

CHAPTER 13

CEMETERIES

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Article I

DEFINITIONS; APPLICATION

Section 13-1 Definitions

Unless the context otherwise indicates, the following words shall have the meaning indicated when used in this chapter.

(1) Administrator: The person designated by the manager to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

(2) Burial Space: A parcel of ground within a cemetery lot having the dimensions of 4 feet by 12 feet, and the usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

(3) Lot: A plot of ground within the town cemeteries consisting of not more than three (3) burial spaces, as shown on the official cemetery map. (Amend. 5/9/89)

(4) Marker: 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.

(5) Mausoleum: A structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.

(6) Monument: A memorial stone or other structure erected at a gravesite in remembrance of the dead.

(7) Natural Burial: A method of internment with minimal environmental impact and which aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and preservation of natural habitats. This method of internment does not include embalming of bodies, does not require grave liners or vaults, encourages the use of biodegradable burial containers, and is intended to the natural decomposition of bodies. Graves used for Natural Burials shall be maintained such that the grave's appearance shall be kept as consistent as practical with the surrounding graves. This burial method may also be referred to as "Green Burial" (Created 10/16/18)

Section 13-2. Application of Provisions

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 apply only to cemeteries owned or operated by the town.

Article II

GENERAL REGULATIONS

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 operated by 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).

Section 13-4 Disruptive Activity Prohibited

(a) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic.

(b) No person may drive any motor vehicle or park any motor vehicle in any cemetery 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, horse, or other animal into any cemetery or allow any animal to run at large therein. This provision shall not apply to seeing eye dogs when accompanied by a blind person. (Amend. 5/9/89)

(d) No person may intentionally disrupt any funeral service 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.

(e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within any cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(f) No person may engage in recreational activities in any cemetery. For purposes of this subsection, recreational activities shall include, but not be limited to the throwing of balls or frisbees, playing games or engaging in sports activities, running or jogging, picnicking, walking dogs, cats or other animals, allowing dogs, cats, or other animals to run at large, and other similar activities inconsistent with the use of a cemetery as a cemetery. (Amend. 8/11/92)

Section 13-5 Desecration of Public and Private Cemeteries

As provided in G.S. 14-150.1, if any person shall willfully commit any of the acts set forth in the following subdivisions, he shall be guilty of a misdemeanor and shall be fined not more than one-hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both, in the discretion of the court.

- (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) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub, or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of said cemetery.

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 Removing or Defacing Monuments and Tombstones

As provided in G.S. 14-140, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood, or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface such monument, or alter the letters, marks or inscription thereof, he shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries.

Section 13-7 Hours of Operation

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

Section 13-8 Trees, Plantings, Landscaping

- (a) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the cemetery administrator.
- (b) The cemetery administrator 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.
- (c) 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.
- (d) Artificial flowers used in floral decorations may be used in the cemetery but a limit of two months is established as a reasonable period for use of such decorations. After two months such arrangements will be removed and disposed of by the cemetery administrator.

Sections 13-9 through 13-10 Reserved

Article III

DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Section 13-11 Cemetery Map Required

(a) There shall be maintained in the town clerk's office 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. Natural Burial spaces shall be clearly marked on the cemetery map and the cemetery map shall be amended from time to time in order to ensure that adequate spacing is maintained between Natural Burial lots or spaces. (Amended 10/16/18)

(b) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.

(c) There shall be maintained by the cemetery administrator an alphabetical list of purchasers of Certificates of Burial Rights and a numerical list of lots sold. (Amend. 5/9/89)

Section 13-12 Purchase of Burial Rights

(a) The town shall sell burial rights in cemetery lots and spaces in accordance with the provisions of this chapter and the schedule of fees set forth in the Miscellaneous Fees and Charges Schedule maintained in the office of the town clerk.

(b) Differential fees shall be charged according to whether the person intended to be buried in the space with respect to which a burial right is purchased is a bona fide resident of or owner of real property within the Town of Carrboro at the time such right is purchased. (Amend. 5/22/84, effective 6/1/84)

(c) (c) A Certificate of Burial Right shall be issued to the person who purchases a burial right. The certificate shall identify the purchaser, the specific lots or spaces to which the certificate applies, the names of the individuals intended to be buried in the spaces purchased, and whether the lots or spaces shall be used for traditional or natural burials. If spaces are intended to be reserved for unborn children or grandchildren of the purchaser, that fact shall be noted on the certificate and such offspring shall be deemed to have the same residency as their parents. If the cremated remains of more than one person are to be located on a single space, the names of all persons whose remains are intended to be located on the space shall be indicated on the certificate. (Amend. 12/11/84, 10/16/18)

(d) The usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

Section 13-13 Rights of Owner of Certificate of Burial Right

(a) The Certificate of Burial Right transfers no property right to the certificate owner. The Certificate of Burial Right entitles the owner thereof (i.e., the purchaser) to use the designated spaces as a place of burial for the persons named on the certificate, subject to the terms and conditions of this ordinance and subject to the town's authority to operate, regulate, control, and abandon cemeteries. (Amend. 5/9/89)

(b) If the owner of a Certificate of Burial Right desires to change the designation of persons entitled to be buried in the spaces covered by the certificate, he or she may do so by surrendering the old certificate and obtaining a new certificate. Fees will be charged at the then current rate for the spaces being changed, but credit will be given for previous payments with respect to those spaces. In addition, the town will refund, without interest, any sums paid for spaces that the owner of a Certificate of Burial Right no longer wishes to reserve, upon surrender of the Certificate of Burial Right covering those spaces.

(c) Upon the death of the owner of a Certificate of Burial Right, all rights evidenced by such certificate shall pass to the owner's heirs, legatees, or devisees in the same manner as other interests in personal property.

Section 13-14 Speculation in Burial Rights Prohibited

(a) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.

(b) No person may sell or exchange any burial right for a profit or gain.

Sections 13-15 through 13-16 Reserved

Article IV

MAUSOLEUMS, MONUMENTS, MARKERS, AND COPING/CURBS OR FENCING

Section 13-17 Mausoleums

No mausoleum, tomb, building, or other structure of any kind shall be erected on any lot within the town's cemeteries, except on lots which may be designated on the plat and plan of the town's cemeteries by the Board of Aldermen as lots to be used exclusively for mausoleums and tombs. (Amend. 5/9/89)

Section 13-18 Monuments (Amend. 5/9/89)

- (a) All monuments shall be bronze and/or stone.
- (b) All monuments shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the monument and which shall be flush with the ground in order to facilitate monument protection, stability and maintenance.
- (c) No monument may exceed four (4) feet in height.
- (d) The length for single burial space monuments shall not exceed twenty-eight (28) inches.
- (e) A double space monument shall be permitted on two (2) adjacent burial spaces, located side by side. The length for double space monuments shall not exceed seventy-six (76) inches. A double space monument shall be centered on the line between two (2) burial spaces.
- (f) A triple space monument shall be permitted on three (3) adjacent burial spaces, located side by side. The length for the triple space monument shall not exceed one hundred-twenty (120) inches. A triple space monument shall be centered on the second (middle) burial space.
- (g) The width of monuments shall not exceed sixteen (16) inches.
- (h) All monuments shall be placed at the head of the burial space(s) and positioned perpendicular to the burial space(s).
- (i) The foregoing provisions of this section shall not apply to monuments placed prior to the effective date of this section.

Section 13-19 Markers

- (a) All markers shall be of bronze and/or stone. (Amend. 5/9/89)
- (b) A head marker used in place of a monument shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the head marker and which shall be laid flush with the ground in order to facilitate head marker protection, stability, and maintenance. (Amend. 5/9/89)
- (c) A head marker used in place of a monument shall be laid flush with the ground, shall not exceed two (2) feet in length and one foot in width and shall be placed at the head of the grave, perpendicular to the burial space(s). Only one head marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)
- (d) A foot marker shall be laid flush with the ground, shall not exceed two (2) feet in length and one (1) foot in width and shall be placed at the foot of the grave, perpendicular to the burial space. Only one foot marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)

(e) The foregoing provisions of this section shall not apply to markers placed prior to the effective date of this section. (Amend. 5/9/89)

Section 13-20 Reserved

Section 13-20.1 Installation, Repair or Removal of Monuments (Amend. 5/9/89)

- (a) A monument or marker shall be placed at the burial site within one (1) year of the funeral.
- (b) Should any monument or marker in the town's cemeteries at any time become unsafe, unsightly, or in need of repair or resetting, the cemetery administrator shall notify the owner of the relevant Certificate of Burial Rights of such condition and shall request such person to make any needed repairs under the administrator's supervision.
- (c) Nothing in this section shall obligate the town to place, replace, or repair any monument or marker in the town's cemeteries.

Section 13-20.2 Monuments and Markers on Natural Burial Sites (Created 10/16/18)

Notwithstanding the foregoing provisions of Article IV, Monuments and Markers installed at graves used as Natural Burial sites shall be placed such that they will not be affected by natural sinking of topsoil resulting from the decomposition of the bodies.

Article V

BURIALS

Section 13-21 Interment or Disinterment (Amend. 5/9/89)

- (a) No person shall be interred or disinterred in the town's cemeteries without lawful authority and a written permit issued by the cemetery administrator.
- (b) Application for the permit authorized by this section shall be made at least ten (10) hours prior to the opening of the grave. This application shall be submitted in writing and shall designate the person to be buried.
- (c) No permit shall be issued when the person to be buried is not designated as the person to be buried in the relevant burial space on the current Certificate of Burial Rights maintained by the cemetery administrator. 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.
- (d) No person shall open any grave in a town cemetery other than a licensed funeral director or those employed by such funeral director under the supervision of the cemetery administrator.

(e) Following the digging of a grave, the dirt shall be hidden from public view until after the funeral. Following the funeral, the dirt is to be replaced and sufficiently packed. All excess dirt is to be hauled away and the turf leveled.

Section 13-22 Records of Persons Buried Required

(a) The cemetery administrator shall keep complete and accurate records of the name, age, sex, date of death, and date of burial of every person buried in the town cemetery, as well as the particular space where such person is buried.

(b) The funeral director shall provide the cemetery administrator with a Death Information Certificate within ten (10) days of any burial. (Amend. 5/9/89)

Section 13-23 Minimum Depth of Graves

(a) All graves must be opened to a depth of at least five (5) feet to the bottom thereof. Notwithstanding the foregoing, graves intended for use for a Natural Burial shall be opened to a depth of three and a half (3.5) feet to the bottom thereof.

(Amend. 5/9/89, 10/16/18)

(b) All graves shall be level with the surrounding areas and no mounds shall be allowed. Notwithstanding the foregoing, graves intended for use for a Natural Burial may be covered with a mound and are not subject to the requirement that all graves shall be level with the surrounding areas, except to the extent that the grave's appearance shall be kept as consistent as practical with the surrounding graves. (Amend. 10/16/18)

(c) No grave in town cemeteries shall be dug nearer than twelve (12) inches to any property line. (Amend. 5/9/89)

Section 13-24 Grave Liner or Vault Required

Grave liners or vaults, composed of concrete or a substance of equivalent strength and durability, shall be required for all graves within the town cemetery. No person may bury or cause to be buried the body of any deceased person unless the casket is properly placed within a grave liner or vault. Notwithstanding the foregoing, the Natural Burials shall be permitted in the Old Carrboro Cemetery in conformance with this Chapter. (Amend. 12/11/84, 10/16/18)

Section 13-25 Reserved

Article VI

PENALTIES AND REMEDIES

Section 13-26 Penalties and Remedies

(a) A violation of any of the following provisions shall constitute a misdemeanor, punishable as provided in G.S. 14-4:

Sections 13-3, 13-4, 13-7, 13-8, 13-14, 13-17, 13-18, 12-19, 13- 20, 13-21, 13-23, 13-24 (Amend, 12/11/84, 5/9/89)

(b) Violations of any of the sections listed in subsection (a) shall also subject the offender to a civil penalty of twenty- five dollars (\$25.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(c) The town may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.