

## **ORDINANCE REGULATING TOWN CEMETERY**

### **ARTICLE I. IN GENERAL**

#### **Sec. 7-1. Superintendent; appointment, duties generally**

There shall be a superintendent of the Town cemetery who shall be appointed by the Town Manager. The superintendent shall perform all the duties prescribed herein and such other duties as may be assigned him by the Town Manager.

#### **Sec. 7-2. Control of Cemeteries**

The Town Manager, through the superintendent, shall have absolute charge of the city cemetery with authority to enforce all ordinances, rules, and regulations, relating to the cemetery; shall have the same kept in good order, and shall superintend the digging of all graves, and all interments and disinterment's.

#### **Sec. 7-3. Promulgation and Enforcement of rules.**

The Town Manager is authorized, subject to approval of the Town Board of Commissioners, to make and carry out and enforce suitable rules and regulations for the operation and maintenance of the city cemetery not inconsistent with this chapter. It shall be unlawful for any person to fail, neglect, or refuse to comply with such rules.

#### **Sec. 7-4. Superintendent a special policemen to eject violators.**

The superintendent may be sworn as a special policeman with full power to arrest intruders and depredators, and any person willfully violating any of the cemetery rules or regulations or ordinances may be ejected from the grounds by the superintendent.

#### **Sec. 7-5. When burials prohibited.**

Burials are prohibited in the Town Cemetery on Easter Day and Christmas Day.

#### **Sec. 7-6. When open to public.**

The Town Cemetery shall remain open to the public from 7:30 a.m. to Sunset; provided, that the Town Manager may order the same closed during an emergency when in his opinion an emergency exists as to require such closing.

Sec. 7-7. Entering cemetery after closing hours.

No person shall enter the Town Cemetery except during the hours in which they are open to the public as set forth herein, except upon written permission first granted by the Town Manager or the superintendent.

Sec. 7-8. Advertisements, posters, etc.

No advertising of any description shall be permitted within any of the town cemetery. No bills, posters, place-cards, pictures or any other like or similar device shall be attached or posted on either the inside or outside of any wall or fence enclosing the town cemetery.

Sec. 7-9. Trucks and Wagons forbidden.

Commercial trucks and wagons, except those engaged in cemetery business shall be permitted inside the gates of the town cemetery.

Sec 7-10. Bicycle, horseback and motorcycles are prohibited.

Horseback riding and the riding of bicycles or motorcycles are hereby prohibited in the town cemetery.

Sec. 7-11. Driving on roads; speed limit.

No person shall drive a vehicle on any part of the grounds of the town cemetery except upon the main roads and avenues provided therein for vehicular traffic. The speed of vehicles in the cemetery shall not exceed ten (10) miles per hour.

Sec. 7-12. Parking.

No person shall park or cause to remain parked any vehicle within any cemetery of the city unless engaged in attendance at burial service or otherwise engaged in activities which call for the presence of such vehicle within the cemetery.

Sec. 7-13. Firearms.

Except in the case of military funerals and veterans or military commemorative exercises, it shall be unlawful for any unauthorized person to carry firearms into the town cemetery.

Sec. 7-14. Disturbances.

Any person disturbing the quiet and good order of the town cemetery by unnecessary noise of any kind or by any other improper conduct may be ejected from the grounds. Any person refusing to leave the cemetery when notified to do so for any disturbance, improper conduct or other violation of any of the regulations or ordinances concerning such cemetery shall be guilty of a misdemeanor.

Sec. 7-15. Defacing or removing property – Generally; flowers, etc.

It shall be unlawful for any person in any way to disturb any grave; deface, pull up or remove anything put or placed to mark a grave, or any wall fence or enclosure around a grave, or any flowers, shrubs, or trees on any cemetery lot or elsewhere in the cemetery; provided, that the same shall not be a violation if done in compliance with the rules and ordinances pertaining to the cemeteries under a permit duly granted by the town manager or the superintendent.

Sec. 7-16. Same – Monuments, etc.

It shall be unlawful for any person, willfully and without authority to defile, deface, desecrate, place any mark upon or otherwise injure any monument, headstone or marker contained in any cemetery duly and lawfully maintained.

Sec. 7-17. Dog and Fowl.

It shall be unlawful for any person to allow his dog or other animal or fowl to enter the town cemetery, and all dogs and fowl found within the enclosures or grounds of any city cemetery shall be impounded.

Sec. 7-18. Grave Mounds; permanent boxes, urns, etc., on grave plots.

No grave mounds will be permitted in the cemetery, nor shall the placing of any permanent boxes, urns, metal ornaments, seats or similar items be permitted upon any grave or plot within the cemetery.

Sec. 7-19. Trees, shrubs, other plants, floral arrangements – Planting and removal.

No trees, shrubs or plants shall be planted in, pruned, or removed from the town cemetery without the consent and written approval of the town manager or the superintendent. The town manager or the superintendent shall have authority to prune, remove or transplant any tree shrub, plant or other growth necessary for the general beauty, welfare, and best interest of the cemetery.

Sec. 7-20. Same – Removal or pruning when detrimental.

If any trees, shrubs, or other plants situated in any lot shall, by means of their encroaching roots or branches, become detrimental to the adjacent lots, driveways or walks, the superintendent is authorized and empowered to enter onto lot and remove or trim any trees or shrubs that have become objectionable.

Sec. 7-21. Same – Removal of Non-Conforming or unsightly flowers.

The superintendent shall have the authority to remove all floral design, flowers, weeds, plants and herbage of any kind from the cemeteries as soon as, in his judgment, they become unsightly or do not conform to the standards.

Sec. 7-22. Same – Number of floral arrangements allowed during certain period; exception

Between March first and November first, more than one floral design or floral arrangement per grave is prohibited in the town cemetery, except for a period of seven (7) days following interment.

Sec. 7-23. Interment - Notice.

Notice of an interment in town cemeteries must be given to the superintendent not less than twelve (12) hours in advance, at which time the precise location for the interment must be given. However, if the interment should occur on a Sunday or on a holiday observed by the Town of Elkin, the notice of interment should be given to the superintendent not later than 5:00 p.m. the preceding day. The company performing the interment shall notify the superintendent of the date, plot number and the location within the lot of the interment. All owners, individuals or funeral services must complete, in full, the 'Interment Authorization Form'. This form shall be provided to the Town prior to the burial.

Sec 7- 24. Same – Records to be Kept.

Suitable books shall be provided and kept for entries by the superintendent of interments in the town cemetery. Such entries shall contain the name, age, sex, date of death and date or burial of every person in the town cemetery.

Sec. 7-25 – 7-25. Reserved.

## ARTICLE II. MONUMENTS, MAUSOLEUMS, MARKERS, COPING, ETC.

Sec. 7-40. Monument specifications, foundations:

The requirements as to monuments in the town cemetery shall be as follows:

1. No monument shall be placed or erected on any lot having fewer than two (2) grave lots, nor shall more than one monument be placed on any one lot. The location of all monuments shall be subject to prior, written approval of the cemetery superintendent. Application for placement must be filed five (5) working days prior to approval and/or placement.
2. No monument shall be placed or erected which shall have a face area greater than twenty-eight square feet, nor a width greater than five and one-half feet.
3. No monument shall be placed or erected on any lot unless such monument shall be a minimum of two (2) feet in height, not including base, two (2) feet in width and eight (8) inches thick, provided, that the superintendent may authorize reasonable exception within old sections (A-K, 1934, 1957 and 1967) of Hollywood Cemetery.
4. All monuments shall be constructed of first quality granite or marble only.
5. The foundations for all monuments shall be of solid masonry concrete and columns of sufficient number to sustain the weight of the monument. All foundations for monuments must be laid not less than 2 ½ feet below the grade of the lot. The area at the top of such foundations must be at least equal to that of the base of the superstructure. The mixture of concrete shall be a 1-2-4 mix. Foundations shall be constructed by the monument company under the specifications set out above at the expense of the owner/company.
6. The owner of monument and other memorial structures shall keep them in good repair, and any structure found to be unsightly and in dilapidated condition may be removed by the town.

Sec. 7-41. Mausoleum locations; specifications; foundations.

The requirements as to mausoleums in the town cemetery shall be as follows:

1. No mausoleums shall be erected in the cemetery, except upon lots specifically designated by the superintendent for that purpose.
2. No mausoleum shall be erected on any lot within the town cemetery until complete specifications and plans have been submitted to the cemetery superintendent for approval and permit issued therefore.
3. Mausoleums shall be constructed to specifications of the town engineer by a private contractor under the direction of the superintendent, and at the expense of the owner. Foundations shall not ordinarily be less than six (6) feet deep unless specifically authorized by the superintendent.

Sec. 7-42. Markers – Placement; Specifications.

The requirement as to markers in the town cemeteries shall be as follows:

1. No more than one marker may be placed on any grave, and in turn, no more than one grave may be embraced by any one marker within the town cemetery.
2. All markers which shall be placed on any grave within the city cemetery shall be twelve (12) inches in width, twenty-four (24) inches in length, and six (6) inches in thickness. Any standard markers furnished to the family of any deceased veteran by the government of the United States, and which may not be within the specifications specified herein, are excepted from said specifications and may be placed on the grave of any deceased veteran.
3. All grave markers shall be constructed of first quality granite or marble, or of bronze.
4. All granite or marble markers shall be installed so the face is flush to the ground and the excavated area around the marble shall be backfilled with sod from the excavated area.
5. Bronze markers shall be of a size twelve (12) inches wide and twenty-four (24) inches long. A vase of bronze may be attached as part of the marker, as long as the dimensions of the vase shall not be included in the overall dimensions of the marker. Bronze markers shall be installed in a concrete base so as to lie flush with the ground.

Sec. 7-42.1 Same – To be at grade level.

There shall be an four (4) inch concrete “Skirt” around all stones installed (Head stones, foot stones. Corner stones, monuments) with said “skirt” installed and maintained flush and level with surrounding ground.

Sec. 7-44. Erection of objectionable monuments, etc., prohibited; removal of damaged, etc., monuments.

The town reserves the right to refuse or prohibit the erection or placing of any monument, marker or mausoleum if in the judgment of the superintendent such memorial is objectionable in design, or is faulty constructed, or is made of inferior materials, or is not in compliance with cemetery rules and regulations governing same, and further reserves the right to remove monuments which in the judgment of the superintendent are damaged or deteriorated beyond use.

Sec 7-45. Enclosures around lot or grave spaces.

No coping, curbing, fencing, planting, or enclosures of any kind shall be permitted around any lot or grave space within the town cemetery.

Sec. 7-46 – Sec 7-49. Reserved.

### ARTICLE III. SALE OF LOTS OR PLOTS

Sec. 7-50. Charges for cemetery lots.

The charges for a cemetery lot shall be available upon request from town hall or the superintendent. Applicable recording fees shall be paid by purchaser, in addition to purchase price, at time of purchase.

Sec. 7-51. Cash sales.

Persons desiring to purchase plots in the city cemetery shall file an application of purchase (Available at town Hall) so the superintendent may set an appointment with the purchaser to lay off the plot in question and require an immediate cash payment according to the charges established by the city council. On payment of the required sum, the superintendent shall issue a certificate to the purchaser of such lot or plot specifying the same and the price thereof. Upon presentation of such certificate to the town clerk a deed shall be made out and executed. A copy of such deed shall be delivered to the purchaser and a copy shall be kept by the town clerk in a book to be kept in his office for that purpose.

Sec. 7-52. Further provisions as to sale to non-residents.

Except as otherwise provided in this article, the purchase price of cemetery lots are hereby fixed by the Town Board of Commissioners at a price at least 50% higher to persons residing outside the corporate limits of the town than to persons residing within the corporate limits of the town, irrespective of ownership of property within the town.

Sec. 7-53 Sales to corporations and business concerns.

Sales of cemetery lots to any corporation or to business concerns are hereby expressly forbidden.

Sec. 7-54. Speculation prohibited.

It shall be unlawful for any person, firm, or corporation to buy or otherwise acquire any city cemetery lot or burial space for the purpose of speculation or sale.

Sec 7-55.        Limitation of number of lots a person may purchase.

No natural person shall be entitled to purchase more than two (2) town cemetery lots except where there are unusual and extraordinary circumstances surrounding the particular situation making it necessary that he have more than two (2), and in such latter case only when he has applied for and received the specific approval of the superintendent. Lots shall be sold in groups of two (2) or four (4) and when four are purchased they shall be in the surveyed area of 9' X 21'.

Sec 7-58.        Procedure for transfer.

It shall be unlawful for any person to sell or transfer any lot in the city cemetery without first obtaining the consent and approval of the superintendent. A copy of the new deed shall be returned to the Town Hall for appropriate recording.

#### ARTICLE IV. DEFINITIONS

Plot - A four (4) grave surveyed area of ground measuring 9' wide by 21' long or a two (2) grave surveyed area of ground measuring 9' wide by 10.5' long. Length is measured in an East-West direction.

Lot – Each burial space within a designated plot measuring approximately 4.5' X 10.5'.

Monument – Shall be the only above ground structure located on a grave lot typically identifying a family or families.

Marker – Shall be the single stone placed to identify a particular individual buried in a plot within a lot.

#### ARTICLE V. PENALTIES

Any person, firm, or corporation violating any provision of this Ordinance, shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 14-4 of the General statutes of North Carolina.