

CHAPTER 92. CEMETERIES¹

Sec. 92.01 Definitions.

Burial means entombment, internment, or interment and bury means to entomb, intern, or inter.

Cemetery means any location for burial of human remains in the town.

Cremation means the disposal of a dead person's body by burning it to ashes.

Cremaains means the ash remains of a cremated human body.

Gravesite, plot, lot means a single grave site or plot whether occupied or not by human remains.

Human remains means the body of a deceased individual.

Marker means a memorial flush with the ground.

Monument means any tombstone or memorial of granite, or other material, which shall extend above the surface of the ground.

Owner's declaration of reservation shall apply to the document executed by the owner designating and specifying the person or persons entitled to burial in the lot or plot for which a certificate of ownership is held.

(Ord. passed 5-11-2018)

Sec. 92.2 Purchase of cemetery lots.

- (A) The town manager, or his or her designee, is hereby authorized, on behalf of and in the name of the town, to sell and convey would-be purchasers, any and all of the plots in the town-owned cemetery upon presentation of documentary evidence determined by the town manager or his or her designee to satisfactorily establish the would-be purchaser's identity and eligibility on the basis of ownership of real property within the town limits of the town and/or residency in the town, upon payment in full of the purchase price for plots, as established by the board of commissioners.
- (B) The cost of lots in the cemetery shall be as from to time established by the board of commissioners.
- (C) All persons desiring to purchase a lot in the town cemetery shall apply to the town manager, or his or her designee. Upon payment of the fixed price for each lot, the town manager, or his or her designee, shall cause a deed or other instrument of conveyance to be given to the purchaser.
- (D) No grave space shall be opened until the entire purchase price of the grave has been paid.
- (E) Grave site(s) may only be purchased in accordance with the rules and regulations laid out in the standard operating guidelines utilized by the supervisor of the cemetery, and approved by the town manager.
- (F) No lot or grave site in the cemetery shall be sold by the owner thereof, unless it is sold to the town at the same price that the owner paid for the plot or grave site.

(Ord. 186, passed 7-19-2007; amended 5-11-2018)

¹State law reference(s)—Town establishment and operation of cemeteries, see G.S. §§ 160A-341 et seq.

State law reference(s)—Penalty, see § 10.99.

Sec. 92.03 Burial permit; digging of graves.

- (A) No grave may be opened and no burial may take place without a written permit issued by the cemetery supervisor.
- (B) All graves shall be dug under the supervision of the cemetery supervisor, or any designee approved by the town manager.
- (C) (1) Application for the permit authorized by this section shall be made at least eight 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 internment 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. See section 92.04.
- (D) 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 manger.
- (E) 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.
- (F) A concrete liner or commercial type vault is required for all graves. The minimum requirements for concrete liners shall be one and one-half inch sidewall thickness, two-inch top thickness, two-inch bottom thickness, and 3,000 PSI. The minimum requirements for a steel vault shall be a 12-gauge thickness top, sides and bottom. Wooden or other short-term liners are prohibited.
- (G) 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.

(Ord. 186, passed 7-19-2007; amended 7-10-2012; amended, 5-11-2018)

State law reference(s)—Penalty, see § 10.99.

Sec. 92.04 Right of internment of owners declaration of reservation.

- (A) A the time of a purchase of a lot, or group of lots, or at any time thereafter during the purchaser's lifetime, and in accordance with the rules and regulations established by the Town of Robins, the owner, or owners of any such plot may execute a declaration of reservation, therein specifically designating the persons entitled to be buried in any or all of the plots in said plot, or vesting the right of designation for unreserved plots in a named person.
- (B) The owner, or owners, of any lot may in the declaration of reservation limit the persons entitled to be buried in said lot to those persons designated in the declaration of reservation.
- (C) In the event the owner, or owners, fails to designate burial rights as to each plot in said lot, or fail to limit burials in said plot to those designated in the declaration of reservation, then, as to the plots not designated, the right of burial shall be provided in subsection (E) hereof.
- (D) Upon application by any person for internment of a body in a given plot, the burden of proof as to the identify of the person to be interred rests upon the applicant; and no liability shall rest upon or chargeable to the Town of Robbins in case of false statement in said application; but the town will make diligent effort to see that only persons entitled to be buried in a given plot are so interred.

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- (E) In the absence of a declaration of reservation, the owner's surviving spouse or the children of the owner and surviving spouse, the right of interment shall be in the following order:
- (1) One plot, shall be forever reserved for the owner and one for the owner's surviving spouse, if any.
 - (2) The remaining plots shall allocated to the following persons in the order of their death and a request for burial, to wit:
 - (i) The children of the owner, or owners, and their respective spouses.
 - (ii) Lineal descendants of the owners, or owners, and their respective spouses.
 - (iii) Parents of the owner, or owners.
 - (3) Burial by others will be permitted if a notarized affidavit, signed by a surviving relative, or legal appointee for the estate, is presented which indicates that the deceased individual has the right to buried and has permission from the owner, or his or her heirs, to be buried in a plot. Burden of proof remains with the applicant and no liability shall rest upon or chargeable to the Town of Robbins in case of false statement.

Sec. 92.05 Cemetery supervisor; appointment; duties.

- (A) There shall be a supervisor of the cemetery, to be appointed by the town manager, to whom shall be delegated the supervision of the cemetery. The cemetery supervisor shall have charge over the upkeep, protection and preservation of the cemetery. He or she shall supervise the digging of all graves. He or she shall supervise the interment and disinterment of bodies, the erection of monuments and markers, the grounds maintenance of the cemetery and the planting of any shrubbery, trees and flowers. The cemetery supervisor shall not contract any debt or expend any money without first having obtained the consent and approval of the town manager, or his or her designee.
 - (B) The town manager, or his or her designee shall maintain a record book, in which he or she shall enter a correct and complete itemized record of all cemetery lots that have been sold.
 - (C) The manager, or his or her designee, shall maintain an accurate map of the cemetery. The map shall depict all lots in the cemetery, those that have been sold and those that are for sale. The supervisor of the cemetery shall ensure that the map is accurate, at all times, as to the marking of lots that have been sold. The marking system shall be as established by the manager or his or her designee.
- (Ord. 186, passed 7-19-2007; amended 5-11-2018)

Sec. 92.06 Trees and shrubs; other improvements.

- (A) 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 the town manager or his or her designee.
- (B) The town manager, or his or her designee, 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. The pruning or cutting of all trees and shrubbery is prohibited except under the authority of the cemetery supervisor.
- (C) All grading, landscaping and improvements of every kind shall be made or done only by the town manager, or his or her designee.
- (D) (1) 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.

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- (2) 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 two weeks prior to Christmas, Easter and Memorial Day.

(Ord. 186, passed 7-19-2007;; amended 5-11-2018)

State law reference(s)—Penalty, see § 10.99.

Sec. 92.07 Prohibited acts.

- (A) It shall be unlawful for any person to do anything to 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 herein provided.
- (B) No person shall throw, deposit, bring or leave any trash, filth, offensive or unclean matter or substance into the cemetery.
- (C) It shall be unlawful for any person to walk dogs that are leashed or unleashed in the cemetery, with the exception of service dogs.
- (D) 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).
- (E) 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.
- (F) 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.
- (G) It shall be unlawful for any person to use or permit the use of the cemetery as a playground or for play, and it shall be the duty of all police officers and other employees of the town, so far as it lies within their power, to prevent the use, and to eject any and all offenders against this section from the cemetery, if the person shall continue to violate this section after being warned to stop.
- (H) (1) No one shall use the cemetery or road or way therein as a public thoroughfare.
- (2) Vehicles shall be driven only on the roadways within the cemetery and at a rate of speed not in excess of five mph. No vehicle shall enter the cemetery except for the purpose of attending funerals, visiting graves or other lawful mission.
- (3) There shall be no parking at the cemetery between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. 186, passed 7-19-2007; amended 5-11-2018)

State law reference(s)—Penalty, see § 10.99.

Sec. 92.09 Lot regulations.

- (A) All lots within the cemetery of the town, and within any extension of the cemetery at any time hereafter made, shall be subject to and regulated and controlled by the provisions of this chapter and any rules adopted by the town.
- (B) All deeds to cemetery plots in the cemetery shall expressly stipulate and provide that the lots therein described and thereby conveyed shall be used for burial purposes only, subject to any and all regulations

provided by the board of commissioners, with respect to the usage and enjoyment thereof, and with the further explicit provision that the board of commissioners shall have the right to from time to time as it shall deem advisable, alter or repeal the regulations and make additional regulations for the purpose of exercising reasonable control and supervision in the interest of the owners of any and all lots in the cemetery, and the public as well, and any and all the regulations shall be considered as effective to all intents and purposes as if in the deed written as one of the terms thereof.

- (C) A traditional burial plot is approximately four feet by ten feet.
- (D) A cremation burial plot is approximately four feet by five feet.

(Ord. 186, passed 7-19-2007)

Sec. 92.10 Erection of grave markers.

- (A) (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 town manager, or his or her designee.
 - (2) There shall be no more than one monument per lot, or as specified in the rules and regulations of the cemetery. There shall only be one marker per lot.
 - (3) Any and all work performed pursuant to grave marker installation permit must be performed in strict compliance with the issued permit.
 - (4) Any marker or monument installed prior to proper issuance of grave marker installation permit shall be subject to immediate removal by city forces at the cost of the owner and/or dealer placing the marker or monument.
- (B) No person shall raise or change the grade of any lot or grave in the cemetery nor shall any grave be raised into mounds. All graves shall be tamped substantially at the time of filling, to keep them from settling.
- (C) The town expressly reserves the right to deny an application for a grave marker installation permit when, in the sole opinion of the cemetery supervisor, the proposed installation of a marker or monument does not comply with the procedural requirements and/or technical specifications prescribed by the standard operating guidelines utilized by the cemetery supervisor and approved by the town manager for the issuance of a grave marker installation permit.
- (D) Mausoleums shall not be permitted within the town cemetery.
- (E) (1) There shall be no more than one family monument on any one lot, or group of lots, as specified in the rules and regulations of the cemetery.
 - (2) 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.
 - (3) 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.

(Ord. 186, passed 7-19-2007; amended 5-11-2018)

State law reference(s)—Penalty, see § 10.99.

Sec. 92.11 Contractors to remove debris upon completion of work.

Every monument builder, funeral home or other person doing work in the cemetery, after erecting monuments, headstones, curbing, opening graves or doing other work, shall remove therefrom any and all trash, excess dirt, and material brought thereto and not used, and shall leave the grounds and lots in as good condition as when the work was first undertaken, including removal of routs made by trucks or other vehicles.

(Ord. 186, passed 7-19-2007)

Sec. 92.12 Layout of cemetery; sections; quadrants.

- (A) The Town Pine Rest Cemetery is arranged (laid out) with four separate and distinct sections, wherein lots may be purchased for burial of human remains. Each section shall be known as and referred to as a "quadrant." The layout of the entire cemetery, including the four distinct quadrants, shall be illustrated on a comprehensive map of the cemetery. The cemetery map shall be maintained by and kept in the care of the cemetery supervisor.
- (B) There shall be a section dedicated to the burial of cremains within the cemetery. The burial of cremains is not restricted to lots in this section but no traditional burials may be buried in this section. Cremation burials are allowed in all sections of the cemetery, with one cremation per lot, regardless of the size of the lot.

(Ord. 186, passed 7-19-2007; amended 5-11-2018)

Sec. 92.13 Deed.

The town will issue a deed for each plot or family cluster of plots upon full payment of the purchase price. Interment will be permitted only for the grantee, the widow or widower of the grantee, the heirs of the body of the grantee and for any other person or persons designated in writing by the grantee during the lifetime of the grantee. The property is non-transferable except back to the town at the original purchase price. The town recommends that all deeds be recorded at the county register of deeds office. (Plat cabinet 4, slide 268)

(Ord. 186, passed 7-19-2007)