

Chapter 6 - CEMETERIES^[1]

Footnotes:

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State Law reference— Municipal authority to establish and operate cemeteries, G.S. § 160A-341; regulation of city cemeteries, G.S. § 160A-348.

ARTICLE I. - IN GENERAL

DIVISION 1. - GENERALLY

Sec. 6-1. - Dead bodies to be buried in cemeteries.

No person shall bury or cause to be buried, any dead body in any other place within the town limits than in the public cemeteries.

(Comp. 1961, p. 228, § 1)

Sec. 6-2. - Multiple burials in graves; required depth of graves; opening and closing graves.

- (a) Multiple burials in a single grave shall be limited to one of the following: 1) the interment of two (2) burial vaults; or 2) the interment of one burial vault and one (1) cremation urn; or 3) the interment of no more than four (4) cremation urns.
- (b) No grave shall be opened to a depth of less than five (5) feet to the bottom thereof. All burial vaults and cremation urns shall be at least eighteen (18) inches below the ground level. Graves shall be opened and closed only under the direction of the funeral director in charge of the interment, subject to supervision by the town manager, and at no cost to the town.

(Comp. 1961, p. 229, § 12; Ord. No. 2003-03-24/0-3, § 1)

Sec. 6-2.1. - Graveliners and vaults.

Grave liners or vaults shall be required for all burials except for cremations, in the town cemeteries. When personal and/or religious reasons would preclude the use of grave liners or vaults, an interment fee shall be paid to the town.

Grave liners or vaults shall be constructed of concrete or a material of equivalent strength and durability approved by the town.

(Ord. No. 90-3-26/O-2, § 1)

Editor's note— Ord. No. 90-3-26/O-2, § 1, adopted March 26, 1990, amended the Code by adding provisions designated as § 6-2(a). In the interest of facilitating classification and ease of usage of the Code, said provisions have been redesignated as 6-2.1 at the discretion of the editor.

Sec. 6-3. - Preservation of peace and good order; firearms; noise; profanity; exposure.

No person shall in any way disturb any funeral service in any cemetery or use any cemetery as a playground, loafing or parking place, make loud noises or disturbances of any kind or discharge any firearms, except in connection with military funerals or Memorial Day services, use loud, profane or indecent language, make any indecent exposure of the person or commit any other indecent act in any cemetery. Any person who disturbs the quiet and good order of any cemetery by unnecessary noise or other improper conduct may be removed and upon refusing to leave when notified to do so because of any disturbance, improper conduct or other violation of ordinances or regulations relating to any cemetery, shall be guilty of a misdemeanor.

Except in connection with military funerals and Memorial Day exercises, it shall be unlawful except by authorized officers to carry any firearms in any part of any cemetery.

(Comp. 1961, p. 229, § 13)

Cross reference— Miscellaneous provisions and offenses, Ch. 11.

Sec. 6-4. - Traffic regulation; animals.

No person shall drive any vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic. Horseback riding and the use of bicycles or motorcycles is prohibited. No person shall drive or lead any horse or horse-driven vehicle in any cemetery faster than a walk or drive any motor vehicle at a rate of speed exceeding ten (10) miles per hour. No commercial vehicle shall be driven in any cemetery except in the conduct of business connected with the proper use of the cemetery. No person shall take any dog or other animal into any cemetery or allow any animal to run at large therein.

(Comp. 1961, p. 229, § 14)

Cross reference— Animals and fowl, Ch. 4; traffic, Ch. 21.

Sec. 6-5. - Entry, departure; hours of operation.

It shall be unlawful for any person to enter or leave any cemetery except at the proper places provided for entrance and exit. No person shall enter any cemetery except during the hours in which it is open to the public as herein provided, except by permission from the town manager. Between the first day of April and the first day of October of every year, each cemetery shall remain open to the public from seven o'clock a.m. to seven o'clock p.m.; at other times, each cemetery shall remain open to the public from seven-thirty o'clock a.m. to five o'clock p.m., provided that any deviation from the above schedule may be made by the town manager.

(Comp. 1961, p. 229, § 15)

Sec. 6-6. - Disturbing, defacing grave, grave marker, flowers, shrubs, property; removal of flowers.

It shall be unlawful for any person, in any manner, to disturb any grave, deface or remove any grave marker or to damage any flowers, shrubs, trees, or other property in any cemetery. The town manager may authorize removal from the cemetery, of any floral designs, flowers, weeds, plants or herbage of any kind when, in his judgment, they become unsightly or if they fail to conform to the standards generally maintained in any cemetery.

(Comp. 1961, p. 229, § 16)

Sec. 6-7. - Use of artificial flowers.

Artificial flowers used in floral decorations may be used in the cemetery but a limit of two (2) weeks is hereby established as a reasonable period for use of such decorations. After two (2) weeks, such arrangements will be removed and disposed of by the cemetery attendants.

(Ord. of 2-12-68, § 1)

DIVISION 2. - CEMETERIES ADVISORY BOARD

Sec. 6-8. - Created; named.

A cemeteries advisory board is hereby created for the Town of Chapel Hill for the purpose of providing citizen input to the town council on policies for the operation and maintenance of the town's cemeteries.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-9. - Membership, terms.

The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council-appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-10. - Appointment, vacancies.

The members shall be appointed and vacancies filled as prescribed in Section 11.D-2 of the Council's Procedures Manual.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-11. - Meetings, chairperson.

The cemeteries advisory board shall hold meetings quarterly at such time and places as it shall determine. It shall annually elect one (1) member to serve as chairperson and to preside over its meetings. All meetings of the board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings; including attendance of its members; its resolutions, findings, recommendations and actions. A quorum of the board, necessary to take any official action, shall consist of half (½) of the total membership plus one (1). The concurring vote of a simple majority of those members present shall be necessary to take any official action.

(Ord. No. 2008-06-25/O-6, § 1)

Secs. 6-12—6-17. - Reserved.

ARTICLE II. - CHAPEL HILL MEMORIAL CEMETERY

Sec. 6-18. - Established; named.

The town shall open, operate and maintain a cemetery on the property purchased by the town from Dr. Foy Robertson, and others and located south of the Chapel Hill-Durham Highway at a point east of the Town of Chapel Hill.

The name of the cemetery shall be Chapel Hill Memorial Cemetery.

(Comp. 1961, p. 229, § 2)

Sec. 6-19. - Official plan.

The master map of the area effected by the Chapel Hill Memorial Cemetery, prepared by Richard W. Boggs, landscape architect, dated 1980, a copy of which is on file in the office of the town manager and identified by the official signatures of the mayor, town clerk and town manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

(Comp. 1962, p. 229, § 3; Ord. No. O-80-68, § 1, 10-13-80)

Sec. 6-20. - Reserved.

Editor's note— Ord. No. O-80-68, § 1, enacted Oct. 13, 1980, provided for the deletion of § 6-20, relative to detail maps.

Sec. 6-21. - Reserved.

Editor's note— Ord. of May 10, 1971, repealed former § 6-21 relative to the reservation of certain sections in Chapel Hill Memorial Cemetery for particular races. Said section was derived from Comp. 1961, p. 229, § 5 and Comp. 1961, p. 232c, § 2.

Sec. 6-22. - No conveyance of title of grave space.

Fee simple title to the property included in the cemetery governed by this article shall remain vested in the Town of Chapel Hill. There shall be no conveyance of title to any grave space, but the right or privilege of interment shall be sold as herein provided and such right or privilege shall be evidenced by a certificate issued in the name of the municipality by the town manager.

(Comp. 1961, p. 229, § 6)

Sec. 6-23. - Fees.

Fees shall be charged for the purchase of grave and cremation spaces in town cemeteries. The fees shall be based on the type of space purchased and whether or not the purchaser resides or owns property within the corporate limits of the town. The fee for cemetery space shall be determined as of the time of purchase; and subsequent extension of the corporate limits or subsequent change in the residence or property ownership status of a purchaser shall not cause an increase or decrease in the fee paid for cemetery space. The fee for each cemetery shall be paid to the town in cash before interment. An additional fee shall be charged for interments which do not include use of a grave liner or burial vault approved by the town. The fees hereinabove set forth do not include the costs of opening and closing of spaces. The cemetery fees shall be according to the current fee schedule resolution adopted by the town council.

(Comp. 1961, p. 229, § 7; Ord. of 3-26-63, § 1; Ord. No. O-78-41, § 1, 6-12-78; Ord. No. 90-3-26/O-2)

Sec. 6-24. - Transfer of purchased rights.

The purchaser of interment or burial rights or privileges may not transfer the same. The town will refund, without interest, any sum paid for interment privilege if requested to do so in writing by the purchaser thereof prior to the opening of a grave in the grave space purchased and upon surrender by the purchaser of the interment or burial privilege certificate issued for such grave space. Upon the death of the holder of a burial or interment privilege certificate, his or her heirs, legatees or devisees, shall succeed to his rights in said certificates. The owner of a burial or interment privilege certificate may permit interment in the grave space or spaces therein described of any person designated in writing by the certificate owner, provided no compensation for such interment is received by the certificate owner and provided the interment is made in compliance with the provisions of the master map or plan and the detail map hereinbefore referred to.

(Comp. 1961, p. 229, § 8; Ord. of 3-26-63)

Sec. 6-25. - List of purchasers, grave spaces to be kept.

An alphabetical list of purchasers of interment privilege certificates and a section-numerical list of grave spaces sold shall be kept on file in the town hall by the town manager or such other municipal officer as the council may designate.

(Comp. 1961, p. 229, § 9)

Sec. 6-26. - Interment, opening grave; permit required, application.

No grave shall be opened and no interment shall be made without a written permit issued by the town manager, or other municipal officer as designated by the council, and such permit shall be secured at least eight (8) hours prior to the opening of the grave. Application for permit to open a grave must be made in writing by the owner of the burial space certificate if living or by a relative of a deceased owner for interment of a deceased owner. Said application shall state the name, age, sex, race and date and place of death of the person to be interred.

(Comp. 1961, p. 229, § 10)

Sec. 6-27. - Markers, shrubbery and landscaping generally.

No planting of trees, shrubbery or flowers shall be permitted in the cemetery except by or under the direction of the town manager and in accordance with the master plan map. No walls, trees, shrubbery or any other obstruction shall be permitted in the cemetery except in areas designated for such purposes on the master plan. All graves shall be level with the surrounding area. No mounds shall be allowed.

All markers in the cemetery shall be bronze or stone. A family marker shall be permitted on two (2) or more adjacent graves, located side by side, and shall be placed along the base line of the grave spaces and centered between the spaces. Single and cremation markers shall be placed along the base line of the grave space and centered on the axis of the space.

Aboveground monuments shall have four-inch concrete aprons which shall be flush with the ground in order to facilitate monument protection, stability and maintenance. No monument shall exceed four (4) feet in height or ten (10) feet in width. All foot markers shall be laid flush with the ground. A maximum of one (1) upright monument shall be permitted per each grave.

The persons placing the markers shall request the town to locate the grave corners prior to placing the monument. After installation, a final inspection of the marker shall be made by the town. All installations of markers shall comply with dimensions and placement details approved by the town manager.

Anyone placing or causing to be placed a grave marker so that it is not in conformity with this section will correct it. If the marker is not brought into conformity as requested, the town shall make the correction and bill the person who placed or caused to be placed the marker.

(Comp. 1961, p. 232a; Ord. of 4-9-62, § 1; Ord. of 3-26-63, § 1; Ord. of 11-25-63; Ord. No. O-73-23, §§ 1, 2, 6-25-73; Ord. No. O-80-20, § 1, 3-10-80; Ord. No. O-80-68, § 1, 10-13-80; Ord. No. 94-7-5/O-5, § 1)

ARTICLE III. - WEST CHAPEL HILL CEMETERY

Sec. 6-28. - Established; named.

The town shall maintain the existing cemetery located on property adjacent to the intersection of Village Drive and Jay Street.

The name of the cemetery shall be the West Chapel Hill Cemetery.

(Ord. No. O-80-68, § 1, 10-13-80)

Sec. 6-29. - Official plan.

The master map of the area effected by the West Chapel Hill Cemetery, prepared by Richard W. Boggs, landscape architect, dated 1980, a copy of which is on file in the office of the town manager and identified by the official signatures of the mayor, town clerk and the town manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

(Ord. No. O-80-68, § 1, 10-13-80)