; ESTABLISHING A CEMETERY BOARD AND MAKING PROVISIONS FOR THE MANAGEMENT, USE AND UPKEEP OF THE FALKVILLE MUNICIPAL CEMETERY

WHEREAS, the Town Council of the Town of Falkville, Alabama has reviewed Ordinance Number 338 of the Town of Falkville, Alabama which addresses the management of the Falkville Municipal Cemetery and finds that revisions to the provisions thereof are necessary to bring the same up to date and address issues now existing with respect to said cemetery;

NOW, THEREFORE, be it ORDAINED by the Town Council of the Town of Falkville, Alabama, as follows:

**Section 1.** *Repealer* Ordinance Number 338 of the Town of Falkville, Alabama is hereby repealed.

**Section 2.** *Establishment of Cemetery Board.*

(a) There is hereby established a Cemetery Board ("Board").

(b) The Board shall consist of five members, four of whom shall be appointed by the Town Council to specific terms of office as provided herein, with the fifth member appointed by the Mayor from among the members of the "unclassified service" of the Town of Falkville, Alabama as that term is defined in the Personnel Policy of the Town of Falkville, Alabama, which said member shall serve at the pleasure of the Mayor and who may be replaced from time to time in the Mayor's discretion.

(c) The four members of the Board appointed by the Town Council shall each serve a term of four years, except that, initially, one member shall be appointed to a term of one year, one to a term of two years, one to a term of three years and one to a term of four years, with each appointment thereafter being for a full term of four years so that the members serve staggered terms.

(d) The Board shall elect its own chairman and shall adopt its own rules of procedure for conduct of its meetings and may make such provisions for the conduct of its business and duties as it shall deem appropriate.

(e) The powers and duties of the Board shall be as follows:

1. To provide for the general upkeep, management, maintenance and improvement of the Falkville Municipal Cemetery ("Cemetery").

2. To administer the selection and sale of cemetery plots, subject to the conditions set out hereafter.

3. To administer the Falkville Cemetery Perpetual Care Fund in accordance with the provisions of Ordinance Number 2000-06 of the Town of Falkville, Alabama. All references in said ordinance to the Cemetery Board shall hereafter be deemed to refer to the Board hereby created and established.

4. To administer all funds which may be appropriated by the Town Council for the maintenance, upkeep, improvement or expansion of the Cemetery or otherwise relating to same.

5. To advise the Town Council with respect to matters such as the price of cemetery plots, the general management of the Cemetery and future plans for the same.

**Section 3. Bank Account.** The Board's bank account shall be kept by the Town Clerk of the Town of Falkville, Alabama ("Clerk"). The signatures of any two of the following persons shall be required on all checks: the Clerk, the Mayor or the Mayor's designee. All expenditures of funds must fall within the budget guidelines established from time to time by the Council unless otherwise specifically authorized by the Council.

**Section 4. Plot Sales.** Selection and sales of all plots shall be coordinated through the Clerk and the signature of the Mayor, attested by the Clerk, shall be required on all plot deeds. The Mayor shall have full authority to execute all such deeds, but only upon certification from the Clerk that the purchase price for the plot or plots in question have first been paid. No deed purporting to convey any plot without the signature of the Mayor and Clerk shall be valid to convey title to any plot. It shall be unlawful for any person to convey or purport to convey title to any plot except in the manner herein provided.

**Section 5. Price of Lots.** The price of all plots in the Cemetery shall be as established from time to time by the Council in its discretion.

**Section 6. Removal of Violations.** The Board is authorized to remove any monuments, tombstones, markers, slabs, curbing and fencing, trees, shrubs, decorations or other objects placed upon any lot in the cemetery contrary to the provisions of this Ordinance.

**Section 7. Monuments, Markers: Permit and Installation Requirements** It shall be unlawful for any person to erect or set or put in place any monument, tab or marker of any kind or

description in the cemetery without first purchasing from the Clerk any such license and permit as may be required for the erection, setting or placing of such monument; and it shall be unlawful to put up any monument, tombstone or marker on any cemetery lot without having it set upon a good substantial base, sufficient to hold the monument, tombstone or marker in good substantial condition, such base to be constructed under plans and with materials authorized and approved by the Board and to be accepted by the Board before being used or placed.

**Section 8.** *Slabs Prohibited.* No slabs shall be placed on cemetery lots.

**Section 9.** *Grave Vaults Required; Specifications.* It shall be unlawful for any person to bury or inter or cause the burial or interment of any human remains in any cemetery owned, operated or under the control of the Town or any of its boards, commissions, committees or departments, unless such interment or burial shall be in a grave vault, a grave vault being defined as an outer burial container, in addition to a casket, coffin or other inner burial container, constructed of steel, concrete, fiberglass or other like or similar material and suitable to resist settlement of the grave site and to assist in future location of the grave.

**Section 10.** *Height of Curbing and Fencing.* No curbing, fencing or marking which extends more than one inch above the surface of the ground shall be placed around any cemetery plot.

**Section 11.** *Vehicles to be Operated on Road Only.* It shall be unlawful for any person to operate a motor vehicle of any kind or description in the cemetery except upon, along or over the cemetery streets or driveways.

**Section 12.** *Maintenance of Graves; Decorations.*

(a) No person shall place any live or artificial flowers or floral arrangement, or other like or similar decorative item, on any grave or at any place in any cemetery owned or maintained by the Town, except that flowers may be placed upon grave markers or monuments.

(b) The provisions of subsection (a) of this section notwithstanding, it shall be lawful to place any flowers, floral arrangement, or like or similar decorative item upon the ground at any grave site within a period of fourteen (14) days of any burial at the particular grave where placed and during the months of May and December of each year in recognition of traditional Decoration Day

traditions.

**Section 13. Dissolution of Existing Board.** The Falkville Cemetery Board established by Ordinance No. 338 of the Town of Falkville, Alabama shall be deemed dissolved immediately upon the effective date of this Ordinance.

**Section 14. Violation of Ordinance.** Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, punished by a fine not to exceed \$500.00 or by a jail sentence not to exceed six (6) months, or by both such fine and sentence.

**Section 15. Effective Date.** This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED and APPROVED this the 7<sup>th</sup> day of May, 2002.

APPROVED BY:

R. Colby  
Roy Colby, Mayor

ATTEST:

(Seal)

Belinda Ealey  
Belinda Ealey, Town Clerk



Ordinance No. 2003-01

An Ordinance Amending Ordinance Number 2002-05  
Of the Town of Falkville, Alabama; which establishes a  
Cemetery Board;

Whereas, the Town Council of the Town of Falkville, Alabama, finds it necessary that revisions are needed to the ordinance for the cemetery board to function effectively.

NOW, THEREFORE, be it ORDAINED by the Town Council of the Town of Falkville, Alabama, as follows:

Section 1.

(a). The language of Section 2. Establishment of Cemetery Board (b) shall be deleted in its entirety. The following language will replace the deleted language in its entirety.

Section 2. *Establishment of Cemetery Board*

(b). The Board shall consist of five members of whom shall be appointed by the Town Council to specific terms of office as provided herein.

(b). The language of Section 2. Establishment of Cemetery Board (c) shall be deleted in its entirety. The following language will replace the deleted language in its entirety.

Section 2. *Establishment of Cemetery Board*

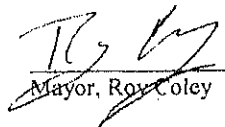
(c). The members of the Board appointed by the Town Council shall serve a term of four years, except that, initially, one member shall be appointed to a term of one year, one to a term of two years, one to a term of three years, one to a term of four years and one to a term of five years and with each appointment thereafter being for a full term of four years so that the members serve staggered terms.

Section 2. The provisions of this ordinance shall be severable. In the event any section or part thereof is declared invalid the remainder of the ordinance shall continue in full force and effect as though said invalid portion were not a part thereof.

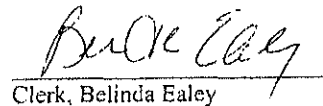
Section 3. The ordinance shall be effective upon its adoption and publication according to law.

Adopted and Approved this the 4 day of February, 2003.

APPROVED BY:

  
\_\_\_\_\_  
Mayor, Roy Coley

ATTEST:

  
\_\_\_\_\_  
Clerk, Belinda Ealey

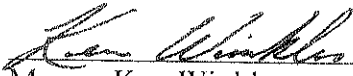


RESOLUTION NUMBER 2017-08

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FALKVILLE,  
ALABAMA AS FOLLOWS:


To increase cemetery lots at the Falkville Cemetery for persons living outside the corporate limits of the Town of Falkville from \$300 to \$500 for a single lot and \$800 for a double lot.

Resolved this 7<sup>th</sup> day of February, 2017.



\_\_\_\_\_  
Mayor, Ken Winkles

Attest:



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Town Clerk, Dawn Estes