

CHAPTER 93: CEMETERIES

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Statutory reference:

Authority to establish, see G.S. § 160A-341

Regulation of cemeteries, see G.S. § 160A-348

§ 93.01 DEFINITION.

For the purpose of this chapter, the word “cemetery” shall mean the Elmwood and Fremont Cemeteries and any other cemeteries owned and/or operated by the Town of Fremont.

§ 93.02 APPLICATION OF CHAPTER.

The provisions of this chapter and the regulations adopted by the Fremont Board of Aldermen, as amended, shall relate to and provide for the maintenance, upkeep, and regulation of the Elmwood and Fremont Cemeteries in the Town, now G.S. 160A-349/1 et seq.

§ 93.03 OBSTRUCTIONS ON CEMETERY LOTS; LOT TRENCHES, ETC. PROHIBITED.

No edging, cornerstone, or obstruction, excluding flowers, of any kind, other than gravestones, or grave markers, may be placed upon any cemetery lot. No person shall dig a trench or gully around lots, nor shall any person be permitted to raise lots above the level of adjoining lots.

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§ 93.04 PLANTING AND CULTIVATION OF FLOWERS, SHRUBS, ETC.

No flowers, trees or shrubbery may be planted upon any cemetery lot except by persons under the supervision of the Town. Cultivation and care of all trees, shrubs and flowers and the cutting of grass shall be done only by workers employed by or under the supervision of the Town.

§ 93.05 OPENING AND CLOSING GRAVES.

All graves shall be opened and closed under the supervision of an authorized representative of the Town of Fremont. No grave shall be opened on any cemetery lot until the deed for such lot is presented to the Town's representative; or, unless the Town's representative shall have satisfied him/herself that the person requesting the opening of such grave is the owner of the lot on which it is opened.

Each grave for the interment of human remains or urn or other container containing cremated human remains shall be placed in a concrete burial vault. The vaults shall be constructed of a minimum of 5,000 PSI pre-cast concrete. Concrete vaults for the burial of caskets shall have a nominal minimum dimension of 86" L x 26" W x 30" H, with a nominal wall thickness of 2 ¾". Concrete vaults for the interment of an urn or other container shall be a minimum of 5,000 PSI pre-cast concrete with a nominal minimum interior dimension of 12 ½" x 12 ½" x 13 ½" H. and a nominal exterior dimension of 14 ½" x 14 ½" x 18" H. Vaults are to be by a reputable commercial manufacturer whose primary business is burial vaults and/or caskets.

All vaults are to be installed, so the top of each "burial vault or other encasements" shall be at least 18" below the surface of the ground, consistent with 15A NCAC 18C.0203 (2018) as amended.

(Ord. Revised 06-20-23)

§ 93.06 EXHUMATION OF DEAD BODIES.

No person shall exhume or cause to be exhumed any dead body buried in the cemeteries, except by permission of the Town pursuant to G.S. 130A-390.

§ 93.07 BURIAL OF OTHER THAN HUMAN BODIES.

No dead bodies other than human bodies shall be buried in the cemeteries.

§ 93.08 BRICKWORK OF GRAVES.

Where a grave is bricked up, no brickwork shall extend above the surface of the ground. Before any gravestone or marker may be set on any lot in any cemetery, written application must be made to the Town and permission shall be obtained for the erection of such stone or marker.

§ 93.09 SIZE OF GRAVE FOOTSTONES.

All grave markers shall be twelve (12) inches by twenty-four (24) inches and shall not extend more than four (4) inches above the surface of the ground.

§ 93.10 QUALITY AND TYPE OF ADDITIONAL GRAVESTONES OR MARKERS.

In any case where a gravestone is already in place on a cemetery lot, and it is desired to place another gravestone on such lot, all gravestones or markers placed subsequent to the original stone shall be of the same quality and type of stone as the original.

§ 93.11 FOUNDATIONS FOR GRAVESTONES OR MARKERS.

Foundations for gravestones or markers shall be made and set under the direction of Town and shall

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be of sufficient width and depth and of such material as will insure adequate support for such gravestones or markers. The Town shall have the authority to determine if such foundations are adequate and shall reject any foundation or material which, in his opinion, is not sufficient for adequate support.

§ 93.12 REMOVAL, INJURY, ETC. OF CEMETERY PLANTS.

No person without lawful authority, the Town representative, shall remove, injure or destroy any permanent flowers, permanent trees or permanent shrubs within the limits of the cemeteries.

§ 93.13 SPEED LIMIT OF VEHICLES; USE OF WALKS AND DRIVES.

No person shall operate any vehicle within the limits of the cemeteries at a greater rate of speed than ten (10) miles per hour. No person shall use the drives of the cemeteries as a public thoroughfare.

§ 93.14 ANIMALS; RESPONSIBILITY OF PARENTS FOR VIOLATIONS OF MINORS.

No person shall willfully take an unleashed dog into any cemetery or permit any animal to run at large and wander into the cemeteries without supervision – responsibility to clean up after pets. Parents and guardians shall be responsible for minors violating this provision.

§ 93.15 ENTRY BETWEEN SUNSET AND SUNRISE.

No person shall enter the limits of the cemeteries between sunset and sunrise without written permission of the Town, except for sunrise services.

§ 93.16 DEED FOR CEMETERY LOTS – DELIVERY AND RECORDATION.

No deed for any cemetery lot shall be delivered except upon payment of the purchase price in cash or check at the time of delivery. Any transfer or resale of a cemetery lot(s) must be registered with the Town Clerk and recorded in the master registry maintained by the town. All deeds for cemetery lots executed by the Town Clerk shall contain a reference to existing rules and regulations; and all such deeds shall contain an appropriate restriction making the ownership of any cemetery lot subject to all rules and regulations described in this chapter. All lots must be identified for burial by the town of Fremont, and the town must be notified by the funeral home prior to preparing lot for burial. If burial is done without notification and approved from the Town and/or placed in wrong grave, the expense will be the responsibility of the funeral home for exhumation of grave and re-burial.

It shall be the duty of the Town Clerk in compliance with State and Local laws as amended to transmit a copy of any additional rules and regulations adopted by the Town's Board of Aldermen to publish such rules and regulations in a newspaper published within the city.

§ 93.17 MINORS TO BE ACCOMPANIED BY PARENT OR GUARDIAN.

It shall be unlawful for any person under the age of sixteen (16) years to be on any cemetery property unless accompanied by a parent, grandparent, aunt, uncle or guardian.

§ 93.18 POWERS AND DUTIES OF THE TOWN AUTHORIZED REPRESENTATIVE GENERALLY.

The duties and powers of the Town and its duly authorized representative shall be as follows:

- (1) To enforce all laws and regulations governing the use of the cemeteries contained in these and any other rules in effect with respect to the cemeteries.

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(2) To have charge of the maintenance of all lots, drive and walks.

§ 93.19 CEMETERY SUPERINTENDENT.

All cemetery operations shall be overseen by a cemetery superintendent. Unless otherwise directed by the Board of Aldermen, the cemetery superintendent shall be the Town Administrator or his or her designee.

§ 93.20 CHARGES.

All charges made for opening and closing graves or the conduct of funerals in any cemetery shall be as determined by the Board of Aldermen from time to time. A schedule of such charges shall be on file in the office of the town clerk. Such charges shall be charged and paid upon the completion of the work, unless other arrangements are approved by the cemetery superintendent.

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.

§ 93.21 LIST OF PURCHASERS, GRAVE SPACES TO BE KEPT.

An alphabetical list of purchasers of grave opening permits and a section-numerical list of grave spaces sold shall be kept on file in the town hall.

§ 93.22 INTERMENT, OPENING GRAVE; PERMIT REQUIRED APPLICATION.

No grave shall be opened and no interment shall be made without a written permit issued by the cemetery superintendent and such permit shall be secured at least twenty-four (24) 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 grave site, 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 and shall be accompanied by a copy of the deed for such lot.

§ 93.23 SUPERVISION OF INTERMENTS AND DISINTERMENTS.

(A) The superintendent shall supervise the digging of all graves in the cemeteries and the exhuming of all bodies therein interred. The interment property is for burial of human remains only.

(B) No interments or dis-interments shall be permitted on New Year's Day, Good Friday, Independence Day, Thanksgiving, or Christmas Day and all Sundays, hereafter referred to as excluded holidays.

(C) The cemetery supervisor 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.

(D) The normal operating hours of the cemeteries are 8:00 a.m. to 4:00 p.m., Monday through Friday of each week, except for the holidays noted above.

(E) 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.

§ 93.24 SALE OF CEMETERY LOTS TO FUNERAL HOME BUSINESSES.

Sales of cemetery lots will be made to funeral homes only for purposes of interment of a specific

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individual. Such sales are intended as a convenience to those persons and families suffering the death of a loved one and to allow funeral homes to make arrangements on their behalf. Though funeral home businesses will be responsible for making payment to the town for the purchase of lots under this section, all cemetery lot deeds will be issued in the name of the individual, and not in the name of the funeral home.

§ 93.25 REMOVAL OF CHRISTMAS AND EASTER DECORATIONS FROM GRAVES.

The Town shall remove all Christmas wreaths and Easter decorations from graves by the fifteenth day of the second month following.

§ 93.26 REMOVAL AND DISPOSAL OF FUNERAL FLOWERS, DESIGNS, ETC.

The Town only shall remove all funeral flowers and designs from graves.

§ 93.27 OUTER BURIAL CONTAINER.

All burials in municipal cemeteries shall include the use of an outer burial container, to be placed at least 18" below surface. All lids be placed 18" below ground level. (Ord. revised 10-19-21)

§93.28 INADEQUATE CONTAINERS.

No interments shall be made in any type container subject to collapse from the overload of grave and/or monument. The town shall have the authority to determine if such containers are adequate and shall reject any container which, in their opinion, is not sufficient for adequate support. (Ord. revised 10-19-21)

§ 93.99 PENALTY.

Any person, firm or corporation who shall violate any of the provisions of these rules and regulations shall be subject to a civil penalty in the sum of \$100 per day as noted in § 10.99.

(Ord. revised 9-01-19)