



BALDWIN COUNTY COMMISSION

POLICY #2	
Subject	Location and Extension of Cemeteries, Family Burial Plots, Abandonment of Cemeteries, Removal and Reinterment of Human Remains
Date Adopted	September 3, 2024 or TBD
Agenda Item	TBD
Obsolete Versions	<p>All policies regarding this subject prior to the date adopted on this document. This policy combines previous Baldwin County Commission Policies #2.7 and #2.18.</p> <p>Original adoption / previous revisions:</p> <ul style="list-style-type: none">•Policy #2.7 – Licensing of Cemeteries: 09/09/1991, Minutes Bk. 10, Pg. 67; 02/19/2008, Minutes Pg. 26•Policy #2.18 – Abandonment of Cemeteries and Removal and Reinterment of Human Remains: 03/17/2009, Minutes Pg. 11; 03/18/2024 Administrative change only (to update county personnel titles)

POLICY STATEMENT

This policy is to provide guidelines for the location and extension of cemeteries and family burial plots, abandonment of cemeteries, and the removal and reinterment of human remains in the unincorporated areas of Baldwin County.

A. LICENSING OF CEMETERIES - PROCEDURAL REQUIREMENTS

●The processes related to the application for location and extension of cemeteries within the jurisdiction of the Baldwin County Commission (unincorporated Baldwin County areas) shall be followed as set forth at §22-20-4 of the Code of Alabama 1975 and other applicable law.

“Cemetery” is defined in §8-30-1(4) Code of Alabama 1975 which specifically excludes family burial plots; family burial plots are not subject to the requirements of Section §22-20-4. If a person wishes to establish a family burial plot, they may voluntarily make an application to the County Probate Judge and the County Commission for the purposes of having the family burial plot(s) recognized and recorded by the County Probate Judge.

- For requests related to establishment of cemeteries, extending the boundaries of an existing cemetery, or establishment of recorded family burial plots, a written application must be made to the Judge of Probate and the County Commission describing accurately the location and boundaries of the proposed cemetery or extension of a cemetery. The Judge of Probate will refer the request to the Baldwin County Health Department for a sanitary review. The Health Department will submit a report of the sanitary review to the Judge of Probate and the County Commission with a recommendation for approval/disapproval.

- If the Health Department recommends disapproval the Probate Judge will notify the applicant, and no further action is required.

- If the Health Department recommends approval, the Probate Judge will refer the request to the Baldwin County Commission for consideration.

- Staff will prepare an Agenda Item for the County Commission's consideration and vote at a formal meeting to approve / disapprove the request. The County Commission will notify the Probate Judge of the decision. Once the meeting minutes are approved, a certified excerpt of the minutes showing the action taken by the Baldwin County Commission will be forwarded to the Probate Judge.

- Upon receipt of the certified minutes, the Probate Judge will submit to the County Commission, the order granting the request for the cemetery which will be made a part of the County Commission record at the next available regularly scheduled meeting.

B. ABANDONMENT OF CEMETERIES, REMOVAL AND REINTERMENT OF HUMAN REMAINS - PROCEDURAL REQUIREMENTS

- The processes related to the abandonment of cemeteries and removal and reinterment of human remains within the jurisdiction of the Baldwin County Commission (unincorporated Baldwin County areas) shall be followed as set forth at §11-47-60 through §11-47-74 of the Code of Alabama 1975 and other applicable law.

- Formal action shall be taken by the Baldwin County Commission consenting or dissenting to any applicant's request for abandonment of a cemetery. Once the Commission takes action, it will notify the Judge of Probate in writing including a copy of the instrument consenting/dissenting thereto to the Judge of Probate, the Baldwin County Health Department, the Baldwin County Planning and Zoning Department, and the Administrative Services Manager.

C. EXCEPTION TO POLICY

Exceptions may be granted by a majority vote of the Baldwin County Commission. Exceptions do not constitute as new policy or establish precedence but will be granted on a case-by-case basis and will only apply to the specific matter before the Commission at that time.