



# TOWN OF FARMVILLE

## CODE OF ORDINANCES

### CHAPTER 6 – CEMETERIES

#### ARTICLE I

#### IN GENERAL

##### Section 6.1 **TITLE**

This chapter shall be known as the Town of Farmville ordinance for operating, maintaining, regulating and controlling the Forest Hills Cemetery, Hollywood Cemetery, Sunset Cemetery and any other cemeteries owned and/or operated by the Town of Farmville.

##### Section 6.2 **DEFINITIONS**

*Cemeteries* means the Town's burial parks or cemeteries.

*Cemetery lot* means a numbered division as shown on the record plat.

*Cemetery plot* means a space sufficient size to accommodate one (1) adult interment approximately four (4) feet by ten (10) feet.

*Cemetery plot plan* means the plot plan for each individual cemetery owned and/or operated by the Town.

*Marker* means a memorial flush with the ground.

*Monument* means a tombstone or memorial of granite or marble which extends above the surface of the ground.

*Superintendent of Cemeteries* shall mean the person or persons designated by the Town Manager to perform the duties assigned to the said position by this chapter.

*Town* shall mean the Town of Farmville, North Carolina.

*Town Commissioners* shall mean the Town Board of the Town of Farmville, North Carolina

##### Section 6.3 **CEMETERY SUPERINTENDENTS – APPOINTMENT**

There shall be appointed a competent person or persons who shall have charge of the upkeep, protection and preservation of the cemeteries of the Town, and he shall be

called the Cemetery Superintendent.

**Section 6.4 SAME - GENERAL DUTIES**

It shall be the duty of the Cemetery Superintendent to supervise the digging of all graves and to supervise the laying out, posting and cleaning of all cemetery lots or plots. In addition thereto, he shall see that all laws and regulations concerning the cemeteries are duly observed and enforced, and in case of any violation thereof, shall report the same to the Chief of Police.

**Section 6.5 RECORDS**

It shall be the duty of the Cemetery Superintendent to report to the Town Clerk or her designee, a record of all graves dug, all bodies exhumed and all other work done in the cemeteries. It shall be the duty of the Town Clerk to keep such record.

**Section 6.6 MAPS; CONTENTS**

It shall be the duty of the Town Planning Department or other persons designated by the Town Manager to keep a map of the cemeteries, distinguishing thereon all burial lots or plots which are offered together with those sold.

**Section 6.7 UNAUTHORIZED REMOVAL OR DAMAGE TO FLOWERS, ORNAMENTS, ETC.**

It shall be unlawful for any person, other than the cemetery superintendent or his duly authorized agent, or a member of the owner's family or their duly authorized agent, to cut down, pluck or otherwise remove, injure or destroy any flowers, bulbs, vines, shrubbery or trees planted in the cemetery except under the supervision or with the approval of the cemetery superintendent, or to remove any flowers or other ornaments or any vase, basket or receptacle from any lot except under the supervision and with the approval of the cemetery superintendent.

**Section 6.8 OFFENSIVE SUBSTANCES**

No person shall deposit, or cause to be deposited, any filth or unclean or offensive substance in the cemetery.

**Section 6.9 ANIMALS OR VEHICLES IN GENERAL**

No person shall take any dog (except for a seeing-eye-dog) into a town-owned cemetery or allow any animal to run at large therein, or ride, drive or lead any animal or vehicle on or over any plot or walkway therein.

**Section 6.10 SPEED OF VEHICLES**

No person shall drive a motor vehicle in any town-owned cemetery at a rate of speed

in excess of fifteen (15) miles per hour.

**Section 6.11 CONDUCT IN CEMETERY**

No person shall use the cemetery as a playground, loafing or parking space, make loud noises of any kind, discharge any firearms (provided that firearms may be discharged in case of military funerals and Memorial Day exercises), use profane or indecent language or make any indecent exposure of the person or commit any other indecent act therein.

**Section 6.12 EXCAVATING OR REMOVING EARTH**

It shall be unlawful for any person to excavate any earth in a town cemetery, or remove the same therefrom, except by consent or under the direction of the superintendent, or his duly authorized agent.

**Section 6.13 DISTURBING FUNERAL SERVICES**

It shall be unlawful to disturb any funeral services being conducted within any town-owned cemetery.

**ARTICLE II**

**SALE OF LOTS**

**Section 6.14 INTENT**

The Town intends to make cemetery lots available to all persons on an equal basis. In order to accomplish this, restrictions must be placed on the sale of lots to discourage the purchasing of lots with the primary intent of reselling them for a profit.

**Section 6.15 NUMBER OF LOTS**

No person or other legal entity including, but not limited to, companies, partnerships, corporations and other business associations, shall be allowed to purchase from the town more than eight (8) lots. Any person or legal entity denied the right to purchase a lot or lots pursuant to this subsection may appeal to the Town Clerk to the Board of Commissioners for a final decision on the matter.

**Section 6.16 SALE BY TOWN**

Upon payment by the purchaser of the full purchase price and registration fee, the Town Clerk shall deliver a deed of burial easement to the purchaser and maintain appropriate records of each transaction. The Town Clerk shall cause the deed to be executed by the Town; registered in the Office of the Town Clerk and subsequently delivered to the purchaser.

**Section 6.17 RECONVEYANCE BY PURCHASER**

In order to properly manage the cemeteries, the Town must know, at all times, the identity of the legal owner of each lot. No transfer or assignment shall be made of any of the cemetery lots or any entries therein, without the written consent of the Town Manager. No reconveyances shall be approved within the first five years after the purchase of the lots. All such transfers or assignments shall be recorded in the office of the Town Clerk.

**Section 6.18 PURCHASE PRICE OF LOTS**

The purchase price of lots in the cemeteries shall be as fixed from time to time by the Board of Commissioners. The Town Clerk shall be responsible for keeping a list of such purchase prices for public viewing. The Town reserves the right to charge one price for in-town residents and another price for out-of-town residents.

**ARTICLE III**

**OPERATION OF CEMETERIES**

**Section 6.19 MAINTENANCE AND CLEANLINESS OF CEMETERIES**

- (a) The Superintendent shall keep the cemeteries in a neat and clean condition.
- (b) The general care and upkeep of the cemeteries including all grading, landscaping and improvements is assumed by the Town; however, the general care assumed by the Town shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery, including work caused by the impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work on any section of the plot, or any portion thereof in the cemetery caused by the elements, an act of God, enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by order of any military or civil authority, whether the damage is direct or collateral, other than as herein provided.
- (c) If any monument, mausoleum, tomb or marker or ornament becomes unsafe, unsightly or in need of repair or resetting, the town after giving notice to the owner of such condition and upon the failure of the owner to correct the condition within thirty (30) days after receiving the notice, reserves the right to correct or remove the same at the expense of the owner.
- (d) No person shall place or cause to be placed on any lot in the cemeteries any stone, planting or obstacle, other than approved markers or monuments. Placing of a coping or other enclosure of whatsoever kind around a lot or lots, or around a grave, shall not be permitted. Mowing, sodding and maintenance shall be performed by the Town.
- (e) The cemetery superintendent or his duly authorized agent shall have the authority to remove all floral designs, weeds, flowers, trees, shrubs, plants or herbage of any kind from the cemeteries as soon as in the judgement of the cemetery superintendent they become unsightly, dangerous, detrimental or diseased, or

when they do not conform to the standards maintained for the cemeteries. All cut flowers shall be removed when they become wilted, impaired or unsightly. If flowers are not removed by the owners, then they shall be removed by the cemetery superintendent. Any containers left at the graveside after the flowers have served their usefulness will be removed.

- (f) The Town cemeteries shall be closed from sunset to sunrise. No person may enter the cemeteries while it is closed without the permission of the cemetery superintendent

## ARTICLE IV

## INTERMENTS

### Section 6.20 GENERAL

- (a) All interments in lots shall be restricted to members of the family or relatives of the owners, or such persons as the owner may choose to admit. Prior to interment, the owner or his authorized representative shall authorize such burial by executing an authorization-for-burial form. The usage of each lot 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;
  - (3) The interment of one or two (2) cremation urns.
- (b) No grave, vault or tomb within the cemeteries shall be disturbed, nor shall any body be removed from any grave, vault or tomb, without a permit from the County Health Officer, the consent of the lot owner or members of the family of the deceased and in compliance with G.S. Section 65-13.
- (c) No person other than the regularly appointed cemetery superintendent's representative shall dig any grave or inter or disinter any body in the cemeteries belonging to the Town. Complete and accurate records are to be maintained on all interments. The fees for opening and closing a grave in the town cemeteries shall be fixed from time to time by the Board of Commissioners. The Town Clerk shall be responsible for keeping a list of current fees for public viewing. The interment property is for burial of human remains only.
- (d) Burial services shall be scheduled generally between 9:00 a.m. and 4:00 p.m. Interment will be made on Saturday or non-excluded holidays as observed by the Town only upon assessment of an additional charge. All funeral processions entering the cemetery grounds after 4:00 p.m. on any normal work day will also be required to pay an additional charge. All additional charges are outlined in the schedule of cemetery charges.
- (e) The cemetery superintendent shall be notified at least twenty-four (24) hours prior to an interment. In the event of a Monday interment, such notice must be given on the preceding regular Town workday. Failure to provide proper notification will result in an additional charge.
- (f) All graves shall be at least fifty-five (55) inches deep. The widths of graves in the cemeteries shall be not less than three (3) inches greater than the box width on each side. A minimum of eighteen (18) inches of soil shall be placed over the liner

and all graves shall be made approximately level with the lot and sodded.

- (g) All burials will be in a commercially procured graveliner or vault that has been approved by the Cemetery Superintendent. The minimum requirements for concrete liners shall be one and one-half inch sidewall thickness, two-inch top thickness, two-inch bottom thickness, and three thousand (3,000) PSI. The minimum requirements for a steel vault shall be a twelve-gauge thickness top, sides and bottom. Wooden or other short-term liners are not allowed. Metal and plastic liners are allowed as approved by the Cemetery Superintendent. No liners are required for cremations

**Section 6.21 DISINTERMENTS; APPLICATION AND APPROVAL REQUIRED**

- (a) A person who desires to have removed from his or her lot or vault the remains of a person interred therein shall apply in writing addressed to the Cemetery Superintendent, setting forth in such application the name of the deceased, the date and cause of death, relationship of deceased to applicant, number of lot, vault, or space in which then interred, and the number of lot, vault, or space ( or name of cemetery, if elsewhere) in which the remains are to be reentered, and reason for removal. But no such permission for such disinterred shall be granted, nor shall such disinterment be made until the application has been approved by the Health Department.
- (b) If not already in compliance, all disinterment that are to be relocated to another area of the towns cemeteries shall be placed in a vault or liner as described in Section 6.20(h) above. If any old vault or liner exists, it must be physically solid for withstanding the disinterment. It shall be the responsibility of the Cemetery Superintendent to make this determination. If he deems the vault or liner to be unacceptable, it shall be replaced at the expense of the property owner, his estate or duly authorized representative.

**Section 6.22 REINTERMENT; REQUIREMENTS**

Any person desiring to have reinterred the remains of a person brought from another cemetery or burial place shall furnish the Cemetery Superintendent with a certificate from the Health Department having jurisdiction, setting forth, if possible, the name, age, sex, marital status, cause and date of death, and last residence of deceased, and name and location of former burial place. The Cemetery Superintendent, upon evidence of payment of charges as set forth in the schedule of all cemetery charges, shall have the remains properly reinterred in such place as may be selected by the person having charge of such remains.

**ARTICLE V MONUMENTS, GRAVE MARKERS, GRAVESTONES**

**Section 6.23 LOCATION, SPECIFICATIONS**

- (a) Monuments and gravemarkers shall be allowed or permitted only in those sections or portions of sections of the cemeteries as approved by the Board of

Commissioners and as shown on the cemetery plot plans. All monuments and grave markers shall be erected under the supervision of the Cemetery Superintendent and all persons shall conform to these regulations and shall clean the site of their work of all unused materials or debris on completion.

- (b) Before any monument, gravestone or grave marker may be set on any lot in the cemetery, written application must be made to the Cemetery Superintendent and his permission shall be obtained for the erection of such stone or marker. An inspection fee for the placement of such stone or marker shall be fixed from time to time by the Board of Commissioners. The Town Clerk shall be responsible for keeping a list of current fees for public viewing. A fee will be charged for each requested inspection.
- (c) The face of any monument shall not exceed fifteen (15) percent of the superficial area of the lot, its base length shall not exceed sixty (60) percent of the average width of the lot and its base width shall not exceed two (2) feet. Where there are four (4) or more graves, the base width may be a maximum of two (2) feet and ten (10) inches.
- (d) Monuments of concrete, artificial stone, composition, wood, tin, iron or similar materials shall not be permitted within the cemeteries.
- (e) Grave markers shall not exceed one (1) foot in width, two (2) feet in length and be placed flush with the ground, and shall be placed at the end of the grave farthest from the monument or as specified in the cemetery plot plans.
- (f) Cornerstone markings are allowed if they are set even with the lawn, so that maintenance machines may pass over them safely without damage to the marker or the machine.
- (g) Only one (1) central family monument shall be allowed on a family lot in the town cemeteries.

**ARTICLE VI**

**MAUSOLEUMS AND TOMBS**

**Section 6.24 LOCATION, SPECIFICATIONS**

- (a) Mausoleums or tombs may be constructed only on lots designated for that purpose as shown on the cemetery plot plans.
- (b) Specifications and the locations of the mausoleums or tombs on the lot shall be approved by the Town Manager or such officers as the Board of Commissioners may designate.
- (c) Mausoleums or tombs shall be erected so as to leave at least two (2) feet clearance from all lot boundary lines.

**TOWN OF FARMVILLE  
CEMETERY FEES SCHEDULE  
FY 2001-2002**

Single grave lot (Inside Town)	.....\$250.00
Single grave lot (Outside Town)	

.....	\$600.00
Opening & Closing (Weekday - Normal Cemetery Hours)	
.....	\$250.00
Opening & Closing (Weekend, After Hours, Holidays)	
.....	\$375.00
Monument, Grave Marker Inspections/Permit .....	\$
25.00	
(Each Inspection)	
Trading or Resale of Cemetery Lot .....	\$
25.00	

**ARTICLE VII**

**COLUMBARIUMS**

**Section 6.25 LOCATION, SPECIFICATIONS**

- (a) Columbariums may be allowed in any section of the Cemeteries
- (b) A columbarium consisting of two (2) containers or cylinders will be allowed for each grave plot owned by the requesting party. The grave plot or plots would then be so designated and would no longer be available for standard burials as permitted in Section 6.20 of this Ordinance.
- (c) Columbariums shall be erected so as to leave at least two (2) feet clearance from all lot boundary lines and shall not exceed five (5) feet in height
- (d) All designs and locations shall be approved by the Town Manager.

(added 01/02/2007)

Amended by the Board of Commissioners on: January, 02, 2007