

Cemeteries

CHAPTER 94: CEMETERIES

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Statutory reference:

Authority to regulate cemeteries, see G.S. §§ 160A-341 through 160A-348

§ 94.01 BURIAL PERMITTED ONLY IN CERTAIN CEMETERIES.

It shall be unlawful to bury any person within the town limits, except in First Baptist Cemetery, the Lassiter Cemetery, the Parker Cemetery, the Britt Cemetery, the Garris Cemetery or the Town Cemetery. (Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.02 PURCHASE OF LOTS REQUIRED FOR BURIAL.

(A) It shall be unlawful to bury in the cemetery the remains of any person, except in lots within the cemetery which have, prior to the burial, been sold and conveyed, and for which a permit has been executed and delivered by the town.

(B) Any person desiring to have the remains of any deceased person removed to the cemetery to be interred therein in a lot in either cemetery in which he has the right to inter the remains, may do the same at

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his or her own expense.

(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.03 SIZE OF LOTS; DEED PROVISIONS.

All lots in the cemetery shall be sold in the size and according to the dimensions set out and appearing in the map thereof preserved by the town. The following regulations pertaining to the maintenance and use of the town cemetery are hereby adopted.

(A) No allotment of space in the cemetery shall be made except upon application to the Town Clerk signed by the person or his or her assistant, in whose name the allotment is to be made. Every application shall contain a stipulation to the effect that, in consideration of the allotment space so applied for, the applicant will abide by all rules and regulations made or hereafter enacted by the town for the management and control of the cemetery.

(B) The price of burial lots shall be such as shall be fixed by the town from time to time, as hereafter provided. No lots shall be sold except for cash, which shall be paid to the Town Clerk, who shall give his or her receipt therefor to the purchaser.

(C) The Mayor and Town Clerk are hereby authorized to execute proper deed ~~from~~ for cemetery lots at the price provided herein, and subject to all the terms and conditions of this chapter. Every deed shall contain a clause providing that the lot therein described is sold and conveyed subject to the ordinances, rules and regulations with reference to town cemetery as may be in force at the time the deed is executed, and also the ordinances, rules and regulations as may be hereafter prescribed by the lawful authorities of the town.
(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.04 PRICES OF LOTS.

The prices to be charged for lots as designated on the town cemetery plat in the town cemetery shall be fixed from the Town from time to time, and reviewed or revised at least every three (3) years. A list of current prices shall be kept in the Town Hall.

(Ord. passed 7-8-2002; Ord. passed 10-7-2002) (Ord. revised and adopted 12-5-2023)

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94.05 SURRENDER OF LOTS IN THE TOWN CEMETERY.

The owner or owners of a lot upon which there is no interment may surrender it to the town, provided the surrender is first sanctioned and approved by the town. The removal of remains for the purpose of surrendering a lot will not be permitted, except by express permission of the town.

(Ord. passed 7-8-2002)

§ 94.06 SALE, TRANSFER OR ASSIGNMENT OF LOTS IN THE TOWN CEMETERY.

If the owner of any cemetery lot ever decides to convey or transfer the cemetery lot, the owner shall convey the cemetery lot back to the town at the same price the owner paid for the cemetery lot, and the deed to any purchaser of a cemetery lot shall contain a restrictive clause to this effect.

(Ord. passed 7-8-2002; Ord. passed 12-1-2015) (Ord. revised and adopted 12-5-2023)

§ 94.07 MAINTAINENANCE OF LOTS IN THE TOWN CEMETERY.

a) The town shall retain the control and supervision of all lots which have been sold; and it shall be the duty of the town to enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment upon the lot which may have been placed thereon in violation of the rule, or which may be considered objectionable or injurious to the lot or adjoining lot or the general appearance of the cemetery.

b) The town shall have the right to maintain and care for all lots in the cemetery, which shall include the cutting of grass, trimming of trees and shrubbery, preservation of graves and the removal of rubbish when necessary.

(Ord. passed 7-8-2002)

c) As soon as flowers, wreaths, emblems and the like used at funerals or placed on graves at other times become unsightly and faded, they shall be removed by the family and in any event, live flowers should be removed within fifteen (15) days of their first use and artificial flowers should be removed within ninety (90) days of their first use. In the event said flowers are not removed, the Town shall have the right to remove them.

(d) The owner of monuments and other memorial structures shall keep them in good repair, and any

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structure found to be unsightly and in dilapidated condition, the Town shall have the right to remove them. (ord. revised and adopted 12-5-2023)

§ 94.08 INTERMENT, TOWN CEMETERY.

- (A) All interments in lots shall be restricted to members of the family of the lot owner.
- (B) The usage of each grave shall be limited to one of the following:
 - (1) The interment of one human body;
 - (2) The interment of one human body and one cremation urn with human remains; or
 - (3) The interment of one or two cremation urns with human remains.
- (C) Cremations shall have at least 18 inches of cover.
- (D) Human remains that are cremated must be secured in an urn or container obtained from the funeral home.
- (E) The Town Clerk shall cause to be kept adequate records of interments on the various lots in the cemetery, showing the name of each person buried and also the location of each grave,
- (F) Before an interment shall be made in any cemetery lot, a grave permit in the amount of \$10 shall be obtained from the Town Clerk or other authorized agents of the town. The penalty by failing to obtain a permit as required in here shall be a fine in the amount of \$500, to be accessed against the funeral home that conducted the burial, in addition to those penalties and remedies listed in § 10,99. Along with the permit process is a requirement that a town official confirm the location in the cemetery prior to preparing the grave site.
(Ord. passed 7-8-2002; Ord. passed 4-4-2017; Ord. 94, passed 9-5-2017) Penalty, see § 10.99

§ 94.09 PROHIBITED ACTS.

- (A) No person shall deposit or leave any debris or dirt within the cemetery or any burial lot therein.
- (B) No person shall injure or deface any part of the cemetery enclosure, or any burial lot or grave, or any monument, tombstone or slab, or any inscription or device thereon; or shall destroy or injure any tree, shrub, vine, plant or flower therein; or shall hunt with a gun, dog or otherwise in the cemetery; or shall shoot any gun, pistol or other firearms in the cemetery. This provision shall not apply to the firing of military salutes over the grave of any deceased member of armed forces, nor the firing of the salute on Memorial Day or other national holidays.

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(C) Persons visiting the cemetery shall not go upon any lawn unnecessarily or pluck flowers, or injure any tree, plant or flower.

(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.10 SIGNS, NOTICES OR ADVERTISEMENTS PROHIBITED.

No sign, notice or advertisement of any kind shall be permitted upon any part of the grounds of the town cemetery; and it is hereby made the duty of the caretaker to cause the immediate removal of all the signs, notices or advertisements, except with permission of town.

(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.11 BOUNDARY MARKERS, STEPS, GRAVESTONES OR MONUMENTS.

(A) No boundary markers, steps, gravestones or monuments shall be erected on any lot without first securing a written permit therefor from the Town Clerk. If they shall conform to the requirements of this chapter the Town Clerk shall grant the permit, and if not, he or she shall refuse it.

(B) (1) No corner marker shall be erected upon the lands and premises at a height higher than ground level. All other markers, human persons, and/or cremains, must be placed at the head or foot of the headstone or grave.

(2) No flowers, shrubs or trees are to be planted upon the land and premises.

(3) This cemetery lot herein conveyed shall be used only for the burial of the remains of human persons in accordance with burial laws, rules or regulations and for no other use or purpose whatsoever.

(4) The town for its employees and assigns reserves and is granted the right to enter Upon the cemetery lot herein conveyed with its workmen and implements for the purpose of mowing and improving the lot.

(C) In the event any boundary marker, step, gravestone or monument shall be erected, or any enclosure, hedge or border shall be placed around any lot or grave, or anything shall be placed on any lot, contrary to the provisions of this chapter, and shall not be either removed or made to conform to the requirements of this chapter after five days written notice from the Superintendent of the cemetery to the owner of the lot on which erected or placed, the Superintendent shall have the right, in his or her discretion, to either remove them or make them conform to the requirements of this chapter, and the owner of the lot shall be liable to the town for the costs thereby incurred.

(Ord. passed 7-8-2002; Ord. 94, passed 9-5-2017) Penalty, see § 10.99

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§ 94.12 GRADE OF LOTS.

The establishment of the grade of all lots for the town cemetery shall be the duty of the Town Superintendent of Public Works, and no change shall be made in any grade so established unless the consent of the town is first obtained.

(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.13 LOT BOUNDARIES.

(A) No enclosure, hedge or border of any kind will be permitted around or along the side of any lot or grave. However, the boundaries of all lots may be defined by means of corner posts which must be built of stone, concrete or iron pipe.

(B) These corner posts shall be six or eight inches square, and must be set within lot lines, the top of which shall be level or flushed with the ground at the point of installation.

§ 94.14 GRAVE SPECIFICATIONS.

(A) No mound shall be more than a six-inch raise above the level of the ground upon the grave.

(B) Any grave or vault constructed of steel, concrete, stone or brick may have a marble or concrete slab over the entire top of the grave which shall be set so that the top is level or flushed with the ground at the point of installation.

(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.15 PRIVATE MAUSOLEUM.

It shall be unlawful for any person to build, erect or construct a private mausoleum in the town cemetery without first submitting detailed plans and specifications thereof to the town and obtaining approval from the Board of Commissioners of the Town. If approved by the Board, the Clerk shall issue a permit therefor.

(Ord. passed 7-8-2002) Penalty, see § 10.99 (Ord. revised and adopted 12-5-2023)

§ 94.16 DRIVING OVER WALKS OR DRIVES.

No person shall drive any carriage, wagon, four-wheeler or other motorized vehicle over any walks or

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drives of the town cemetery, or allow any vehicle to stand thereon, if forbidden by the cemetery authorities.
(Ord. passed 7-8-2002) Penalty, see § 10.99

§ 94.17 USE OF CEMETERY AS THOROUGHFARE PROHIBITED.

No person shall use any cemetery as a common thoroughfare or public walk, and all traveling through or across any cemetery, except in connection with cemetery purposes or for the purpose of visiting a burial lot, is unlawful.

(Ord. passed 7-8-2002) Penalty, see § 10.99