



TOWN OF WILKESBORO

"Where the Mountains Begin"

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CHAPTER 13 – CEMETERY ORDINANCE

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.** Any person(s) designated by the Board of Commissioners to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.
- (2) **Lot.** A plot of ground within the town cemetery, having dimensions of 4 feet by 12 feet or 4 feet by 10 feet, and intended as a place of interment for one person.
- (3) **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.
- (4) **Mausoleum.** A structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.
- (5) **Monument.** A memorial stone or other structure erected at a gravesite in remembrance of the dead.

Section 13-2 Application of Provisions.

The following sections apply to all cemeteries within the town: Sections 13-4, 13-6, 13-7 and 13-8. The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

CHAPTER 13 – CEMETERY ORDINANCE

Article II – Management and General Regulations

Section 13-3 Management of Cemeteries

(A) The power of decision-making shall rest in the Cemetery Committee. This board shall comprise of four (4) Wilkesboro citizens and one Town Commissioner. The Town Manager and the Town Attorney shall be ex officio members of the committee and shall be present at each meeting. The cemetery Administrator shall be present at each meeting as well and must enact decisions made by the Cemetery Committee.

(B) The term of office for committee members will four (4) years as appointed by the Board of Commissioners. There shall be no term limits.

(C) Nominations will be made each year for Chairman, Vice Chairman, and Secretary.

(D) The Cemetery Committee will meet quarterly or on call basis, with day meetings on the second Tuesday of each quarter at 2 pm. Meetings will be held on the second Tuesday of January, April, July, and October.

Section 13-4 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).

Sec. 13-5 Multiple Burials in Graves

(A) One interment shall be made per grave, except that of a mother and infant child, or two infant children, may be placed in a singular space.

(B) Multiple burials in a single grave shall be limited to the interment of family members in one burial vault with no more than two cremation urns.

Section 13-6 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.

(D) 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.

(E) 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.

Section 13-7 Desecration of Public and Private Cemeteries.

(A) 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 13-8 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 13-9 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 13-10 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 of use of such decorations. After two months such arrangements will be removed and disposed of by the cemetery administrator. Flowers & items left on gravesites:

- a. Must be placed near monument to facilitate mowing.
- b. Groundskeeper may dispose of wilted flowers.
- c. Memorial Day – Flowers shall be placed no earlier than 10 days prior to, and must be removed fourteen days after Memorial Day.
- d. Christmas wreaths shall be allowed only for the months of December and January.

Section 13-11 Grave Liners

Concrete, steel, or fiberglass grave liners shall be used for all interments in any Town- regulated cemetery. This requirement shall not be waived under any circumstances.

Sections 13-12 Marking New Graves

Placement of monuments, markers, or footstones for identification of gravesites shall be the responsibility of the owners, and shall be accomplished within six months from the time of burial. Temporary markers may be removed by the Town when they have outlived their usefulness.

No person shall erect or cause to be erected any coping, border, or other delineation of a grave space unless the materials used to achieve such an effect are flush with the surface or ground that they are placed upon. Any such border or coping hereafter erected shall be subject to removal by the Town if not installed according to the above requirements of this chapter.

CHAPTER 13 – CEMETERY ORDINANCE

Article III - Designation and Sale of Cemetery Lots

Section 13-13 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 within the cemetery.

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

Section 13-14 Purchase of Burial Rights.

(A) The town shall sell burial rights in cemetery lots in accordance with the provisions of this chapter and the schedule of fees adopted and revised from time to time by the Board of Commissioners, a copy of which schedule shall be maintained in the office of the town clerk.

(B) A surveying and locating fee of \$100.00 must be paid in full at the time of interment.

(C) A deed or certificate of burial right shall be issued to the person who purchases a burial right. The deed or certificate shall identify the purchaser and the specific lot or lots to which the deed or certificate applies.

(D) A discounted rate of 20% shall be applied to the purchase of burial rights for any citizen of the Town of Wilkesboro.

(E) Proof of purchase shall be required prior to any burial. Proper proof shall be a copy of the deed issued by the Town.

(F) Effective with the adoption of this code the Town shall record all newly issued deeds for cemetery lots. The recording fee shall be noted in the Town's Schedule of Fees and paid prior to the issuance of the deed.

Section 13-15 Rights of Owner of Deed or Certificate of Burial Right.

(A) The deed or certificate of burial right entitles the owner thereof (i.e., the purchaser) to use the designated lots as a place of burial, subject to the terms and conditions of this ordinance and subject to the town's authority to operate, regulate, control, and abandon cemeteries.

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

Section 13-16 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 13-17 and 13-18 Reserved.

CHAPTER 13 – CEMETERY ORDINANCE

Article IV - Mausoleums, Monuments, and Markers

Section 13-19 Mausoleums.

No mausoleums may be placed or located within a town cemetery after the effective date of this chapter.

Section 13-20 Monuments.

Monuments may be placed only in areas so designated on the Town Cemetery plat of record. Such designated area may be enlarged, reduced or eliminated in accordance with the provisions for the amendment of Town Ordinances.

Section 13-21 Tombstones and Markers.

- (A) Individual lots shall be marked with a bronze or stone marker placed flush with the ground on an apron.
- (B) Tombstones & markers must have a 4-6" base border to facilitate mowing.
- (C) No gravel or decorative rock is allowed around grave markers.
- (D) Tombstones and markers must be set on foundations & set so tops are level with the sod and must be made of bronze, granite, marble or other suitable material approved by the cemetery administrator.
- (E) Tombstones and markers should be installed under the supervision of the cemetery administrator.
- (F) No grave marker or ledger shall be placed on top of any grave in which interment was not made in a vault made of metal, cement or other material that will not decay.

Section 3-22 Coping, curbing, etc.

- (A) It shall be unlawful for any person to erect or construct any coping, curbing, border or corner post on any lot or grave in a town cemetery unless the coping, curbing, border or corner post is flush with the surface of the adjacent ground.
- (B) It shall be unlawful for any person to erect any wire arbors, fencing or any sign.

Section 13-23 Approval from Cemetery Administrator

So to avoid overlapping plots, the town Cemetery Administrator must approve of all monuments and markers before their being put into place.

CHAPTER 13 – CEMETERY ORDINANCE

Article V - Penalties and Remedies

Section 13-24 Penalties and Remedies.

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

(B) Violations shall also subject the offender to a civil penalty of one hundred dollars (\$100.00). If a person fails to pay this penalty within ten 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.
[Amended July 13, 1993]

(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 separate offense.

(E) The Town shall have the right to apply any monetary relief acquired towards remedying the violation as noted in the citation.

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

This ordinance approved by the Wilkesboro Board of Commissioners at a regular scheduled meeting on October 3, 2005.