

STATE OF SOUTH CAROLINA)

COUNTY OF BARNWELL)

FILED FOR RECORD

2022 MAY 18 AM 11:38 ORDINANCE # 2022 - 05-389

RONDA D. HIGGINS
CLERK OF COURT
BARNWELL COUNTY, S.C.

**AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR
BARNWELL COUNTY MEMORIAL CEMETERY**

This Ordinance repeals and replaces the following Barnwell County Ordinances:

ORDINANCE # 1995-75 – AN ORDINANCE ESTABLISHING SALES OF LOTS AT THE BARNWELL COUNTY CEMETERY

ORDINANCE # 2005-204 – AN ORDINANCE AMENDING ORDINANCE # 1995-75 ESTABLISHING SALES OF LOTS AT THE BARNWELL COUNTY CEMETERY

1. PURPOSE

- (a) This article is enacted to establish rules and regulations of the operation of the Barnwell County Memorial Cemetery effective the date of this Ordinance.
- (b) This article is applicable only to the Barnwell County Memorial Cemetery, 11907 Highway 278, in Barnwell, South Carolina.

2. PURCHASE OF PLOTS

- (a) The conveyance of cemetery plots shall be by "Certificate of Burial", which shall evidence the perpetual right to bury and inter one human body in the gravesite space in the size intended for interring one human body, or the ashes from cremation of one human body in the size intended for interring the ashes from cremation of one human body (herein referred to as "plots"). The form for the "Certificate of Burial" is hereby adopted and attached hereto as Exhibit "A."
- (b) The Chairman of the County Council and the Administrator shall have the right to execute and issue "Certificates of Burial" when requested if all requirements for issuing the same are met.
- (c) Plots shall be assigned only in such a manner that they are contiguous to other assigned plots to help ensure efficient use of available cemetery space.
- (d) Barnwell County administrative staff shall maintain a permanent registry of all issued "Certificates of Burial". All "Certificates of Burial" shall be recorded in the public records of Barnwell County Clerk of Court and registered with the Barnwell County administrative staff. No transfer or assignment of "Certificates of Burial" shall be valid until and unless a written assignment has been recorded in the public records of Barnwell County Clerk of Court and registered with the Barnwell County administrative staff.
- (e) Barnwell County shall only sell plots to individuals and shall not sell plots for resale.

- (f) Upon the occasion of an interment, Barnwell County employees, at a determined time, shall mark the plot with small flags and coordinate such marking with the family and/or funeral home, as needed.
- (g) All funeral directors shall notify the Barnwell County administrative staff at least one business day prior to interment. The notification shall include the name of the person to be interred, the plot location, and the date of interment.
- (h) The purchase price for "Certificates for Burial" for plots shall be set by resolution of the County Council and shall include a fee for perpetual maintenance and care.
- (i) No bodies or ashes may be interred unless and until the purchase price for the "Certificate of Burial" has been paid in full.
- (j) The county shall place the monies from the purchase of "Certificates of Burial" in a separate designated account for improvement, maintenance, and care of the cemetery.

3. USE OF PLOTS

- (a) All plots are to be used or reserved exclusively for the burial of human remains.
- (b) A plot intended for interment of a human body shall be an area five and one-fourth (5¼) feet wide by ten and one-half (10½) feet long and shall be plotted on the master plan of the cemetery.
- (c) All plots intended for interment of ashes from cremation of one human body shall be an area five and one-fourth (5¼) feet wide by ten and one-half (10½) feet long, and shall be plotted on the master plan of the cemetery.
- (d) No plants, trees or shrubs may be planted on any plot, except by the county as a part of an approved landscaping plan. The county shall have the right to remove any and all plants, trees and shrubs planted on any plots in violation of these rules.

4. OUTER BURIAL CONTAINER AND PLOT MARKERS

- (a) All outer burial containers must comply with all standards set by the State of South Carolina and must be buried with a minimum of eighteen (18) inches above the outer burial container.
- (b) All plots and/or burial sites shall be marked with a grave marker indicating the name, date of birth and date of death of the deceased.
- (c) No structures shall be constructed on any plot other than those permitted by this ordinance.
- (d) Artificial flowers may be used on plots at head stones or plot markers only. No other use of artificial flowers is permitted. Ceramic, concrete, metal, hard plastic, or other similar material vases may be used for cut flowers or artificial flowers, if the flowers are changed regularly and well attended. The use of other vases or containers, such as jars, glass vases, tin cans, paper or cardboard, is not permitted. No containers, artificial flowers, wreaths, statues, or memorial type items shall remain on any plot for more than 60 days, unless incorporated within the headstone. After 60 days, county employees will remove the items.

- (e) No plot marker shall contain any material, language or appearance which is of a profane nature.
- (f) The county shall have the right to remove any items constructed on a plot or left on a plot in violation of this ordinance.

5. CEMETERY CONDUCT

- (a) The cemetery will be open between the hours of 8 a.m. and sunset of each day. No one will be allowed in the cemetery when the cemetery is not open without the county's permission.
- (b) No person shall pick, dig, or trim flowers, shrubbery, or trees without the county's permission. Defacing, damaging, or destroying structures, memorials or other items within the cemetery is not allowed.
- (c) No person shall use profane or boisterous language, or act in a disorderly manner within the cemetery. Loitering is not permitted within the cemetery.
- (d) Children under the age of 12 years of age are not allowed in the cemetery unless accompanied by an adult.
- (e) No recreational activities shall be allowed within the cemetery.
- (f) No notices, signs, or advertisements of any kind, except those placed and maintained by the county, are allowed within the cemetery.
- (g) No food, drink or intoxicants are allowed within the cemetery.
- (h) Except for military, law enforcement or other similar persons on official duty, no person shall possess or discharge a firearm within the cemetery.
- (i) No domestic animals are allowed within the cemetery.
- (j) Littering is prohibited within the cemetery.
- (k) Any person causing damage to the cemetery, or any parts thereof, shall be responsible for repairing the same, and may be subject to criminal prosecution.

6. TRAFFIC REGULATIONS

- (a) The speed limit is set at 15 miles per hour within the cemetery.
- (b) Except for interment or installation of monuments, all motor vehicles must remain on the designated roads or parking areas.
- (c) Any vehicles parked on a designated road shall be parked in such a manner as to allow other vehicles to pass on the road.
- (d) No person shall walk, cross, or traverse a plot, unless it is necessary to gain access to another plot.

This Ordinance becomes effective upon three readings and a majority vote of County Council.

ADOPTED at the regular meeting of the Barnwell County Council, this 10th day of May, 2022.



ATTEST:

Elaine S. Ferguson
Elaine S. Ferguson, Clerk to Council

BARNWELL COUNTY

By: Harold L. Buckmon
Harold L. Buckmon, Chairman

APPROVED as to form and content:

Joanie Winters
Joanie Winters, County Attorney

First reading:

Second reading:

Third reading:

4/22/22
5/10/22