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## ELMORE COUNTY HEALTH DEPARTMENT

### **Cemetery Application Information:**

Enclosed in response to your request for information regarding creating /extending a cemetery is a copy of the current state law. This law requires the following:

**Step 1:** Make a written application to the County Commission.

**Step 2:** The County Commission will refer the application to the Health Department for investigation. Accompanying the application is required:

1. A processing/review fee of \$75.00
2. An accurate vicinity map
3. A boundary survey of the proposed site stating the total lot size and listing names of adjoining property owners
4. A legal description of the property
5. A plot plan prepared by an engineer/land surveyor. The plot plan should include the following:
  - a. Contour elevations every five feet
  - b. Any proposed cut or fill areas
  - c. Any existing or proposed drainage
  - d. Any existing or proposed surface water impoundments
  - e. Any existing or proposed wells either on within 100 feet of the boundaries of the proposed site.
6. A soil survey of the proposed site
7. A proposal of the total number of burial sites \*
8. Name, address and phone number of applicant
9. A signed statement as to who will be responsible for maintaining the cemetery

**Step 3:** Upon completion of the investigation, this department will submit a report to the County Commission, approving or disapproving the application.

**Step 4:** The County Commission will act on the request and grant or deny the application

### **\*LOCATION OF BURIAL PLOTS**

No subsurface plots should be developed:

- 1- Closer than 35 feet from any property boundary
- 2- Closer than 100 feet from a private well
- 3- That requires internment closer than 1 foot above seasonal or actual groundwater
- 4- That do not allow for a minimum of 18 inches of earth cover
- 5- Within 25 feet of surface drainage features
- 6- Within 50 feet of surface waters
- 7- Within a flood prone area, swamp, marsh, or wetland
- 8- With a finish grade greater than 25%
- 9- in areas with one or more instances of ground subsidence

### **STATE LAW:**

#### **Section 22-20-4**

#### **Location and extension of cemeteries.**

Whenever it is proposed to locate a cemetery or to extend the boundaries of an existing cemetery, the party or parties so proposing shall make written application to the judge of probate and county commission or to the mayor and council of an incorporated city or town, according to whether said cemetery or extension of a cemetery is to be located in the jurisdiction of one or the other of these authorities, describing accurately the location and boundaries of the proposed cemetery or extension of a cemetery. Before acting upon the application, the judge of probate and county commission or the mayor and council of an incorporated city or town, as the case may be, shall refer the application to the board of health of the county for investigation from a sanitary standpoint. In making such investigation, the county board of health shall take into consideration the proximity of the proposed cemetery or extension of a cemetery to human habitations, the nature of the soil, the drainage of the ground, the danger of pollution of valuable springs and streams of water and such other conditions and surroundings as would bear upon the sanitary aspect of the situation. Having completed its investigation as promptly as can be done, the county board of health shall submit a report to the judge of probate and county commission, or to the mayor and council, as the case may be, and either approve or disapprove the application. If the latter, the board shall set forth at length its reasons for such disapproval. Having received the report from the county board of health, the judge of probate and county commission or the mayor and council, as the case may be, shall either grant or deny the application, giving due weight in reaching either conclusion to the views expressed by the County Board of Health. Should the application be granted, the judge of probate and county commission or the mayor and council, as the case may be, shall issue to the party or parties making the application, and in such form as they may prescribe, a license to establish or extend the cemetery in question. The said license shall, upon the payment of \$.50 by the party or parties making the application, be recorded in the office of the judge of probate of the county.

*(Code 1907, §726; Code 1923, §1149; Code 1940, T. 22, §88.)*

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Should you have any questions regarding the above, please call Environmental Health Division at