

TITLE XV: LAND USAGE

Chapter 165

Cemetery and Burial Regulations

CHAPTER 165: CEMETERY AND BURIAL REGULATIONS

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§ 165.01 PURPOSE AND INTENT

Given the lack of comprehensive regulations concerning burial practices in the state of Georgia, it is the purpose and intent of this Chapter to allow individuals and organizations the opportunity to responsibly locate cemeteries on certain properties within unincorporated Pike County, without unnecessarily restricting the observance of individual traditions, ethical practices, and / or religious beliefs. Further, it is the intent of this ordinance to prohibit human cemeteries, both public and private, and public pet cemeteries, except as may be allowed in accordance with Sections 165.02, 165.03 and 165.05 of this Chapter, and Chapter 163.

(Ord. Passed 03-09-11)

§ 165.02 APPLICABILITY OF REGULATIONS

Cemeteries for human interment, both public and private, and public pet cemeteries shall only be permitted with an approved special exception, except as may be limited or prohibited by private covenants (e.g. subdivision covenants). In A-R (Agricultural-Residential) zoning districts, only private cemeteries and not-for-profit public cemeteries are allowed. All other types of public cemeteries are allowed only in C-2 zoning districts. Cemeteries shall be subject to the general restrictions in Section 165.05 of this Chapter, as well as the more specific restrictions of Sections 165.06, 165.07, and 165.08, as they may be relevant.

(Ord. Passed 03-09-11)

§ 165.03 PRE-EXISTING CEMETERIES

All types of cemeteries already established on properties within unincorporated Pike County as of the date of the adoption of this Ordinance shall be exempt from the requirements of this Chapter. A special exception shall be required, however, for existing cemeteries that attempt to increase the size of their current legal boundary and for existing cemeteries, funeral homes, and other organizations seeking to establish other services related to the disposition of the deceased, including, but not limited to, crematoriums and columbariums.

(Ord. Passed 03-09-11)

§ 165.04 DEFINITIONS

As established in Section 156.006 of the Zoning Code, the following definitions shall apply:

(A) **CEMETERY.**

Land either already reserved for burial plots for human deceased or which may in the future be so reserved; it may be maintained either by a family, a church or other place of worship, or a private corporation.

(B) **PUBLIC CEMETERIES.**

Usually associated with a church, funeral home, municipality, or other similar entity. They are open to the general public for burials.

(C) **PRIVATE CEMETERIES.**

Restricted to relatives and other associations of a particular family or families, and may be located on private residential or agricultural property.

(D) **CEMETERY, PET.**

A cemetery devoted exclusively to the interment of pets.

(Ord. Passed 03-09-11)

§ 165.05 GENERAL RESTRICTIONS

(A) All applicable state codes concerning interments, embalming, cremation, etc. shall govern.

(B) Disinterments (exhumations) and re-interments shall be subject to established state laws and procedures concerning such actions.

(C) All cremations, disinterments, and re-interments shall first file a "Permit for the Disposition of Human Remains" at Pike County Probate Court.

(D) "Green burials" or "natural burials" (i.e. without embalming practices, leak proof containers, and vaults) shall be allowed, provided that the deceased is interred in a timely manner, and in area already legally designated as a cemetery. Although there are no Georgia laws governing the depth of burial for green burials, a minimum burial depth of 3 feet is recommended.

(E) There shall be a minimum 25-foot planted buffer along the perimeter of all public, for profit cemeteries. For other cemetery types, buffers along adjacent parcels may be required per the discretion of the Pike County Board of Appeals, as a condition of special exception approval.

(F) Cemeteries shall not be located within any easements, and burial plots within cemeteries shall be located a minimum of 10 feet from any easement boundary.

(G) Burial plots within cemeteries shall be located a minimum of 25 feet away from any state waters.

(H) Burial plots within cemeteries shall be located a minimum of 50 feet away from any property line.

(I) Public cemeteries must provide adequate vehicular access and parking within their borders to prevent intrusion onto adjacent parcels, as well as preventing parking on road rights-of-way, shoulders, and paving during interments and services.

(J) Cemeteries are prohibited in floodplain areas.

(Ord. Passed 03-09-11)

§ 165.06 PUBLIC CEMETERIES FOR HUMAN INTERMENT

- (A) Public cemeteries shall only be located on parcels not less than 3 acres. Public cemeteries shall be the only principal use on the parcel of land upon which they are located, with the exception of public cemeteries located in yards adjacent to funeral homes, or the yards of a church, synagogue, chapel, or other place of religious worship. No other principal use, commercial, industrial, or otherwise, shall be allowed on the same parcel upon which a public cemetery is to be located.
 - (B) The parcel on which the public cemetery is so located must be recorded on a deed and plat in Pike County Superior Court and the actual cemetery area must be labeled on the plat as a public cemetery. Public cemeteries must establish a legal organization to govern interments, maintenance, funeral services, etc. on their respective parcels, and must maintain accurate records of all interments and burial plot layouts.
- (Ord. Passed 03-09-11)

§ 165.07 PRIVATE CEMETERIES FOR HUMAN INTERMENT

Private cemeteries, by definition, are not intended for general public use, being restricted to relatives and other close associations of a particular family or families. Private cemeteries may exist as one or two options:

- (A) Option 1:
Private cemeteries located on a parcel with an existing residential and / or agricultural principal use(s) must be recorded as a deed restriction and a plat revision (where a plat exists), accompanied by a map exhibit showing the exact location of the private cemetery on the property and establishing deeded access from a public road. Private cemeteries sharing such parcels must also be clearly delineated by a fence or low wall, in accordance with Chapter 164 of the Zoning Code. The parent tract of these particular private cemeteries must be a minimum of 5 acres in size and cannot be subdivided. The private cemetery shall not comprise more than 5 percent of the total area of the parent tract. There shall be no principal building in the private cemetery area.
- (B) Option 2:
Private cemeteries located on separate parcels subdivided from larger parcels must be recorded on a deed and plat in Pike County Superior Court and the actual cemetery area must be labeled on the plat as a private cemetery. The subdivided parcel must be a minimum of 3 acres.

It is the responsibility of the property owner to govern necessary processes for the private cemetery, such as interments, services, maintenance, and record keeping, subject to the other requirements of this Chapter. The establishment of a legal organization to govern these processes for a private cemetery is encouraged, but not required. A death certificate must be filed for those deceased intended for burial in a private cemetery.

(Ord. Passed 03-09-11)

§ 165.08 PET CEMETERIES

- (A) This Section regulates pet cemeteries for use by the general public only. The burial of pets and livestock on private property shall not be regulated by Pike County, provided that the deceased pets and /or livestock are actually owned by the property owner. All applicable state codes concerning the disposal of deceased livestock shall govern.
 - (B) Pet cemeteries shall be for the interment and disposition of non-human remains only, shall be located on a parcel not less than 3 acres, and shall be the only principal use on that parcel.
 - (C) The parcel on which the pet cemetery is so located must be recorded on a deed and plat in Pike County Superior Court and the actual cemetery area must be labeled on the plat as a pet cemetery. Pet cemeteries must establish a legal organization to govern interments and maintenance on their respective parcels, and must maintain accurate records of all burial plot layouts.
- (Ord. Passed 03-09-11)

§ 165.09 ENFORCEMENT AND PENALTY

Any person in violation of this article shall be subject to a citation in Pike County Magistrate Court, and , upon conviction, be subject to a fine up to \$500.00 (and the correction of the violation) for each occasion on which a violation occurs.

(Ord. Passed 03-09-11)

§ 165.10 SEVERABILITY

Any portion of this ordinance that may be deemed void, invalid or otherwise unconstitutional and/or illegal shall be severed from the ordinance without invalidating the remaining provisions of this ordinance.

(Ord. Passed 03-09-11)

§ 165.11 EFFECTIVE DATE

This ordinance shall become effective upon the second reading of the proposed ordinance and upon the affirmative vote of at least 3 commissioners.

(Ord. Passed 03-09-11)