



# Baldwin County Commission

## Legislation Text

---

**File #:** 19-0466, **Version:** 1

---

**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 1/15/2019  
**Item Status:** New  
**From:** Commissioner James E. Ball, District 1  
**Submitted by:** Anu Gary, Administration/Records Manager

---

### **ITEM TITLE**

Order Granting License to Establish Private Cemetery - Mustin Family Cemetery, Perdido, Baldwin County, Alabama

### **STAFF RECOMMENDATION**

Memorialize for the record, the Order Granting License to Establish Private Cemetery (Case No.36488) from the Baldwin County Judge of Probate, dated December 19, 2018, granting a license to Mickey L. Mustin, owner of the real property upon which the proposed cemetery will be situated, to establish a private cemetery on the property of Mickey L. Mustin, in Perdido, Baldwin County, Alabama, said family cemetery to be located at 53931 Modelle Bryars Road in Perdido (Baldwin County), Alabama, and to be known as "Mustin Family Cemetery."

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** December 18, 2018

#### **Background:**

On December 14, 2018, Administration Department received a Petition for the Establishment of Mustin Family Cemetery in Perdido, Baldwin County, Alabama. The petition was filed at the Judge of Probate Office on December 12, 2018, by Mickey L. Mustin. The property is located at 53931 Modelle Bryars Road in Perdido (Baldwin County), Alabama.

Commissioner James E. Ball (District 1), visited the proposed cemetery site and recommends approval of the petition.

During the December 18, 2018, Baldwin County Commission regular meeting, the Commission approved as follows:

1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose

of regulation under Section 22-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and

2) Pursuant to the request from the Judge of Probate Office to consider a Petition for Establishment of Mustin Family Cemetery (Petition), submitted by Mickey L. Mustin, owner of the real property upon which the proposed cemetery will be situated, approve the establishment of a family cemetery on the property of Mickey L. Mustin, in Perdido, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 53931 Modelle Bryars Road, Perdido, Alabama; and

3) Authorize the Chairman to execute any and all necessary documents and/or orders related to the Baldwin County Commission's approval to establish the Mustin Family Cemetery.

The Judge of Probate issued the Order Granting License to Establish Private Cemetery for the Mustin Family Cemetery on December 19, 2018, and today's action will make the Order part of the record.

According to the Alabama Department of Public Health, the Health Department allows a family burial plot on an individual's private property not to be considered to be a cemetery for the purpose of regulation under Section 20-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery. (Staff notes that the proper Alabama Code Section is 22-20-4.)

County Policy #2.7 - Licensing of Cemeteries, requires the Health Department to inspect and give the Commission a recommendation as to the approval/disapproval of the proposed cemetery. In order for the Commission to approve the request for the establishment of this family cemetery, Policy #2.7 should be waived.

### **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?** N/A

### **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**

N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Administration - Make Order a part of the January 15, 2019, BCC Meeting record.

**Action required (list contact persons/addresses if documents are to be mailed or emailed):** N/A

**Additional instructions/notes:** N/A