



ORDINANCE

Amending Chapter 13 – Cemeteries

Section 13-2 through 13-7 of the Code of Ordinances

The Hillsborough Board of Commissioners ordains:

Section 1. Chapter 13 – Cemeteries, of the Hillsborough Code of Ordinances is amended as follows:

Section 13-2. Application of provisions

Unless specifically stated to the contrary, this chapter applies only to cemeteries owned or operated by the town.

Section 13-3. 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, or a cemetery owned or operated by the town or another governmental entity, or a private cemetery licensed or specifically exempted from licensing according to the North Carolina Cemetery Act, article 9 of G.S. chapter 65 (G.S. 65-46—65-73).

Section 13-4. Disruptive activity prohibited.

- (a) No person may drive any motor vehicle of any kind in any cemetery owned or operated by the town except upon the main roads and avenues provided therein for vehicular traffic. Excluded from this prohibition are any types of equipment necessary for grave preparation or monument setting.
- (b) No person may drive any motor vehicle or park any motor vehicle in any cemetery owned or operated by the town 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, except when on a leash, or any other animal into any cemetery owned or operated by the town unless affiliated with and authorized as part of a funeral service or allow any animal to run at large therein. No person may walk a leashed dog in any cemetery owned or operated by the town except upon the paved roads and sidewalks provided therein for vehicular traffic. Dogs are strictly prohibited in the Margaret Lane Cemetery and Old Town Cemetery.
- (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 owned or operated by the town.
- (e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within any cemetery owned or operated by the town or on the inside or outside of any wall or fence enclosing any such cemetery.
- (f) No person shall participate in any active recreational games or sports in any cemetery owned or operated by the town. Strolling, walking, and jogging are permitted but shall not interrupt

funeral services. Passive recreation such as sitting in quiet reflection and contemplation are permitted. Picnics are strictly prohibited in the Margaret Lane Cemetery and Old Town Cemetery.

- (g) All persons will respect the solemnity of the cemetery and observe the rules which have been established for the purpose of securing quiet and good order at all times within all cemeteries owned or operated by the town.

Section 13-5. Desecration of public and private cemeteries.

- (a) As provided in G.S. 14-148, any person who willfully commits in any cemetery located within the town's corporate limits, any of the acts set forth in the following subsections, shall be guilty of a Class 1 misdemeanor and shall be fined not more than \$100. Damages of \$1,000 or more will result in a Class 1 felony. In passing sentence, the court shall consider the appropriateness of restitution as a condition of probation under G.S. 15A-1343(b)(9) as an alternative to actual imposition of a fine, jail term, or both.
 - (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.
 - (2) Removing, disturbing, vandalizing, destroying, or tampering with any shrubbery, flowers, plants, or other articles planted or placed within any cemetery to designate where human remains are interred or to preserve and perpetuate the memory and name of any person, without authorization of law or the consent of the surviving spouse or next of kin.
- (b) Provided nothing contained in this section shall preclude operators of such cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of such cemeteries.

Section 13-6. Hours of operation.

- (a) The cemeteries owned or operated by the town shall remain open to the public throughout the year from sunrise until sunset.
- (b) No person may enter any town-owned or operated cemetery at any time other than the hours of operation established by subsection (a) of this section.

Section 13-7. Trees; plantings; landscaping.

- (a) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind located within a cemetery owned or operated by the town.
- (b) No person may place on or around any gravesite a fence, border, picture, toy, handmade ornament, or other self-described memoriam between March 1 and the October 31 of each year.
- (c) The public works manager or his designee may enter any lot and remove any tree, shrub, or other plant that hinders the maintenance of any part of the cemetery. This also applies to the items referred to in subsection (b) of this section.
- (d) The public works director or his designee 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.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 13th day of May in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk