

## CHAPTER 91: CEMETERIES

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#### *Statutory reference:*

*Authority to establish and operate cemeteries, see G.S. §§ 160A-341 et seq.*

*Authority to tax, see G.S. § 160A-209(c)(8)*

*Municipal cemeteries in general, see G.S. §§ 65-37 et seq.*

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### *GENERAL PROVISIONS*

#### **§ 91.01 DESTRUCTION OF PROPERTY.**

It shall be unlawful for any person to disturb, deface, pull down or remove anything put or placed to mark any plot, grave or enclosure or to pluck flowers or shrubs planted or growing, in any cemetery. (Prior Code, § 5-1) Penalty, see § 10.99

#### **§ 91.02 GARBAGE AND THE LIKE.**

No person shall deposit any rubbish, filth, waste or other unclean or unsightly substance in any cemetery. All materials carried within the cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which the monument, marker or structure shall be located. (Prior Code, § 5-2) Penalty, see § 10.99

### *HOLLYBROOK CEMETERY*

#### **§ 91.15 NAME OF CITY CEMETERY.**

The name of the city cemetery shall be Hollybrook Cemetery. (Prior Code, § 5-20)

#### **§ 91.16 TERMS OF SALE OF LOTS.**

(A) A resident of the city has the option of purchasing a maximum number of burial spaces to accommodate his or her immediate family (spouse, children or dependents). These individuals must be current residents in the home of the purchaser. Each family is allowed to exercise this option only once; however, additional grave sites may be purchased at the existing maximum rate.

(B) All lots in the cemetery shall be paid in full at the time of purchase. (Prior Code, § 5-21) Penalty, see § 10.99 .

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### § 91.17 REOPENING GRAVES FOR INTERMENT OF ADDITIONAL BODIES.

(A) No burial space shall be reopened for the interment therein of an additional body, subject, however, to the following provisions. The city will not allow a burial space to be used for more than two remains (one burial and one cremains or two cremains). The number of second right of interments purchased will be limited to the original number of burial spaces sold. Before any burial space is used for a second remains, a right of second interment must be purchased from the city.

(B) The establishment of marker(s) must conform to the established policy of the section of the cemetery in which the particular burial space is located.  
(Prior Code, § 5-22) (Ord. O-03-04, passed 4-1-2004) Penalty, see § 10.99

### § 91.18 INTERMENT; DISINTERMENT; DEPTH OF GRAVES.

No person shall be interred or disinterred in the cemetery without lawful authority and permission. Interment and disinterment must be performed by expert(s) whose primary occupation is in this profession. All graves over four and one-half feet in length shall be a minimum of six feet in depth. All graves shall be of sufficient depth to allow 18 inches of space between the top of the vault or other container and the ground level.

(Prior Code, § 5-23) Penalty, see § 10.99

### § 91.19 PLANTINGS.

No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in the cemetery.  
(Prior Code, § 5-24) Penalty, see § 10.99

### § 91.20 FAMILY MONUMENT; MARKERS; EMBELLISHMENTS.

(A) Only one central or family monument shall be allowed on a family lot. All monuments are restricted in size based upon the section. No monument shall exceed four feet in height and one and one-half feet in width (including the base). Any case intended to hold floral arrangements must be permanently incorporated in the marker or its foundation and must fit within the allowable space for the marker. Only monuments made by expert(s) whose primary occupation is in this profession will be allowed. Foot markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width, and shall be placed at the end of the grave farthest from the monument. No vases are allowed on the foot markers.

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(B) All single grave sites in Sections "G" and "Z" are ten feet in length and five feet in width. This provides one and one-half feet in width (including the base) at the head of each grave for the main family marker and one-half foot at the opposite end of each grave for a foot marker, if desired. The monument shall be centrally located on the lot(s) to allow at least one foot from its edge to the lot line. This will provide three feet in length on single lots, or eight feet in length on double lots.

(C) In Section "Z," the head marker shall be laid flush with the ground and the vases placed in this section are to be of the variety that can be inverted.

(D) No coping, fencing, hedging, ground mounds, borders or curb or any kind shall be allowed on any burial lot. Cemetery embellishments other than ground level floral arrangements are not allowed. (Prior Code, § 5-25)

(E) The city reserves the right to regulate the size and quality of all monuments, foundations and other construction placed upon any grave or lot in the city cemetery. The cemetery management shall have the authority to enter upon any lot and to remove any objectionable thing, construction, monuments or any foot markers that may have been placed or erected contrary to this code at the violator's expense. (Ord. O-07-03, passed 7-17-2003; Ord. passed 8-5-2004) Penalty, see § 10.99

### § 91.21 TREES; SHRUBBERY.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the cemetery sexton. (Prior Code, § 5-26) Penalty, see § 10.99

### § 91.22 GRADING, LANDSCAPING AND IMPROVEMENTS.

All grading, landscaping and improvements of every kind shall be made or done by the city only. (Prior Code, § 5-27) Penalty, see § 10.99

### § 91.23 STRUCTURES.

No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the City Council as lots to be used exclusively for mausoleums and tombs. Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or resetting, the Finance Director shall so notify the owner of the lot, if living, or any person having an interest in the lot, if

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known, and shall request the person to make the needed repairs under the person's supervision, and if the person shall fail to make repairs the City Attorney shall take whatever action is necessary to remedy the problem.

(Prior Code, § 5-28) Penalty, see § 10.99

### **§ 91.24 REGULATIONS; BILL OF SALE CLAUSE.**

All lots within the cemetery, or within any extension of the cemetery at any time hereafter made, whether owned by the city or by any other person, shall be subject to and regulated by city policies as adopted by the City Council.

(Prior Code, § 5-29) Penalty, see § 10.99

### **§ 91.25 TRANSFER OF LOTS.**

An owner of a cemetery plot may only sell or transfer a burial space(s) in his or her plot upon approval of the City Manager or his or her designee. In order to meet the approval, a notarized document containing pertinent information must be submitted, and a transfer fee will be charged in most cases. The transfer fee will be equal to the difference in the current sale price of the owner and the purchaser's cost based on the applicable sale price for the plot(s) if purchased directly from the city. Transfer documents not recorded and filed in the City Finance Department will be deemed invalid. Plot(s) may not be sold for more than the current rate in effect at the time of sale.

(Prior Code, § 5-30) Penalty, see § 10.99

### **§ 91.26 VEHICLES.**

(A) Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 mph.

(B) No vehicles shall enter the cemetery except for the purpose of the driver or passengers attending funerals, visiting graves or other lawful mission.

(Prior Code, § 5-31) Penalty, see § 10.99

### **§ 91.27 CEMETERY LOT PURCHASE.**

(A) Grave lots may be purchased in advance of need. The price will be determined by the permanent address of the deceased or in the case of the residence at time of death being a nursing home, the last permanent address prior to entering the nursing home will determine the price.

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(B) A resident of the city is one who has established permanent residence in the corporate limits of the city.

(C) Lots are available in single or four grave sites.

(D) Lots shall be purchased from the Director of Finance and/or his or her designee who shall be responsible for maintaining all cemetery records and collecting all revenues. All applicable fees are approved by the Mayor and City Council, a copy of which is on file in the Finance Department.

### § 91.28 CEMETERY MAINTENANCE.

(A) The municipal cemetery shall be maintained by the city. As far as possible, funds raised through the sale of cemetery lots and the interest on any of the funds invested shall be the revenue used to finance the operation and maintenance of the cemetery.

(B) The City Council may appropriate additional funds for the operations and maintenance of the cemetery as it finds necessary.

Penalty, see § 10.99

### § 91.29 ANIMALS.

It shall be unlawful for any owner to take an animal into or allow the animal to enter or remain within the boundaries of Hollybrook Cemetery.

(Prior Code, § 5-32) (Ord. O-07-07, passed 11-1-2007) Penalty, see § 10.99

### § 91.30 CEMETERY LOT SALES.

See fee schedule for applicable rates.

Penalty, see § 10.99