

CHAPTER 93: CEMETERIES

Section

- 93.01 Definitions
- 93.02 Application of provisions
- 93.03 Burial only in cemeteries
- 93.04 Disruptive activity prohibited
- 93.05 Desecration of public and private cemeteries
- 93.06 Removing or defacing monuments and tombstones
- 93.07 Hours of operation
- 93.08 Trees, plantings and landscaping
- 93.09 Cemetery map required
- 93.10 Purchase of burial rights
- 93.11 Rights of owner of certificate of burial right
- 93.12 Speculation in burial rights prohibited
- 93.13 Mausoleums
- 93.14 Monuments
- 93.15 Markers
- 93.16 No burial without permit
- 93.17 Records of persons buried required
- 93.18 Digging graves

- 93.99 Penalty

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person designated by the Manager to perform the functions and exercise the responsibilities assigned by this chapter to the Administrator.

LOT. A plot of ground within the town cemetery consisting of 2 or more burial spaces, as shown on the official cemetery map.

MARKER. A plaque installed at ground level at the site of a grave to indicate the name, date of birth and date of death of the person buried there.

MAUSOLEUM. A structure or building substantially exposes above ground intended to be used for the entombment of remains of a deceased person.

MONUMENT. A memorial stone or other structure erected at a gravesite in remembrance of the dead.

(1981 Code, § 13-1)

§ 93.02 APPLICATION OF PROVISIONS.

The following sections apply to all cemeteries within the town: §§93.03 through 93.06. The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

(1981 Code, § 13-2)

§ 93.03 BURIAL ONLY IN CEMETERIES.

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery operated by a governmental entity or a private cemetery licensed specifically exempted from licensing according to the North Carolina Cemetery Act (G.S. Ch. 65 Article 9).

(1981 Code, § 13-3) Penalty, see § 93.99

§ 93.04 DISRUPTIVE ACTIVITY PROHIBITED.

(A) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic.

(B) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.

(C) No person may take any dog, horse or other animal into any cemetery or allow any animal to run at large therein.

(D) No person may intentionally disrupt any funeral services or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(E) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within the cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(1981 Code, § 13-4) Penalty, see § 93.99

§ 93.05 DESECRATION OF PUBLIC AND PRIVATE CEMETERIES.

As provided in G.S. § 14-148, if any person shall willfully commit any of the acts set forth in the following divisions, he or she shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned for not more than 30 days, or both, in the discretion of the court:

(1) Throwing, placing or putting any refuse, garbage, trash or articles of similar nature in or on a public or private cemetery where human bodies are interred; or

(2) Destroying, removing, breaking, damaging, overturning or polluting any flower, plant, shrub or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of the cemetery.

(B) Provided nothing contained in this section shall preclude operators of cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of the cemeteries.

(1981 Code, § 13-5)

§ 93.06 REMOVING OR DEFACING MONUMENTS AND TOMBSTONES.

As provided in G.S. § 14-148, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface a monument, or alter the letters, marks or inscription thereof, he or she shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of cemeteries.

(1981 Code, § 13-6) Penalty, see § 93.99

§ 93.07 HOURS OF OPERATION.

(A) The town cemetery shall remain open to the public throughout the year from sunrise until sunset.

(B) No person may enter the town cemetery at any time other than the hours of operation established by division (A) above.

(1981 Code, § 13-7) Penalty, see § 93.99

§ 93.08 TREES, PLANTINGS AND LANDSCAPING.

(A) No person may plant, prune or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the Cemetery Administrator.

(B) The Cemetery Administrator may enter any lot and remove or trim any tree, shrub or other plant that encroaches upon any other lot or any walkway, or driveway, or other part of the cemetery.

(C) The Cemetery Administrator may remove from the cemetery all floral designs, flowers, weeds or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(D) Seasonal flowers used in floral decorations may be used in the cemetery. However, seasonal flowers used in floral decorations will be removed and disposed of by the Cemetery Administrator 2 weeks prior to Christmas, Easter and Memorial Day.

(1981 Code, § 13-8) (Am. Ord. passed 3-26-2001) Penalty, see § 93.99

§ 93.09 CEMETERY MAP REQUIRED.

(A) There shall be maintained in the Town Clerk's office an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery.

(B) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.

(1981 Code, § 13-11)

§ 93.10 PURCHASE OF BURIAL RIGHTS.

(A) (1) The town shall sell burial rights in cemetery lots and spaces in accordance with the provisions of this chapter and a schedule of rates adopted and revised from time to time by resolution of the Council upon recommendation of the Manager.

(2) Differential fees shall be charged according to whether the person intended to be buried in the space with respect to which a burial right is purchased is a bona fide resident of the town at the time the right is purchased.

(B) (1) A certificate of burial right shall be issued to the person who purchases a burial right.

(2) The certificate shall identify the purchaser, the specific lots or spaces to which the certificate applies, and the names of the individuals intended to be buried in the spaces purchased.

(3) If spaces are intended to be reserved for unborn children or grandchildren of the purchaser, that fact may be noted on the certificate and the offspring shall be deemed to have the same residency as their parents.

(1981 Code, § 13-12)

§ 93.11 RIGHTS OF OWNER OF CERTIFICATE OF BURIAL RIGHT.

(A) The certificate of burial right entitles the owner thereof (i.e., the purchaser) to use the designated spaces as a place of burial for the persons named in the certificate, subject to the terms and conditions of this section and subject to the town's authority to operate, regulate, control and abandon cemeteries.

(B) (1) If the owner of a certificate of burial right desires to change the designation of persons entitled to be buried in the spaces covered by the certificate, he or she may do so by surrendering the old certificate and obtaining a new certificate.

(2) Fees will be charged at the then current rate for the spaces being changed, but credit will be given for previous payments with respect to those spaces.

(C) The Manager is authorized to pay appropriate compensation to the owners of spaces that owners no longer wish to reserve, upon surrender of the certificate of burial right covering the spaces.

(D) Upon the death of the owner of a certificate of burial right, all rights evidenced by the certificate shall pass to the owner's heirs, legatees or devisees in the same manner as other interests in personal property.

(1981 Code, § 13-13)

§ 93.12 SPECULATION IN BURIAL RIGHTS PROHIBITED.

(A) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.

(B) No person may sell or exchange any burial right for a profit or gain.

(1981 Code, § 13-14) Penalty, see § 93.99

§ 93.13 MAUSOLEUMS.

Mausoleums shall not be permitted within the town cemetery.

(1981 Code, § 13-17) Penalty, see § 93.99

§ 93.14 MONUMENTS.

(A) There shall be no more than 1 family monument on any one lot.

(B) (1) No person may erect or install any monument within the town cemetery except pursuant to and in accordance with a permit issued by the Administrator.

(2) The Administrator may establish regulations relating to the size, type of construction, location and type of foundation of monuments as are necessary to preserve the cemetery, ensure its dignity and minimize maintenance costs, and permits shall be issued under this section in accordance with those regulations.

(1981 Code, § 13-18) Penalty, see § 93.99

§ 93.15 MARKERS.

Grave spaces shall be marked with a bronze, stone or other marker approved by the Administrator and placed flush with the ground in accordance with regulations adopted by the Administrator.

(1981 Code, § 13-19)

§ 93.16 NO BURIAL WITHOUT PERMIT.

(A) No grave may be opened and no burial may take place without a written permit issued by the Cemetery Administrator.

(B) (1) Application for the permit authorized by this section shall be made at least 8 hours prior to the opening of the grave.

(2) This application shall be submitted in writing, and unless the application is made to permit the interment of the person who owns the burial right for the space requested, it must be accompanied by a written statement signed by the owner of the space authorizing the use of the space.

(3) The application shall include the information necessary to create the record required by §93.17 below.

(C) The permit required by this section shall be issued if the application contains the information specified in this section and if all fees and charges authorized by this chapter have been paid.

(D) A concrete or steel liner or commercial type vault is required for all graves except infant graves. Plastic liners, vaults and non-concrete or steel material is expressly prohibited.

(1981 Code, § 13-21) (Ord. passed 10-22-2018) Penalty, see § 93.99

§ 93.17 RECORDS OF PERSONS BURIED REQUIRED.

Accurate records shall be kept, in a form prescribed by the Manager, so that the town can identify the person buried in each space and the date of burial.

(1981 Code, § 13-22)

§ 93.18 DIGGING GRAVES.

(A) All graves shall be dug by town employees or by a private contractor selected by the Town Manager.

(B) A fee shall be charged for this service, as established and revised from time to time by resolution of the Council upon recommendation of the Manager.

(C) Differential fees may be established according to whether the deceased for whom the space is dug was, at the time of death, a resident of the town and whether the grave must be dug during the normal work week.

(1981 Code, § 13-23) (Am. Ord. passed 6-22-1998) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A violation of any of the following provisions shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ 93.03, 93.04, 93.07, 93.08, 93.12, 93.13, 93.14, 93.15, 93.16 and 93.18.

(C) (1) Violations of any of the sections listed in division (B) above shall also subject the offender to a civil penalty of \$25.

(2) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(D) The town may seek to enforce this chapter through any appropriate equitable action.

(E) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(F) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

(1981 Code, § 13-26)