

MELWOOD CEMETERY RULES AND REGULATIONS

Melwood Cemetery is a family-owned and family-operated perpetual care cemetery. Melwood Cemetery provides burial services in compliance with all applicable federal and state laws. The Cemetery strictly prohibits discrimination against any person on the basis of race, color, creed, religion, or national origin.

Effective November 11, 2025

MELWOOD CEMETERY
5170 E. PONCE DE LEON AVENUE
STONE MOUNTAIN, GA 30083
(404) 299-3966

SECTION 1 – PURPOSE

These rules and regulations are designed for the protection of owners of interment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect your Cemetery and create and preserve its beauty.

These rules and regulations are hereby adopted as the rules and regulations of the Cemetery, and all owners of interment rights, visitors and contractors performing work within the Cemetery shall be subject to said rules and regulations, amendments of alterations as shall be adopted by the Cemetery from time to time.

SECTION 2 – PERPETUAL CARE

For the purpose of the care and maintenance and the reasonable administration of the cemetery grounds and buildings at the present time and in the future, a Perpetual Care Trust Fund has been established.

SECTION 3 – INTERMENTS

A. Use of Property

Property in The Cemetery shall be used only for the purpose of burying the remains of human beings.

B. Proof of Rights

Upon the death or judicially declared incompetence of an owner, it is the duty of the heirs, devisees or guardian to file with the Cemetery competent proof of their right to use the lot; and further burials upon the lot may not be permitted until such proof is presented.

C. Authorization for Interments and Disinterments

Interments and disinterments will be allowed only upon written consent of the owner, or surviving heir or heirs of deceased owner, or his administrator or executor unless under court order.

D. Access Rights

The Cemetery reserves unto itself the right to ingress and egress over all lots at all times. This reservation of rights is subject to and shall not limit the rights afforded outside dealers under applicable Georgia law.

E. Number of Interments

The number of interments that may properly be made upon a lot is definitely fixed at the

time of purchase and no more will be permitted.

F. Arrangement of Graves

The Cemetery determines the arrangement of graves upon a lot, as it is necessary that uniformity shall prevail.

G. Burial Permits

No interment or disinterment may be made unless accompanied by a burial permit as provided by law.

H. Notice

Except in emergency cases, twenty-four (24) hour notice is required for the preparation of a grave. The digging and preparation of a grave shall be done solely by the employees of the Cemetery or its agents, the reasonable cost for which shall be paid by the owner prior to any interment being made. It will also be necessary for a member of the family to sign proper interment order and make satisfactory financial arrangement as to the grave opening fee. Because of the difficulty of handling, an extra charge will be made for vaults of unusual weight or size.

I. Multiple Interments

Not more than one body, or the remains of more than one body, shall be interred in one space, except by the written consent of the Cemetery.

J. Joint Owners

Joint owners shall have the right to use for interment the number of spaces proportionate to their ownership without the consent of the other owners. In cases of divorce where both parties are named as purchasers on a contract or right of interment, a copy of the divorce decree specifying who has rights to the property and/or merchandise must be provided to the Cemetery before any interment or transfer of ownership is allowed.

K. Unclear Instructions

When instruction regarding the location of an interment cannot be obtained, or is indefinite, or when for any reason the interment space cannot be opened where specified, the Cemetery may, at its discretion, open it in such location as deemed best and proper, so as not to delay the funeral; and the Cemetery shall not be liable in damages for any error so made.

SECTION 4 – PLANTING

Planting and removal of grasses, shrubs, flowers, etc., are at the discretion of cemetery personnel. Ownership does not confer any right to do planting, etc., without the express written consent and signature of appropriate cemetery personnel.

SECTION 5 – ORNAMENTATION OF LOTS

A. General Authority

The Cemetery retains control and supervision of all property which is sold; and the Cemetery retains the right to enter upon any property and prohibit, modify or remove any

structures, object, improvement or adornment which may have been placed thereon in violation of the rules; or which may be considered objectionable or injurious to the property or to the park in general.

B. Work Authorization

Except for legally permitted outside dealers, no work may be performed except by Cemetery employees or with written authorization.

C. Prohibited Items

Items such as baskets, glass containers, crockery, wire or metal flower holders, glass vases, and artificial wreath boxes are prohibited.

SECTION 6 – FLOWERS AND FLORAL ARRANGEMENTS

A. Arrangements

Floral arrangements are limited to one arrangement per marker, unless said marker has provisions for additional vase or vases. Vases must be used that are integral with the marker.

B. Vases

Cut flowers may be used at any time, provided the flowers are in a vase approved by the Cemetery. Unapproved receptacles, baskets, and designs will be removed at the discretion of the Cemetery without right of claim by the owner.

SECTION 7 – POTTED PLANTS

Potted plants will be permitted upon property at Easter, Memorial Day, and other similar occasions. If not called for within five days, they may be eliminated. Upon application to the Cemetery potted plants may be allowed on special dates for five days. At all other times potted plants will be removed. Florists' deliveries of potted plants and flowers will not be permitted on Memorial Day.

SECTION 8 – EMBLEMS

Metal emblems or markers, and guidons are prohibited except at Memorial Day, not to exceed two days before Memorial Day and removed not later than three days thereafter. Otherwise, the Cemetery without claim or right by the owner will remove such emblems.

SECTION 9 – FLAGS

Flags will be allowed on veterans' burial sites throughout the year, provided that the flags are secured by either an approved veteran's flag holder or within an approved vase (refer to the second paragraph under subsection Flowers and Floral Arrangements). Under no circumstance should the height of any secured flag exceed two-and-a half feet.

The Cemetery reserves the right to remove any flag that is deemed to be unsightly, offensive, or displayed in such a way that it could be dangerous to any employee or visitor.

SECTION 10 – TRAFFIC RULES

A. Entry

Visitors are admitted only at the discretion of the Cemetery. No person will be allowed to enter the cemetery except through regular entrances maintained for the public for such purpose.

B. Use of Roads

The use of roads and paths in the cemetery as thoroughfares or public highways, either in vehicles or on foot, is prohibited. Violators of this rule shall be considered as trespassers.

C. Vehicle Access and Traffic Regulations

No driving shall be permitted over individual lots or upon cemetery lawns. The Cemetery may, however, provide reasonable access to outside dealers operating in full compliance with applicable Georgia law.

Buses, commercial carriers, and other large vehicles are prohibited from entering the Cemetery grounds except upon prior special permission granted by Cemetery management.

The admission of any vehicle onto Cemetery roads is a *privilege*, not a right inherent in lot ownership or any other interest. This privilege is strictly conditioned upon adherence to all traffic rules established by Cemetery officials.

Driving on lots or lawns is strictly prohibited, except where access is expressly permitted under Georgia law. All vehicles must observe the posted 15-mile-per-hour speed limit, and U-turns are always prohibited.

D. Conduct

Horns, sirens, and similar signals are prohibited.

SECTION 11 – MEMORIALS

A. Regulation

The Cemetery reserves the right to regulate the size, quality, and placement of all memorials, markers, benches, and similar items.

B. Marker Limits

Only one grave marker will be permitted on one grave space. No memorial may be set to embrace two or more grave spaces except a Companion or a Family Memorial, nor shall more than one family name be permitted on any memorial, unless approved in writing by the Cemetery at the time of the sale of the interment right. All memorials shall be set on uniform lines as prescribed by the cemetery, to conform to the general plan of the cemetery.

C. Design Standards

The marking of each lot, grave, or graves, except as hereinafter provided, is restricted, and limited to flat bronze tablets, set flush with the turf, except in areas platted and specified for the sole use of upright monuments.

D. Installation

Except for purchases from or installations by dealers operating in accordance with Georgia law, all markers must be either purchased from or approved by the Cemetery with installation performed by or under the control of the Cemetery. Installation charges will be at the standard rate in effect at the time of installation and are based on the area of the foundation or base of the marker for outside dealer installation performed by the Cemetery employees. Fees apply according to current rates.

E. Supervision Fee

There will be no extra charge for the installation of a marker purchased from the Cemetery. There will be a \$160.00 charge for supervision of any installation done by an outside dealer.

SECTION 12 – INSURANCE AND BONDING REQUIREMENTS

All outside dealers must comply with the Rules of Office Of Secretary Of State Cemeteries, Preneed Dealers, and Merchandise Dealers - Section 590-3-5-01. A copy may be obtained from Cemetery.

SECTION 13 – BURIAL RECEPTACLES

All ground interments require a vault or crypt to prevent collapse or caving of the ground that may occur under the weight of maintenance machinery. Cremation vaults are required for cremated remains. All receptacles must be purchased from or approved by the Cemetery.

SECTION 14 – MAUSOLEUM ENTOMBMENTS

All remains placed in mausoleums must be embalmed and enclosed in a hermetically sealed casket.

SECTION 15 – PRIVATE MAUSOLEUMS

Private mausoleums or other means of entombment are allowed only upon express approval of the owners of the Cemetery. The purchasers are responsible for the repair and preservation of such approved structures. If structures fall into disrepair or decay, the Cemetery may remove them and re-inter remains in the underlying earth.

SECTION 16 – GENERAL RULES

1. No dogs shall be permitted in the Cemetery unless the dog is assisting a physically impaired visitor to the Cemetery.
2. No person shall be permitted within the Cemetery on a bicycle, motorbike, or motorcycle.
3. Bringing any alcoholic beverage within the Cemetery is strictly forbidden.
4. The Cemetery is not responsible for theft or damage to anything placed on graves or lots.
5. No wooden, cast-iron, plastic or resin bench or chair, or any wooden or wire trellis, or hanger for plants or chimes shall be permitted to be or be brought upon the grounds.
6. The Cemetery and their agents have authority to enter upon any lot and to remove any objectionable thing or any erection that may have been placed there contrary to the regulations of said Board, and they may remove any dead or damaged tree, shrub, or vine.
7. Any person found on the grounds after dark will be considered a trespasser.
8. Vases containing flowers or other decorations will be removed as soon as the flowers fade and wither and the right is reserved by the Cemetery to make such removal:
9. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
10. All persons are forbidden to hunt, or to fish, or disturb the fish, fowls, or other animals about the Cemetery.
11. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
12. All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules.
13. It is of utmost importance that there should be a strict observance of all the proprieties due the place, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.

14. No person or persons shall be permitted to bring or carry firearms within the Cemetery except a Military guard of honor and they only when in the charge of an Officer and during a Military Service.

15. Memorials, whether bronze, granite, or marble, shall comply with size and section regulations of the cemetery as promulgated from time to time.

SECTION 17 – SUPERVISION OF CEMETERY

A. Authority and Compliance

Melwood Cemetery reserves the right to require all persons entering the Cemetery grounds to comply fully with all Rules and Regulations adopted by the Cemetery. The Cemetery's Officers may amend, modify, or repeal these Rules and Regulations at any time, without prior notice to any Owner, lot holder, or visitor.

B. Limitation of Liability

The Cemetery shall take reasonable precautions to protect Owners and their property rights within the Cemetery. However, the Cemetery expressly disclaims responsibility for loss or damage arising from causes beyond its reasonable control, including but not limited to: actions of persons other than its authorized agents or employees; weather conditions; natural disasters; acts of God; theft; vandalism; riots; civil or military orders; explosions; unavoidable accidents; or any other external forces, whether the resulting damage is direct or indirect, except as otherwise specifically provided herein.

C. Correction of Errors

The Cemetery reserves the right to correct any error related to interments, disinterments, removals, inscriptions, transfers, or conveyances. In doing so, the Cemetery may, at its sole discretion and without obligation, take corrective measures it deems appropriate, including but not limited to:

- (a) substituting interment rights of equal value and similar location;
- (b) disinterring and relocating remains to property of equal value and similar location;
- and
- (c) correcting any errors in inscriptions, descriptions, monuments, markers, or cremated-remains containers.

The Cemetery will make a reasonable effort to notify the property Owner or known next of kin prior to, or promptly after, taking such corrective action. All parties contracting with the Cemetery bear responsibility for notifying the Cemetery of any changes to their address or telephone number to ensure proper communication.

D. Maintenance Interventions

Although incidents are rare, the Cemetery reserves the right to enter any interment space, mausoleum crypt, or lawn crypt to address maintenance concerns, safety conditions, or structural issues that may arise. The Cemetery will make a reasonable effort to notify the

property Owner or known next of kin before disturbing a grave or crypt, or as soon thereafter as reasonably possible.

E. Use of Grounds

All persons within the Cemetery shall use only designated avenues, walkways, and roads. Trespassing across lots, plantings, or grounds not intended for foot traffic is prohibited.

F. Rights to Modify Cemetery Grounds

The Cemetery expressly reserves the right to enlarge, reduce, re-plat, or otherwise modify the boundaries, grading, or layout of the Cemetery or any section thereof. This includes the right to alter or relocate roads, drives, and walkways, or to remove or regrade such features as necessary.

The Cemetery also reserves the right to lay, maintain, operate, alter, or remove pipelines, gutters, sprinkling systems, drainage systems, lakes, or any other utilities or features deemed necessary or convenient for Cemetery operations.

Further, the Cemetery retains full rights to use all unsold property for Cemetery purposes, including interment, preparation for interment, and any activities related or incidental thereto.

A perpetual right of reasonable ingress and egress across Cemetery lots is reserved for the Cemetery, its agents, and all parties lawfully entitled to access adjoining lots.

SECTION 19 – FUNERAL REGULATIONS

Funeral processions are under officers or Cemetery direction upon entry. No interment will be made unless the body is accompanied by a burial permit in instances where required by law. It will also be necessary for a member of the family to sign proper interment order and make satisfactory financial arrangement as to the grave opening fee.

Twenty-four (24) hours' notice is required (except in case of emergency) for the preparation of a grave, which shall be done solely by employees of the Cemetery or their agents.

SECTION 20 – MODIFICATION AND AMENDMENT

The Cemetery may, and it hereby expressly reserves the right at any time or times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter and/or repeal any rules, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulation. The most current version of the Rule and Regulation will be posted in the Cemetery office and copies will be made available as requested.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the Rule and Regulations when,

in its judgement the same appears advisable and such temporary exceptions, suspensions or modification shall in no way construed as affecting the general application of such.

SECTION 21 – HOLIDAYS

The Cemetery may refuse interments, disinterments, or removals on Sundays or holidays.

SECTION 22 – CHANGE OF ADDRESS

It shall be the duty of the lot owner to notify the Cemetery of any change in his post office address. Notice sent to a lot owner at the last address on file in the office of the Cemetery shall be considered sufficient and proper legal notification.

SECTION 23 – LOTS FOR SALE

No sign indicating that a lot, vault or tomb is for sale will be permitted in the grounds.

SECTION 24 – STATEMENTS OF SALES AGENTS

The instrument conveying to lot owner the right of interment and the rules and regulation of this Cemetery, now in force or which may hereafter be adopted, including modifications or amendments thereof, shall be sole agreement between the Cemetery and the lot owner. The statement of sale agent shall in no way bind the Cemetery.