

Chapter 13 CEMETERIES¹

ARTICLE I. DEFINITIONS; APPLICATION

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the person designated by the Board to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

Lot means a plot of ground within the town cemetery consisting of two or more burial spaces, as shown on the official cemetery map.

Marker means 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 means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.

Monument means a memorial stone or other structure erected at a gravesite in remembrance of the deceased.

(Prior Code, § 13-1)

Sec. 13-2. Application of provisions.

Unless specifically stated to the contrary, The following sections apply to all cemeteries within the town: sections 13-3, 13-4, 13-5 and 13-6. The remaining sections of this chapter applies apply only to cemeteries owned or operated by the town.

(Prior Code, § 13-2)

ARTICLE II. GENERAL REGULATIONS

Sec. 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 ~~operated by the town or another a~~ 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).

¹State law reference(s)—Municipal authority to establish and operate cemeteries, G.S. 160A-341; regulation of city cemeteries, G.S. 160A-348.

(Prior Code, § 13-3)

Sec. 13-4. Disruptive activity prohibited.

- (a) No person may drive any motor vehicle of any kind in any cemetery owned or operated by the tTown 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 tTown 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 tTown 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 tTown 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. No person may take any dog, except when on a leash, 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 owned or operated by the tTown.
- (e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within ~~any~~the cemetery owned or operated by the tTown or on the inside or outside of any wall or fence enclosing any such cemetery.
- (f) ~~No person shall participate in any activeactive-recreational games or sports in any cemetery owned or operated by the tTown. 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 tTown.~~

(Prior Code, § 13-4; Ord. of 5-9-1994)

Sec. 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 tTown'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.~~00~~. Damages of \$1,000.~~00~~ 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

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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.

(Prior Code, § 13-5; Ord. No. 20210412-6.F, § 1, 4-12-2021)

Sec. 13-6. Hours of operation.

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

(Prior Code, § 13-7; Ord. No. 20210412-6.F, § 2, 4-12-2021)

Editor's note(s)—Ord. No. 20210412-6.F, § 2, adopted April 12, 2021, repealed the former § 13-6, and renumbered §§ 13-7 and 13-8 as §§ 13-6 and 13-7. The former § 13-6 pertained to removing or defacing monuments and tombstones and derived from Prior Code, § 13-6.

Sec. 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 ~~the~~ 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 ~~director~~ 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.

(Prior Code, § 13-8; Ord. of 11-17-1997; Ord. of 6-11-2001; Ord. No. 20210412-6.F, § 2, 4-12-2021)

Editor's note(s)—See editor's note at § 13-6.

Secs. 13-8—13-10. Reserved.

ARTICLE III. DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Sec. 13-11. Cemetery map required.

- (a) There shall be maintained by the town 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.