

CHAPTER 5

CEMETERIES

For state law as to authority of city over cemeteries, see G.S., §§ 160A-341 to 160A-348. As to cemeteries generally, see G.S., § 65-1 et seq. As to municipal cemeteries generally, see G. S. §§ 65-37 and 65-40. As to injuring, interfering with, etc., graves and cemeteries, see G. S., §§ 14-144, 14-149 to 14-150.1. As to establishment of cemetery trustees and operation of cemeteries thereby, see G. S., §§ 160A-349 to 160A-349.13.

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Sec. 5-1. Supervision of Mount Holly and Pinewood Cemeteries.

Both the Mount Holly and Pinewood Cemeteries shall be under the supervision of the director of public works.

Sec. 5-2. Duties of director of public works generally.

It shall be the duty of the director of public works to:

- (a) Take charge of the cemeteries of the city.

- (b) Have the cemeteries kept in good order.
- (c) Supervise the digging of all graves and all interments and all disinterments under such rules and regulations, instructions or directions as the city manager may prescribe.
- (d) Keep complete records. All money from sale of lots or otherwise in connection with cemeteries shall be paid daily into the city treasurer's office.
- (e) Keep suitable books for entries of interments in the cemeteries; such entries shall give a description of place of burial, the name, age, sex, cause and date of death of every person buried in the cemeteries and the name of the attending physician and of the registrar of vital statistics. (Code 1961, § 5-2.)

Sec. 5-3. Burial must be in public cemeteries.

No person shall bury any body in any place other than in a public cemetery. (Code 1961, § 5-5.)

Sec. 5-4. Certificate prerequisite to burial; disinterment permit required.

It shall be unlawful to bury any person in any cemetery without first obtaining a certificate, showing that the burial charges have been paid. No remains or body shall be removed without a removal permit from the registrar of vital statistics. (Code 1961, § 5-6.)

For state law as to removal of graves, see G.S., § 65-13.

Sec. 5-5. Sales of lots--Powers of city manager.

The city manager is hereby designated, authorized and empowered to make sale of lots and/or graves as provided in this chapter. (Code 1961, § 5-7.)

Sec. 5-6. Same--Execution of deeds.

The mayor and city manager are hereby fully authorized, empowered and directed to execute deeds for lots and/or graves as sold, in compliance with the provisions of this chapter. (Code 1961, § 5-8.)

Sec. 5-7. Same--Transfer or assignment of lots or graves.

No person purchasing or owning lots or graves in any public cemetery shall have any right or privilege of transferring or assigning such lots or graves in any manner, to any other person without first obtaining the written consent of the city. (Code 1961, § 5-9.)

Sec. 5-8. Same--Subject to rules and regulations.

No lot or grave in any public cemetery shall be sold, except subject to all rules and regulations now or hereafter made for the proper government, operation and maintenance of the cemeteries. (Code 1961, § 5-10.)

Sec. 5-9. Same--Charges.

The size of lots shall be as shown on cemetery plats, except that the city manager may divide the larger lots into smaller ones not inconsistent with good policy, lay of ground, etc., and the prices for lots shall be as follows:

- (a) City residents. Blocks A, B, C and E, thirty dollars per grave section.
- (b) Nonresidents (living outside city limits). Blocks A, B, C and E sixty dollars per grave section. (Code 1961, § 5-11; 1-8-62; 6-8-70.)

Sec. 5-10. Same--Indigents.

In the case of indigents or poor persons unable to pay the charges specified in this chapter the mayor shall be permitted to have interments made without charge. (Code 1961, § 5-12.)

Sec. 5-11. Maintenance--Railings, shrubs, plants; detrimental growth.

The owner of each lot shall have no right to enclose the same with a railing or wall, to cultivate therein grass, trees, shrubs, plants, etc., except under the direction of the director; and the director shall, with the approval of the city manager, remove trees, shrubs, etc., or such parts thereof as are or may be dangerous, obnoxious, detrimental or inconvenient. (Code 1961, § 5-13.)

Sec. 5-12. Same--Owners charged with duty of cultivation and upkeep.

All lot owners are charged with the duty of any and all cultivation and upkeep of whatever kind, under the supervision and direction of the director, unless they make satisfactory arrangements with the director to pay for such upkeep as they may desire. (Code 1961, § 5-14.)

Sec. 5-13. Same--Removal of offensive or improper objects.

If any monument, effigy, enclosure, structure or inscription, etc., placed in or upon any lot or monument or tombstone, shall be deemed of an offensive or improper nature or injurious to the surrounding lots or grounds, the director shall have the right, with the consent of the city manager, to enter upon the lot and remove the same. (Code 1961, § 5-18.)

Sec. 5-14. Same--Removal of trash--Generally.

All lot owners who cultivate their lots shall remove all trash and material taken therefrom to the walk or road adjacent to their lots and the superintendent shall have the same removed. (Code 1961, § 5-15.)

Sec. 5-15. Same--Same--Builders.

All monument builders and other persons, after erecting monuments, headstones, curbing, walls or other fixtures shall remove from the cemetery grounds, or to some suitable place thereon, any trash and material placed thereon and not used, and shall leave the ground and lots in as good condition as they were found. (Code 1961, § 5-17.)

Sec. 5-16. Foundation of monuments, etc.

No person shall erect any monument, headstone, tombstone or other fixture, requiring a base to rest on, without first building a solid foundation of crushed rock or bricks and good cement. The depth and size of such foundation shall be determined by the director. (Code 1961, § 5-16.)

Sec. 5-17. Ingress and egress; mounting fences, etc.

It shall be unlawful to enter the enclosures or grounds of the cemeteries, or go out therefrom except at the gate or other proper places of ingress and egress thereof, or to mount or walk or run upon the walls or fences thereof. (Code 1961, § 519.)

Sec. 5-18. Operation of vehicles.

Drivers of vehicles shall operate the vehicle slowly and carefully; and shall not drive elsewhere than on the roads or driveways set apart for that specific purpose; and no one shall drive over any of these where prohibited by the director. (Code 1961, § 5-20.)

Sec. 5-19. Use as public thoroughfare.

It shall be unlawful to use any cemetery as a public thoroughfare. (Code 1961, § 5-21.)

Sec. 5-20. Damaging fixtures and flowers.

It shall be unlawful for any person to destroy, mutilate, deface, damage or remove, without permission from the directors any tomb, monument, gravestone or other structure in the cemeteries; or any fence, railing or other object built for the protection or ornamentation of any tomb, gravestone, etc.; or to cut, break or destroy any plants, trees, shrubbery, etc., or to pluck flowers, etc., or to commit any other trespass in any cemetery. (Code 1961, § 5-23.)

Sec. 5-21. Ejection of disturbers.

Any person disturbing the quiet and good order of the cemeteries by noise of any kind or other improper conduct may be ejected from the grounds, and no person shall refuse to leave the cemeteries when notified to do so. (Code 1961, § 524.)

Sec. 5-22. Hunting, trapping, etc.

It shall be unlawful to catch, shoot, kill, entrap or disturb in any manner whatever, any bird or animal in the cemeteries. (Code 1961, § 5-25.)