

Chapter 7

CEMETERIES*

- Art. I. In General, §§ 7-100—7-199**
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ARTICLE I. IN GENERAL

Sec. 7-100. Authority to purchase.

The town may acquire real estate to be used for cemetery purposes.
(Ord. No. 26-94, 11-7-94)

Sec. 7-101. Control of cemetery; covenant.

All lots within the cemetery, and within any extension of the cemetery at any time hereafter made, whether owned by the town or by any other person, shall be subject to and regulated and controlled by the provisions of this article and in all deeds of conveyance by the town to any person for any lot, the following provisions shall be included therein as a covenant running with the land: "This conveyance is made subject to an ordinance adopting rules and regulations for the control of the cemetery and providing penalties in relation thereto duly of record upon the minutes of the proceedings of the town council and the grantee herein, his heirs and assigns agree that upon the breach of any of its provisions, the title to said property shall revert to the town."

(Ord. No. 12-75, § 13, 10-20-75; Code 1976, § 9.49)

Sec. 7-102. Superintendent.

(a) It shall be the duty of the town manager to appoint some suitable person as superintendent of the cemetery.

(b) The superintendent shall have such powers and duties as shall be conferred upon him by this section, and any ordinance, resolution or order of the council at any time hereafter adopted or made.

(c) The superintendent shall:

- (1) Have charge of the upkeep, protection and preservation of the cemetery;
- (2) Supervise the digging of all graves, the interment and disinterment of bodies, the erection of monuments and markers;
- (3) Supervise the planting of any and all shrubbery, trees and flowers;

*State law references—Cemeteries, G.S. § 160A-341 et seq.; regulation of city cemeteries, G.S. § 160A-348.

- (4) Make provision for the entrance and exit of persons and vehicles to and from the cemetery.

(Ord. No. 12-75, § 2, 10-20-75; Code 1976, § 9.38)

Sec. 7-103. Burial regulated.

(a) It shall be unlawful for any person to bury any human being on any lot or premises within the corporate limits except within an approved cemetery and in accordance with all applicable laws and regulations.

(b) No person shall dig any grave, put up any gravestone or board or make any erections, or dig up any sod on any private burial lot, except under the direction or by the consent of the owner thereof.

(Ord. No. 12-75, § 15, 10-20-75; Code 1976, § 9.51)

Sec. 7-104. Interment; disinterment.

No person shall be interred or disinterred in the cemetery without lawful authority and permission first had and obtained. All graves shall be at least four (4) feet in depth, and all graves shall be dug under the supervision of the superintendent.

(Ord. No. 12-75, § 3, 10-20-75; Code 1976, § 9.39)

Sec. 7-105. Plantings.

No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in the cemetery except with the approval of and under the supervision of the superintendent.

(Ord. No. 12-75, § 4, 10-20-75; Code 1976, § 9.40)

Sec. 7-106. Family monument.

Only one (1) family marker shall be allowed on a family plot. Individual grave markers are allowed but shall not exceed two (2) feet in length and one (1) foot in width. Individual grave markers shall be placed at the end of the grave farthest from the family marker. All markers (with the exception of markers in the old section on Cemetery Street) in all town maintained cemeteries (whether individual grave marker or family marker) shall be laid flush with the ground. No coping, fencing, hedging, grave mounds, borders, or curb of any kind shall be allowed on any burial lot.

(Ord. No. 12-75, § 13, 10-20-75; Code 1976, § 9.41)

Sec. 7-107. Trees, shrubbery.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the superintendent.

(Ord. No. 12-75, § 6, 10-20-75; Code 1976, § 9.42)

Sec. 7-108. Landscaping.

All grading, landscaping and improvements of every kind shall be made or done by the town only.

(Ord. No. 12-75, § 7, 10-20-75; Code 1976, § 9.43)

Sec. 7-109. Structures.

No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the council as lots to be used exclusively for mausoleums and tombs. Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or resetting, the superintendent shall so notify the owner of such lot or any person having an interest in such lot, and shall request such person to make the needed repairs under his supervision, and if such person shall fail to make such repairs, within thirty (30) days thereafter, the council may order such repairs to be made or remove the same from such lot as the council may elect.

(Ord. No. 12-75, § 8, 10-20-75; Code 1976, § 9.44)

Sec. 7-110. Conduct; hours.

No person shall disturb the quiet, repose and good order of the cemetery, nor shall any person deface, remove, disturb, injure or destroy any tree, plant or shrub therein except in the manner provided in this chapter. Trespassing within the cemetery is hereby prohibited.

The hours of the cemetery shall be from sun up to sunset.

(Ord. No. 12-75, § 10, 10-20-75; Code 1976, § 9.46; Ord. No. 23-92A, 11-2-92)

Sec. 7-111. Vehicles.

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of fifteen (15) miles per hour. No vehicles shall enter the cemetery except for the purpose of attending funerals, visiting graves or other lawful mission.

(Ord. No. 12-75, § 11, 10-20-75; Code 1976, § 9.47)

Cross reference—Traffic and motor vehicles, Ch. 20.

Sec. 7-112. Rubbish, etc.

No person shall deposit any rubbish, filth, waste or other unclean or unsightly substance in the cemetery, and all materials carried within the cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which such monument, marker or structure shall be located.

(Ord. No. 12-75, § 12, 10-20-75; Code 1976, § 9.48)

Sec. 7-113. Damaging gravestones or other monuments.

No person shall remove the stakes from a burial lot or any board, gravestone or other monument which may have been erected at any grave, nor deface, injure or destroy any such board, gravestone or monument in any manner.

(Ord. No. 12-75, § 16, 10-20-75; Code 1976, § 9.52)

Cross reference—Garbage and refuse, Ch. 11.

State law references—Defacing or desecrating grave sites, G.S. § 14-148; desecrating, plowing over or covering up graves, G.S. § 14-149.

Sec. 7-114. Cleaning after funerals.

All grave lots shall be cleaned off within seven (7) days after a funeral or the town shall have cemetery maintenance personnel clean off the grave.

(Ord. No. 12-75, § 17, 10-20-75; Code 1976, § 9.53)

Sec. 7-115. Burial permits.

No interment of any dead body of any human being or any disposition thereof in any tomb or vault shall be made without a permit from the town clerk, and no person shall conduct a funeral service on the grounds for the purpose of disposing of any dead human body without having filed said permit with the town.

(Ord. No. 26-94, 11-7-94)

Sec. 7-116. Pre-requisite to a burial permit.

A permit will be issued for burial of a dead human body within the municipal cemetery upon complying with the following requirements:

- (1) The grave shall be fully paid for before any usage is made of same.
- (2) The town retains ownership of the real estate, but issues a deed granting permission for use of the grave site.
- (3) The grave shall be dug at least four (4) feet deep.
- (4) All interments in town-owned cemeteries shall be completed with the use of a concrete liner or a metal vault.

(Ord. No. 26-94, 11-7-94)

Sec. 7-117. Number of bodies to be buried in one grave.

Only one dead body or remains of a human being shall be interred in any one (1) grave of a public cemetery as is fully established and in use as a cemetery, with the exception of a parent and child, with the child not being over the age of six (6) or two (2) children together, with neither child being over the age of six (6), providing the applicable funeral home director approves this exception with notice to the town clerk.

(Ord. No. 26-94, 11-7-94)

- (b) Three (3) cremation burials shall be allowed on one full size plot in the regular part of the cemetery and shall require twelve by eighteen (12 × 18) [inch] flat foot-markers be used to mark those spaces.
- (c) Cremations shall be allowed in the cremation section of the cemetery and shall require a uniform marker, as approved by the town council, on top of the burial plot. This section shall be made available no later than September 1, 1999.

(Ord. No. 26-94, 11-7-94; Ord. No. 6-99, 4-19-99)

Sec. 7-118. Vault or grave liner required.

All bodies interred in the cemeteries of the town shall be interred in a vault or grave liner, with exception of cremations which shall require basic poly-urethane as used by crematory or concrete, marble or steel enclosure.

(Ord. No. 26-94, 11-7-94; Ord. No. 6-99, 4-19-99)

Sec. 7-119. Flower regulations and cleaning after funerals.

Floral decorations, frames and toys shall be removed from the grave site within five (5) days of the interment by those legally entitled to them. Any unclaimed placements will be removed and disposed of by the town personnel.

Flower arrangements will be removed twice per year at specified dates as will be established by the cemetery supervisor. The first flower cleanup of the year will be approximately four (4) weeks before Easter at which time all Christmas flowers will be removed from lots. The second flower cleanup of the year will be four (4) weeks before Thanksgiving at which time all Easter, spring and summer arrangements will be removed from the lots. Notification of specific dates will be posted and notices placed in local newspapers. Owners who want to save arrangements should remove them prior to schedule dates of cleanup.

Cut flowers, potted plants, memorial wreaths, sprays, baskets, or toys may be placed on graves at any time but must be placed at the headstone. The cemetery supervisor shall have the authority to removal floral designs, flowers, plants and containers from lots when, in his/her judgement, they become faded, unsightly, or weather damaged and distract from the general appearance of the cemetery.

Glass containers for floral or other arrangements will not be allowed in the cemetery and will be disposed of when found.

(Ord. No. 26-94, 11-7-94)

Sec. 7-120. Animals prohibited.

No person shall allow any animal to run at large in any cemetery or graveyard in the town or ride, drive or lead any animal or vehicle on or over any plot or walkway therein; provided

that this section shall not prohibit the use of animals and vehicles in any authorized maintenance operation and assistant dogs for handicapped persons as permitted by G.S. section 168-4.2.

(Ord. No. 26-94, 11-7-94)

Sec. 7-121. Ornamentation.

Glass or breakable vessels and/or vases shall not be allowed. No boxes, shells, glassware, sprinkling cans, receptacles or similar articles shall be permitted on any grave, lot or tree. No wooden or cast-iron bench or chair, or any wooden or wire trellis shall be permitted to be brought upon the grounds. Chairs may be permitted during an interment to be removed as soon as service is concluded.

(Ord. No. 26-94, 11-7-94)

Secs. 7-122—7-199. Reserved.

ARTICLE II. SALE OF LOTS

Sec. 7-201. Deed for lot.

(a) All persons desiring to purchase a lot in the town cemetery shall apply to the town manager on an appropriate application form provided by the town.

(1) In the event a lot is being purchased for immediate use, the adjoining lot(s) may be held for a period of time not to exceed sixty (60) days from original purchase, at which time payment in full shall be tendered. No more than three (3) lots will be held at a time.

(b) The town clerk shall issue, in the name of the purchaser, a certificate of sale showing the lot number and the section or map number of the burial space referring to a map or plat thereof. A record of the sale, the lot purchased and the name of the purchaser shall be kept in a permanent record book in the city office.

(c) No certificate of ownership for a grave site shall be issued until the full purchase price has been paid.

(d) A resident of the town shall be allowed to purchase, at resident rates, a maximum number of cemetery lots equal to four (4) lots or the number of members of the resident's immediate family residing in the home of the resident/purchaser at the time of purchase, whichever is greater. Immediate family is defined as spouse, child and/or dependent. Persons buried in said lot(s) shall not be limited to resident or his/her immediate family member(s). (Ord. No. 12-75, § 1, 10-20-75; Code 1976, § 9.37; Ord. No. 26-94, 11-7-94; Ord. No. 2-2000, 2-7-00; Ord. No. 15-02, 4-15-02)

Sec. 7-203. Lot charges.

(a) The town council shall adopt fees for the purchase of lots in the town-operated cemetery.

(b) The prices for lots are set out in the fee schedule in Appendix G.

(Ord. No. 12-75, § 14, 10-20-75; Code 1976, § 9.50)

Sec. 7-202. Transfer of lots.

No person who shall purchase any lot in the cemetery from the town shall thereafter convey or alien the same to any other person except upon the written permission of the town manager, nor in any event for a greater consideration than that period for the same lot by the grantor. (Ord. No. 12-75, § 9, 10-20-75; Code 1976, § 9.45; Ord. No. 2-2000, 2-7-00)

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(Ord. No. 12-75, § 14, 10-20-75; Code 1976, § 9.50)

Secs. 7-204—7-210. Reserved.**ARTICLE III. RULES AND REGULATIONS****Sec. 7-211. Generally.**

[The following rules and regulations shall apply generally to the town cemetery:]

- (1) The town shall not be responsible for theft or damage to anything placed on graves or lots.
- (2) The town and its agents shall have the authority to enter any lot and to remove any objectionable thing or any erection that may have been placed there contrary to the regulations of said cemetery and the town may remove any dead or damaged tree, shrub or vine or any of same which has taken over the grave or covered the monument.
- (3) All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.
- (4) No digging shall be allowed other than authorized by burial permit.
- (5) Wires shall not be used to secure potted plants or artificial flowers.
- (6) The employees of the town are expressly prohibited from varying any prices established or terms and conditions thereof changing in any way these rules and regulations.
- (7) The town reserves the right to determine, establish and change the grade of lots and shall not be liable therefor.
- (8) No owner shall make any change or alternation in or on any lot without written consent of the town.
- (9) No picnicking is allowed in the cemetery.
- (10) No children will be permitted in the cemetery unless attended by an adult who will be responsible for their conduct. They will not be allowed to run over the graves or lots.

(11) The town council reserves the right to change this ordinance and the regulations contained herein at any time.

(Ord. No. 26-94, 11-7-94)

Sec. 7-212. Modifications and amendments.

The town may, and 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 rule, regulation and/or article, section paragraph and/or sentence in this chapter.

(Ord. No. 26-94, 11-7-94)