

**CITY OF NEW ORLEANS
DEPARTMENT OF PROPERTY MANAGEMENT
DIVISION OF CEMETERIES**

**RULES AND REGULATIONS FOR
NEW ORLEANS CITY CEMETERIES**

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PREFACE

The rules herein apply to all visitors, stakeholder families and persons, outside workers, and any other person within the boundaries of cemeteries owned by the City of New Orleans and operated by the Division of Cemeteries. These rules are established by the Department of Property Management in order to best serve the City’s mission in managing and operating its cemeteries.

The mission of the Division of Cemeteries, a division of the Department of Property Management of the City of New Orleans, is:

To maintain the grounds, preserve the resources, and offer service to the stakeholders of the municipal cemeteries of New Orleans.

The city-owned cemeteries of New Orleans, Louisiana are:

Carrollton Cemetery No. 1 (also known as “Green Street Cemetery”)

1701 Hillary Street

Bounded by Adams Street, Lowerline Street, Hickory Street, and Birch Street

Holt Cemetery

527 City Park Avenue

Behind Delgado Community College at Rosedale Drive (also known as Buddy Bolden Place)

Lafayette Cemetery No. 1

1420 Washington Avenue

Bounded by Washington Avenue, Sixth Street, Prytania Street, and Coliseum Street

Lafayette Cemetery No. 2

2110 Washington Avenue

Bounded by Washington Avenue, Sixth Street, Loyola Street, and Saratoga Street

St. Mary’s Cemetery (also known as “Carrollton Cemetery No. 2”)

1901 Hillary Street

Bounded by Adams Street, Lowerline Street, Spruce Street, and Cohn Street

Valence Cemetery

2000 Valence Street

Bounded by Valence Street, Bordeaux Street, Danneel Street, and Saratoga Street

Office of the Division of Cemeteries

5034 Tchoupitoulas Street, New Orleans, LA, 70115

DEFINITIONS

“At-Need”	Associated with arrangements made after a person’s death to prepare for burial.
Burial or Interment	The disposition of human remains in an earthen grave, coping, or above-ground tomb.
Cemetery	All land owned by or under the supervision and control of the City of New Orleans devoted exclusively to the burial of the human dead, and all land hereafter acquired by the City of New Orleans for such purposes.
City-Owned or Municipal	Cemeteries belonging to the City of New Orleans.
Commercial Filming	Any film or photography project that involves commercial activity, the exchange of payments, the raising of funds, making or intended to generate revenue by any party of the project.
Contractor	Any private person, company, or organization who performs tasks in city-owned cemeteries for private commercial gain.
Coping	A burial structure distinguished by four interconnected wood, stone, or masonry walls that serve to artificially elevate the grade of a burial plot.
Decedent	A person who has died.
Disinterment or Removal	The removal of buried or entombed remains of a deceased person, the casket, if any, and/or the burial receptacle, if any, for the purposes of reinterment elsewhere in the cemetery or in another cemetery.
Free Land	Areas of city-owned cemeteries which are not formally platted and are historically granted only by servitude right of use. These areas comprise the entirety of Holt Cemetery, Square 218 in Carrollton Cemetery (“Green Street”), and perimeter lots in St. Mary’s Cemetery along Spruce, Lowerline, Cohn, and Hillary Streets.
Heir	A person who is legally entitled to inherit some or all of the estate of another person who died intestate.

Lot or Plot	A subdivided land area within a cemetery consisting of one or more burial spaces.
“Pre-Need”	Associated with arrangements made prior to a person’s death in order to prepare for funeral and burial.
Right of Interment	The right to be buried in a specific tomb, lot, or other space and the right to designate the burial of someone else in said space.
Rubbing	Headstone “rubbing” implies any act that involves an attempt to transfer inscriptions or designs from stone surfaces to paper surfaces, either by “rubbing” media across paper or any other means of physical transfer.
Successor in Interest	A person with an ownership interest in a tomb, lot, servitude, coping, or other cemetery property, usually by means of intestate succession. A successor in interest is not necessarily the sole owner of a property or servitude right of use.
Superintendent of Cemeteries	The person in charge of conducting the various operations and services at all six city-owned cemeteries. This position is supervised by the Director of Property Management.
Title or Deed	The document by which, together with proper registration in the cemetery records, the cemetery conveys right of interment.
Tour Guide	Any person duly licensed by the City of New Orleans Department of Safety and Permits to conduct one or more persons to any of the city’s points of interest and/or historic buildings, parks, or sites, for the purpose of explaining, describing, or generally relating the facts of importance thereto.
Tour Operator	Any person, company, or entity duly registered with the City of New Orleans Department of Revenue as a tour operator.

ARTICLE 1: SUPERVISION OF CEMETERY

- 1) The City of New Orleans reserves the right to compel all persons entering any city-owned cemeteries to obey all rules and regulations adopted by the City of New Orleans through the Division of Cemeteries.
- 2) Disclaimer of Responsibility
 - a. The City of New Orleans shall take responsible precaution to protect owners and the property rights of owners within the municipal cemeteries from loss or damage, but it distinctly disclaims all responsibility for loss or damages from causes beyond its reasonable control. The Division of Cemeteries is not and shall not be liable for damage caused by elements, acts of God, common enemy, thieves, vandals, malicious mischief makers, unavoidable accidents, explosions, war, invasion, riots, or orders of any military or civil authority, whether the damage be direct or collateral.
- 3) Enforcement of Rules
 - a. Division of Cemeteries under the Department of Property Management and headed by the Superintendent of Cemeteries or his or her authorized representative shall enforce all rules and regulations and exclude from the property any persons violating the same.
- 4) Cemetery Fees
 - a. Fees for interments, work permits, filing fees, deed transfer and duplicate fees, and all other fees shall be established by the Division of Cemeteries and shall be collected by same.
 - b. Fees shall annually be posted in a public location.
 - c. Fees will be assessed at the established rate for the time the service is rendered.
 - d. All fees and revenues received by the city for use of any city-owned cemetery or for cemetery services rendered shall be dedicated solely to operating, maintaining, repairing, and/or improving city-owned cemeteries, per **City of New Orleans Ordinance Sec. 70-415.298-301**.

ARTICLE 2: DIVISION OF CEMETERIES ADMINISTRATIVE OFFICE

- 1) The administrative and record office of the Division of Cemeteries is located within the Facilities Maintenance Warehouse at 5034 Tchoupitoulas Street, New Orleans, LA 70115.
- 2) The general contact phone number for the Division of Cemeteries is (504) 658-3781. The contact phone number for the Superintendent of Cemeteries is (504) 658-3672.
- 3) Lot records, sextons' burial books, and other historic documents associated with the city-owned cemeteries dating from 1950 to present are located at the administrative office of the Division of Cemeteries and are not accessible to general researchers. The Division of Cemeteries will perform written records searches to qualifying individuals upon request, subject to a fee determined by the Department of Property Management.
- 4) Records of the city-owned cemeteries for interments prior to 1950 are located at the Main Branch of New Orleans Public Library ("NOPL") on microfilm and are managed by the Louisiana Division of NOPL.

- 5) Services offered at the administrative office of the Division of Cemeteries:
 - a. Burial arrangements for at-need interments
 - i. The Division of Cemeteries does not offer pre-need burial arrangements.
 - ii. The City of New Orleans does not sell private burial property. The City does, however, offer a 10-year servitude right of interment in Holt Cemetery to those who do not presently own cemetery property.
 - iii. With the exception of issuance of new servitudes in Holt Cemetery, all other burials in all other city-owned cemeteries can only be offered to those with right of interment and/or title to a burial space.
 - b. Additional services offered at the administrative office of the Division of Cemeteries:
 - i. Duplicate issues of deeds and titles to qualifying stakeholders.
 - ii. Transfers of deeds and titles to qualifying stakeholders.
 - iii. Scheduling of visitation for families of/and property owners at Lafayette Cemetery No. 1.
 - iv. Records research services to qualifying stakeholders.
 - v. Issuance of improvement permits for commercial work in cemeteries.
 - c. Property owners in New Orleans city-owned cemeteries must file documentation of transfers, sales, alterations, change of address, or other information pertaining to private property ownership with the Division of Cemeteries.

ARTICLE 3: ADMISSION TO CEMETERIES

- 1) General Admission Information
 - a. No one shall be in the cemeteries outside of posted hours.
 - b. Opening and closing hours for cemeteries shall be determined by the Superintendent of Cemeteries. All New Orleans city-owned cemeteries shall be open for visitation for an eight-hour period on All Saints' Day, Father's Day, and Mother's Day of each year.
 - c. The City of New Orleans, Department of Property Management, and the Division of Cemeteries reserve the right to deny cemetery entry at their reasonable discretion, including and not limited to restricting cemetery access to the public during funerals.
 - d. Entrance into and exit from cemeteries may only take place through public gates.
- 2) Trespassing
 - a. Visitors to cemeteries must remain on main aisles and refrain from trespassing on tomb, coping, or other burial lots, which are the private property of individuals and families.
 - b. Entrance to any part of a city-owned cemetery after the gates have been closed on evenings, holidays, or any other restricted time is construed as trespassing.
- 3) Respect for the Property of Others
 - a. No persons shall sit, stand, or lean on any cemetery structures including, but not limited to, monuments, tombs, markers, copings, and statues.

- b. Any person who causes damage, either intentionally or unintentionally, to public or private property will be held financially and/or criminally accountable by the appropriate party.

ARTICLE 4: CONDUCT OF VISITORS

- 1) General Conduct of Visitors
 - a. The cemeteries owned by the City of New Orleans and operated by the Division of Cemeteries, like all cemeteries, hold incomparable value and meaning to the communities who have loved ones interred therein, as well as for the larger New Orleans community. Visitors can contribute to this meaning by maintaining an atmosphere of respect and reverence while within the cemetery.
 - b. Any conduct that interferes with the right of families to visit their loved ones in peace will be seen as a violation of cemetery rules and regulations. Violators will be required to leave the cemetery.
- 2) Peace and Quiet
 - a. Visitors to the city-owned cemeteries of New Orleans will preserve the peaceful and quiet atmosphere expected of a cemetery.
 - b. Loud language, vocal amplification (such as bullhorns), music not associated with funeral processions, offensive language, or other conduct in a cemetery that would be offensive to a person of ordinary sensibility is prohibited.
- 3) Disruptive Behavior and Intrusion
 - a. Visitors to a cemetery who are not members of a funeral procession may not intrude upon a funeral party or otherwise disrupt a funeral in progress.
 - b. Vehicles, equipment, and workers should not operate within sight of a funeral service.
 - c. Any visitors or vehicles in close proximity to a funeral service that are not a party to that service should leave the area at once.
- 4) Placing or Removing Items
 - a. Visitors shall not place any item, offering, flower, balloon, paper product, coin, or any other material anywhere in the cemetery unless the item is placed on a property that belongs to the visitor, or for which the visitor is a successor-in-interest.
 - b. Visitors shall not remove any item, flower, plant, offering, or other material which has been intentionally placed by the lot owner(s) from any lot in any cemetery.
 - c. See **Article 10: Ornamentation and Decoration** for rules and regulations pertaining to property owners placing or removing items at private property.
- 5) Littering
 - a. Litter must be disposed of in trash cans. Littering or otherwise disposing of trash is prohibited anywhere but in a trash can or dumpster.
 - b. Dumping of any item, including furniture, lawn debris, appliances, tires, bicycles, vehicles, construction materials, or any other item is prohibited in New Orleans city-owned cemeteries.

- 6) Soliciting or Peddling
 - a. No solicitations for contractor or monument work, tours, or other goods or services are allowed within 200 feet of any city cemetery.
 - b. No panhandling or peddling shall be permitted in or outside of cemeteries.
 - c. In accordance with the City of New Orleans Department of Safety and Permits ***Standards of Conduct and Ethics for Licensed Tour Guides***, no tour guide, interpreter, or other entertainer shall solicit walk-up visitors in or around the cemetery. Tour guides must arrange to meet with pre-registered guests at a pre-determined location and time. (See **Article 14: Cemetery Tourism and Special Events** for more information on tour rules and regulations).
- 7) Alcohol
 - a. Alcohol of any type is strictly prohibited from cemetery grounds. Persons with alcohol and/or intoxicated persons will be removed from the cemetery. Tour guides, organizers, or agency representatives condoning such behavior in New Orleans city-owned cemeteries may be refused permits and/or be subject to a suspension of services on cemetery grounds.
- 8) Restricted Activities
 - a. New Orleans city-owned cemeteries are not for sensational or entertainment purposes. Events and activities that would be considered offensive, disrespectful, or disruptive to the dignity and character of the cemetery to a person of ordinary sensibility are prohibited.
 - b. Weddings, vow renewals, or other nuptial ceremonies are prohibited in New Orleans city-owned cemeteries.
 - c. Athletic events and treasure hunting are prohibited in New Orleans city-owned cemeteries.
 - d. Scavenger hunting that requires removal of any item from a cemetery is prohibited.
- 9) Animals
 - a. Pets and their handlers shall remain on public rights-of-way within cemeteries and shall not encroach on a cemetery lot without the consent of the lot owner.
 - b. All pets must be held firmly on a leash held by a person while in the cemeteries.
 - c. The owner or keeper of any animal within a cemetery shall clean up after their pet.
 - d. The owner or keeper of any animal within a New Orleans city-owned cemetery shall be liable for any damage done by animals. The Division of Cemeteries does not assume responsibility for keeping animals out of cemeteries.
 - e. No horses or large animals are permitted in New Orleans city-owned cemeteries unless explicitly associated with a funeral service.
 - f. Domesticated birds such as chickens, geese, doves, parrots, falcons, and others are not permitted in cemeteries unless explicitly incorporated into a funeral service.

10) Firearms and Explosives

- a. No person shall be permitted to bring or carry firearms within the New Orleans city-owned cemeteries except in the context of a military guard of honor and then only when in charge of an officer and during a military service.
- b. Explosives, fireworks, sparklers, and other pyrotechnics are prohibited in New Orleans city-owned cemeteries.

11) Headstone Rubbing

- a. Rubbing of headstones, tablets, markers, or any other inscribed item in a city-owned cemetery is prohibited.
- b. This regulation does not apply to monument companies or their representatives using professional transfer paper to assist in inscription carving.

ARTICLE 5: VEHICLE AND TRAFFIC REGULATIONS

1) General Vehicle and Traffic Regulations

- a. Hearses and associated funeral processions are permitted in all cemeteries.
- b. Vehicles are prohibited from any areas other than paved public rights-of-way.
- c. Personal vehicles are generally not permitted Lafayette Cemetery No. 1, Lafayette Cemetery No. 2, and Valence Cemetery except for funerals and when driven by tomb or lot owners for the purposes of visiting a grave.
- d. Personal vehicles are permitted only on paved rights-of-way in Carrollton Cemetery No. 1 (“Green Street Cemetery”), Carrollton Cemetery No. 2 (“St. Mary’s Cemetery”), and Holt Cemetery.
- e. Parking of personal vehicles on the shoulder entrance road at Section A in Holt Cemetery is permitted.
- f. Operation of commercial tour vehicles such as tour buses and passenger vans is prohibited in all New Orleans city-owned cemeteries.
- g. Vehicles must not park in any cemetery in such a way that obstructs traffic.

2) Bicycles, Segways, and Motorcycles

- a. Segways and motorcycles are not permitted in New Orleans city-owned cemeteries.
- b. Bicycles are not permitted in New Orleans city-owned cemeteries.
- c. Bicycle tour groups must secure bicycles outside of cemetery gates prior to entering cemeteries. (See **Article 14: Cemetery Tourism and Special Events** for more information on tour rules and regulations).

3) Responsibilities of Agencies

- a. Funeral directors, monument companies, tour guides, commercial film crews, and any other agency will be held responsible for the actions of all vehicle drivers or others employed by them while within the grounds of New Orleans city-owned cemeteries.

4) Funeral Processions

- a. All funeral processions must be accompanied by a funeral director with a valid business license and insurance.

- b. The funeral director will be held responsible for all vehicles in a funeral procession. All vehicles in funeral processions must observe traffic regulations.
 - c. The funeral director must ensure that vehicles are parked properly for burial services.
- 5) Outside Workers and Contractors
- a. Contractors and outside workers who have obtained a permit from the Division of Cemeteries to perform work in a city-owned cemetery may use a single non-oversize vehicle to transport, load, and unload supplies and materials.
 - b. Contractors and other outside workers may park one non-oversize vehicle on paved side-roadways in Carrollton Cemetery, St. Mary's Cemetery, Valence Cemetery, and Lafayette Cemetery No. 2. Parked contractor vehicles must not obstruct traffic.
 - c. Contractors and other outside workers may park their one non-oversize vehicle on the shoulder of the entrance road at Holt Cemetery, Section A. No vehicles are permitted to obstruct traffic or park off roadways in Holt Cemetery.
 - d. Parking of contractor/outside worker vehicles at Lafayette Cemetery No. 1 must be coordinated with cemetery staff and approved by the Superintendent of Cemeteries.
- 6) Damage Reporting
- a. Operators of vehicles must immediately report to the Division of Cemeteries any damage to trees, shrubbery, turf, signs, copings monuments, utilities, or structures caused by a vehicle in a cemetery.
- 7) Vehicle Size Restrictions
- a. Vehicles over twenty-five (25) feet in length and twelve (12) feet in height shall not be permitted in New Orleans city-owned cemeteries.
 - b. Vehicles with high clearance must not attempt to enter gates with cast-iron arches. High-clearance vehicles must enter through gates without arches.
- 8) Gate Arches and Clearance Restrictions
- a. Contractors, filming crews, and others utilizing lifts, boom trucks, crane trucks, and other high-clearance vehicles must observe clearances of gate arches at cemeteries including:
 - i. Lafayette Cemetery No. 1 Washington Avenue gate
 - ii. Lafayette Cemetery No. 1 Sixth Street gate powerlines
 - iii. Lafayette Cemetery No. 2 Washington Avenue gate (Sixth Street gate has no arch)
 - iv. Valence Cemetery Valence Street gate (there is no other entrance to Valence Cemetery, all entering vehicles must observe arch clearance)
 - v. Carrollton Cemetery Adams Street gate (Lowerline Street gate has no arch)
 - vi. St. Mary's Cemetery Cohn Street gate (Spruce Street gate has no arch)
 - vii. Holt Cemetery gate has no arch, but does have oak tree clearance considerations in Sections D2, D3, D4, C, and CC.

- 9) Restoration of Roads and Turf
 - a. The operator of a vehicle used in any New Orleans city-owned cemetery must restore any damage to the road, pavement, shoulder, or turf before leaving the area, including the filling of ruts and the removal of any tire tracks or other evidence of vehicles and/or equipment.

ARTICLE 6: VEGETATION MANAGEMENT

- 1) Trees on Private or Title Land Lots
 - a. Trees, shrubs, and other plantings located on private, title-land burial lots are the responsibility of the owner(s) of interment rights of the property. Maintenance or removal of both intentionally planted and invasive trees must be managed by the owner(s).
 - b. Trees in which the trunks are situated on more than one lot may be the responsibility of multiple owners
 - c. The maintenance or removal of trees with trunks more than six (6) inches in diameter and more than ten (10) feet tall must be performed by a licensed tree service contractor with proof of insurance and bonding. (See **Article 7: Contractors, Monument Companies, and Other Private Work Activities.**)
- 2) Trees on Servitude Lots
 - a. Trees, shrubs, and other plantings on servitude right of use lots in Holt, Carrollton, and St. Mary's Cemetery may be removed by the Division of Cemeteries for any reason.
- 3) Maintenance Rights of the Division of Cemeteries
 - a. The City of New Orleans, Department of Property Management, and Division of Cemeteries shall have the right to enter a cemetery lot and remove any trees or such parts thereof that are detrimental to the structures, adjacent lot or infrastructure, or become dangerous or inconvenient to visitors, interfere with the scheme of development, or diagnosed with an epidemic disease.
 - b. The Division of Cemeteries will attempt to notify owners when trees on their cemetery lot become potentially hazardous to adjacent property in order to provide them with the opportunity to correct the hazardous situation.
 - c. Charges for any tree maintenance on cemetery lots completed by the Division of Cemeteries or its representative shall be billed against the lot.

ARTICLE 7: CONTRACTORS, MONUMENT COMPANIES, AND OTHER PRIVATE WORK ACTIVITIES

- 1) Contractors, Monument Companies, and Others
 - a. Any and all persons performing privately-contracted work in New Orleans city-owned cemeteries on any cemetery lot which they do not own must be employed by a company in good standing with the State of Louisiana which also holds valid commercial general liability insurance of \$1,000,000 per occurrence and \$2,000,000 aggregate.

- b. All private work must be authorized by the owner(s) or successor(s) in interest of the burial rights of the lot, tomb, coping, or other property in question, or an authorized agent of the owner(s) or successor(s) in interest.
 - c. Owners and successors in interest may perform general cleaning and upkeep to the structures and grounds on their respective cemetery lots and are excluded from fee and insurance requirements. Owners are encouraged to file permits for recordkeeping purposes.
 - d. City employees performing their official duties on cemetery lots are excluded from these requirements.
- 2) Work Permits Required
- a. All work activities on lots performed by contractors must be approved by the Superintendent of Cemeteries prior to commencement.
 - i. Permit forms for work, inscriptions, monument installation, and restoration work are available through the Division of Cemeteries.
 - ii. Permit fees are determined by the Superintendent of Cemeteries in a publicly-available fee schedule that shall be updated from time to time to remain competitive with local markets.
 - iii. All fees must be paid by official business check or money order. No cash or credit cards will be accepted.
 - b. It shall be the contractor's responsibility to provide in writing the customers' name, lot number, and description of work activity.
 - c. Lots will be inspected by the Division of Cemeteries prior to commencement of work and after work is completed.
 - d. Permits will be effective for thirty days after their issuance. If necessary, contractors may request a permit renewal for thirty days after the permit's expiration.
- 3) Hours for Work Activities
- a. Contractors, private workers, and others performing work in the city-owned cemeteries will do so only between the opening and closing hours of the respective cemetery.
 - b. Work taking place within sight or sound of a funeral service will cease and maintain an air of quiet reverence during the duration of a funeral service.
 - c. Any work in progress when a cemetery closes will be charged a fee for after-hour access as determined by the Superintendent of Cemeteries.
 - d. Contractors, private workers, and others working within the city-owned cemeteries will abide by rules of vehicular access outlined in **Article 5: Vehicle and Traffic Regulations**.
- 4) Quality of Work Performed
- a. All work performed and completed by contractors in all city-owned cemeteries must be of high-quality craftsmanship and materials.
 - b. Construction of Enclosures in Free Land Sections
 - i. In Free Land sections of city-owned cemeteries (Holt, Carrollton and St. Mary's Cemeteries), boxes, copings, railings, and other enclosures must

- be three and one-half feet (3.5') in width and seven and one-half (7.5') in length on inside measures.
- ii. Enclosures in Free Land sections must not interfere with the long-term use of grave shaft or site.
- 5) Conduct of Contractors and Private Workers
- a. Contractors and private workers will not solicit visitors at cemeteries for work under any circumstances.
 - b. Contractors and private workers must conduct themselves in a professional manner and not harass, bother, distract, or otherwise disrupt the peace of cemetery visitors.
- 6) Contractor and Work Site Trash
- a. All trash, rubbish, mortar, concrete, sand, material packaging, tools, paint, hoses, and other products of work must be cleaned from the work site and removed from the cemetery at the end of each day.
 - b. Trash cans in city-owned cemeteries must not be overloaded by the trash of private contract workers. Trash must be packed out each day by contract workers.
 - c. Contract workers are not permitted to use city-owned dumpsters in Carrollton or Holt Cemeteries unless given express permission by the Division of Cemeteries.
- 7) Violation of Contractor Rules and Regulations
- a. Contractors found to be in violation of the Rules and Regulations of the Division of Cemeteries will be denied permits for future work.
 - b. Contractors found to be operating in city-owned cemeteries without having filed a permit with the Division of Cemeteries for said work will be fined and/or subject to charges of criminal trespass. Contractors in violation may also be held responsible for any costs incurred by the City associated with cleaning up or repairing damage caused by unpermitted work.

ARTICLE 8: TITLES, TRANSFERS, AND ASSIGNMENTS

- 1) Titled Property in New Orleans City-Owned Cemeteries
- a. This article pertains to property for which a title was originally issued by the City of New Orleans or its agent. Titled property is recorded in deed books maintained by the Division of Cemeteries. Titled property or "Title Land" is administered separately from the use of property issued via a Servitude Right of Use or "Free Land," which is addressed in **Article 9: Servitude Right of Use**.
 - b. If a title holder dies intestate, the interment rights belonging to said title holder will descend to his or her heirs and/or successors in interest according to **Louisiana Revised Statute 8:803**.
 - c. A successor in interest may show ownership either by a judgment of possession or an affidavit as required by **Louisiana Revised Statute 8:804**.
- 2) Rights of Title Holders and Successors in Interest
- a. Title holders and successors in interest may authorize burials at the property for which they are authorized.

- b. Title holders and successors in interest may authorize improvements, inscriptions, repairs, restorations, and other improvement work at the property for which they are authorized.
 - c. Successors in interest are prohibited from demolishing or otherwise irreversibly treating the property for which they are authorized unless such action is approved by all successors in interest for the property.
- 3) Duplicate Titles
- a. The Division of Cemeteries administrative office will issue duplicate titles to approved owner(s) or successor(s) in interest for a fee established by the Superintendent of Cemeteries.
 - b. Duplicate titles will be issued only on proper proof of ownership and/or heirship approved by the Division of Cemeteries.
- 4) Title Transfers: Judgements of Possession and Acts Translative of Title
- a. Title transfers must comply with **City of New Orleans Ordinance Sec. 38-91 and 91(b)**.
 - b. A person claiming to be a successor in interest may make application to the Division of Cemeteries to have a title transferred into their name. Such a transfer requires one of two documents:
 - i. A court order or other judgement of a court showing the requesting person is a successor in interest, or
 - ii. An act translative of title.
 - c. The City Attorney's Office must approve title transfers.
- 5) Title Transfers: Affidavits
- a. Title transfers by affidavit must comply with **City of New Orleans Ordinance Sec. 38-92**.
 - b. If a person claiming to be a successor in interest does not have a court order or other document translative of title, the following may be presented to the Division of Cemeteries:
 - i. A notarized affidavit of death and heirship showing the relationship of the person requesting transfer to the title holder of record. This affidavit should also include:
 - 1. The names of all the descendants of the title holder of record and whether they are living or dead.
 - 2. A clause stating that the person requesting the transfer shall hold the city harmless from and indemnify the city for all claims, suits, demands or judgements arising out of or in connection with the use of the space or plot within the city cemetery.
 - ii. A notarized affidavit of a disinterested but informed person setting forth the facts of the death of the title holder of record and identifying the descendants and heirs of the title holder of record.
 - c. The City Attorney's Office must approve title transfers.

ARTICLE 9: SERVITUDE RIGHT OF USE

- 1) Servitude Right of Use
 - a. The City of New Orleans grants only the servitude right of use in some areas of city-owned cemeteries. Full ownership of space and lots in these areas remains with the City. These areas are:
 - i. All of Holt Cemetery, 527 City Park Avenue
 - ii. "Free Land" section of Carrollton Cemetery bounded by Birch, Lowerline, Green, and Hillary Streets, Square 218 on city maps.
 - iii. Perimeter lots of St. Mary's Cemetery on Spruce, Lowerline, Cohn, Adams, and Hillary Streets.
 - b. As of 2011, "Free Land" lots in St. Mary's Cemetery and Carrollton Cemetery are designated "family only" and are opened to current and former servitude holders and their heirs.
- 2) Restrictions Upon Right of Use
 - a. Servitude right of use is issued only in the event of an at-need burial. Pre-need issuance of servitude right of use is prohibited.
 - b. Applicants shall be granted a right of use for a space or plot on a first-come, first-served basis. The location of a new servitude lot cannot be chosen by the applicant.
 - c. Servitude right of use cannot be transferred without the approval of the Director of Property Management. Servitude right of use cannot be sold.
- 3) Extent of Servitude
 - a. All servitudes of right of use are issued on a 10-year basis.
- 4) Renewal of Servitude
 - a. Servitudes may be renewed by the servitude holder, his or her heirs or successors in interest for a succeeding 10-year period. The process of renewal is as follows:
 - i. Submit written notice of intent to renew servitude with the Superintendent of Cemeteries not sooner than 1 year nor later than 30 days prior to the expiration of the servitude.
 - ii. An applicable renewal fee to be set by the Division of Cemeteries
 - iii. If renewal takes place by an heir, assign, or successor of interest to the original servitude holder, documentation must be provided in the form of a judgement of possession, an act translative of title, or a notarized affidavit as described in **Article 8, Section 5**.

ARTICLE 10: INSTRUCTIONS AND OBLIGATIONS OF PROPERTY STAKEHOLDERS

- 1) Title Property Stakeholders
 - a. Change of Address
 - i. Title holders and owners must notify the Division of Cemeteries of any change in his or her postal address or other contact information. Notice sent to a title holder or other title-land stakeholder at the last address in

the Division of Cemeteries' records shall be considered sufficient and proper legal notification.

- b. Movable/Personal Property on Lots
 - i. All memorials, including family mausoleums, monuments, markers or vases are the property of the individual owner. Therefore, any damage to memorials due to weather; acts of God; vandalism; malicious mischief; or theft, is the title holder/owner's responsibility. Title holders are encouraged to include cemetery property on homeowner's insurance policies where possible.
- 2) Servitude Right of Use Holders
- a. Location and Marking
 - i. Servitude areas of city cemeteries are not formally mapped. Servitude right of use holders must keep accurate records of the location of their assigned lot.
 - ii. Servitude holders must place a headstone, marker, box, or other identifying item at the assigned lot within 2 years of servitude issuance.
 - b. Change of Address
 - i. Servitude holders must notify the Division of Cemeteries of any change in his or her postal address or other contact information within the period of his or her servitude term.
 - c. Movable/Personal Property on Lots
 - i. All memorials, including family mausoleums, monuments, markers or vases are the property of the individual owner. Therefore, any damage to memorials due to weather; acts of God; vandalism; malicious mischief; or theft, is the title holder/owner's responsibility.

ARTICLE 11: ORNAMENTATION AND DECORATION

- 1) Ornaments
 - a. Ornaments are permitted when placed by individuals who own the lot at which they are placed, are heirs to the lot, or hold a servitude right to the lot.
 - b. Ornaments (included but not limited to potted plants, flags, decorations, and others) shall be located entirely within the lot or plot boundaries and shall be firmly anchored to prevent any part from leaning, falling over, breaking, or blowing away.
 - c. The Division of Cemeteries may remove ornaments and decorations if:
 - i. They have been present for more than thirty days, or
 - ii. They have become unsightly, unstable, dirty, or otherwise unattractive to the cemetery as a whole.
- 2) Fresh and Artificial Flowers
 - a. Fresh and artificial flowers are permitted if they are in non-breakable, invertible containers. Glass vases are strongly discouraged. Vases with drain holes are encouraged.

- b. The Division of Cemeteries may remove fresh and artificial flowers if:
 - i. They have been present for more than thirty days, or
 - ii. They have blown away or otherwise become unassociated with the lot at which they were placed, or
 - iii. They have become unsightly, dirty, or otherwise unattractive to the cemetery as a whole.

ARTICLE 12: ABANDONED PROPERTY

- 6) Tombs and/or Lots More than Fifty Years Old
 - a. The City of New Orleans may intervene and repair properties that have become deteriorated and are more than fifty years old.
 - b. If such repair takes place, the Superintendent of Cemeteries shall require any owner of record, heir, or successor in interest, to pay the cost of such repairs before an interment may take place.
 - c. If an owner, heir, assign, or successor in interest is not located after diligent efforts for three years, the repaired property shall revert to the ownership of the city.
 - i. Any burials present in reclaimed property shall remain as a servitude burdening the new ownership of the property.
 - d. See **City of New Orleans Ordinance Sec. 38-59 and Sec. 38-60** for specifics.

ARTICLE 13: INTERMENTS AND DISINTERMENTS

- 1) Restrictions
 - a. The City of New Orleans does not offer or sell “pre-need” arrangements or burial insurance. Arrangements for interments in city-owned cemeteries must be made after death has occurred and a funeral or other service has been scheduled.
- 2) Fees
 - a. Fees for interments and disinterments are set by the current burial contractor operating in New Orleans city-owned cemeteries in conjunction with the Superintendent of Cemeteries and the Director of Property Management.
- 3) Time and Date of Burial
 - a. Burials must take place within the regular open hours of each cemetery. Opening early or closing late will not be permitted for burial arrangements unless expressly permitted by the Director of Property Management.
 - b. Days of the week on which burials are permitted may be amended by the Superintendent of Cemeteries and/or Director of Property Management.
- 4) Burials in Privately-Owned or Title Land
 - a. Interments at privately-owned lots must be arranged by an authorized person who is at least one of the following:
 - i. Holds an original or duplicate title for the property in question.
 - ii. Is documented as an authorized person in the files held by the Division of Cemeteries.

- iii. Has otherwise shown documentation of right of interment, ownership, or authorization through official documentation and/or notarized affidavit.
 - iv. See **Article 10: Instructions and Obligations of Property Stakeholders** for more information.
- 5) Burials Authorized by Servitude-Holders
 - a. Servitude properties are located in Holt Cemetery, Carrollton Cemetery, and St. Mary's Cemetery. Burial is offered to at-need families on the basis of a 10-year servitude right-of-use.
 - b. Interments into servitude properties under which a servitude is already placed must be authorized by the original servitude right-of-use holder, or to individuals authorized by the original owner in writing, or to individuals who are successors-in-interest to the original servitude.
 - c. See **Article 10: Instructions and Obligations of Property Stakeholders** for more information.
- 6) New Servitudes
 - a. At-need burials are accommodated in Holt Cemetery through the issuance of a 10 year servitude right-of-use. At-need persons may contact the Division of Cemeteries to arrange for a burial appointment no later than the Tuesday prior to the scheduled burial.
 - b. Location of new servitude burials in Holt Cemetery is selected by the burial contractor.
 - c. Metal burial cases and caskets are not permitted in Holt Cemetery.
- 7) Removals and Disinterments
 - a. Disinterments in both titled property and servitude property must comply with **Louisiana State Law RS 8:659**.
 - b. Remains of a deceased person may be removed with the consent of the Director of Property Management and the written consent of one of the following, in the order named:
 - i. The surviving spouse, if no petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
 - ii. The surviving adult children of the decedent, not including grandchildren or other more remote descendants.
 - iii. The surviving parents of the decedent.
 - iv. The surviving adult brothers and sisters of the decedent.
 - c. If the required consent cannot be obtained, a final judgment of the district court of the parish where the cemetery is situated shall be required.

ARTICLE 14: CORRECTION OF ERRORS

- 1) The City of New Orleans, Department of Property Management, and Division of Cemeteries shall have the right to correct any and all errors that may occur in or in connection with the operation of the cemetery, including without limitation those involving or in connection with the making of an interment, disinterment or removal, or the description, transfer, granting the right of use or conveyance of a cemetery space,

and in this connection, the cemetery authority shall have the right to substitute, grant the right of use, or convey, in order to correct any such errors, other interment rights, approximately equal in value and location as far as feasible, as selected by said authority; or, in the sole discretion of said authority, the correction of an error may be accomplished by the refunding of the amount of money paid on account of the acquisition or use of a cemetery space. If an error involves an interment, the cemetery authority shall have the right to remove and transfer the remains that are involved.

ARTICLE 15: CEMETERY TOURISM AND SPECIAL EVENTS

- 1) Responsibility for Tourism Management
 - a. No person shall perform tours, talks, lectures, walk-throughs or other interpretive or entertainment programs without (a) a current City of New Orleans tour guide license or (b) written permission from the Cemeteries Division.
 - b. The Division of Cemeteries under the Superintendent of Cemeteries and Director of Property Management shall monitor and regulate tour activity in city-owned cemeteries to ensure the primary burial and memorialization purposes of each cemetery are preserved.
- 2) Conduct of Tour Guides
 - a. All persons conducting tours, talks, lectures, walk-throughs, or other interpretive or entertainment programs must adhere to the City of New Orleans ***Standards of Conduct and Ethics for Licensed Tour Guides*** and ***City of New Orleans Ordinance Sec. 30-21***.
 - b. Tour guides violating the ***Standards of Conduct and Ethics for Licensed Tour Guides***, operating without a license, or otherwise violating the rules and regulations of the City of New Orleans will be asked to leave by cemetery staff.
- 3) Bicycle, Bus, and Segway Tours
 - a. Commercial tour vehicles such as tour buses and passenger vans are not permitted in city-owned cemeteries.
 - b. Segways are not permitted in city-owned cemeteries
 - c. Bicycle tours must secure bicycles outside of cemetery gates prior to entering cemetery.
- 4) Restricted Activities
 - a. The city-owned cemeteries of New Orleans are not for sensational or entertainment purposes. Events and activities that would be considered offensive, disrespectful, or disruptive to the dignity and character of the cemetery to a person of ordinary sensibility are prohibited.
 - b. Activities that disrupt or impede the ability of stakeholders to peacefully visit tombs, lots, or other property for the purposes of maintenance or mourning are prohibited.
 - c. Weddings, vow renewals, or other nuptial ceremonies are prohibited.
 - d. Athletic events and treasure hunting are prohibited.

- e. Scavenger hunting that requires removal of any item from a cemetery is prohibited.

ARTICLE 16: FILMING AND PHOTOGRAPHY REGULATIONS

1) Commercial Filming

- a. These rules pertain to the entire filming/photography operation from setup to cleanup and anytime a person from any organization involved with the filming is on site.
- b. All operations shall be conducted in accordance with the Rules and Regulations. No exemptions are expressed or implied. All operations shall be conducted under the supervision of the Director of Property Management, the Superintendent of Cemeteries, or their representatives.

2) Point of Contact

- a. All commercial filming and photography operations must have a single point of contact. The point of contact or locations manager must be familiar with and require all associates to abide by all rules, regulations, and special requirements. The production company or operation will be held accountable if any violation of the rules, regulations, or special requirements occur during production.

3) Permits

- a. Commercial filming endeavors in cemeteries owned by the City of New Orleans must be permitted by Film New Orleans/Office of Cultural Economy, as well as complete a concession agreement for the location and remit a deposit and fee to the Department of Property Management.
- b. Commercial filming location fees are determined by the Superintendent of Cemeteries in a publicly-available fee schedule that shall be updated from time to time to remain competitive with local markets.
- c. A synopsis of the scene to be filmed must be supplied to the Department of Property Management for approval.

4) Monitoring and Observation

- a. All commercial filming projects must be observed by a representative of the Division of Cemeteries to prevent harm to cemetery resources.

5) Restrictions

- a. Filming/photography of any areas within the cemetery not pre-approved will result in the cancellation of the film/photography permit and concession agreement and any future permits requested by the filming/photography operations company.
- b. All persons and equipment must stay on roadways, aisleways, or in general areas of the cemetery and shall not trespass on any cemetery lot without the permission of the owner or other authorized person associated with that lot.
- c. Photographs of burial, interment, inurnment, or other events considered private and personal in the context of the cemetery's solemn purpose are prohibited. Photography of open vaults, graves, tombs, or other un-sealed properties is prohibited and inappropriate.

- d. Commercial filming will not be permitted within two weeks of All Saints' Day (November 1), on Mother's Day, Father's Day, or Memorial Day.

ARTICLE 17: RIGHTS RETAINED BY THE CITY

- 1) Right to Replat
 - a. The right of the city of New Orleans to enlarge, reduce, replat and/or change the boundaries or grading of the cemeteries, including the right to modify and/or change the locations of or remove roads or aisles, or any part thereof, is hereby expressly reserved.
- 2) Right to Unsold Property
 - a. The right of the city of New Orleans to use cemetery property not sold to individual owners for cemetery purposes, including the interring and preparing for interment of dead human bodies or for anything necessary, incidental, or convenient thereto, is expressly reserved.