

Chapter 5

CEMETERIES*

Art. I. In General, §§ 5-1—5-19

Art. II. Hollybrook Cemetery, §§ 5-20—5-31

ARTICLE I. IN GENERAL

Sec. 5-1. Destruction of property.

It shall be unlawful for any person to disturb, deface, pull down, or remove anything put or placed to mark any plot, grave or enclosure, or to pluck flowers or shrubs planted or growing, in any cemetery.

(Code 1976, § 9.55)

Sec. 5-2. Garbage, etc.

No person shall deposit any rubbish, filth, waste, or other unclean or unsightly substance in any cemetery. All such materials carried within the cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which such monument, marker or structure shall be located.

(Code 1976, § 9.67)

Secs. 5-3—5-19. Reserved.

ARTICLE II. HOLLYBROOK CEMETERY

Sec. 5-20. Name of city cemetery.

The name of the city cemetery shall be Hollybrook Cemetery.

(Code 1976, § 9.51)

Sec. 5-21. Terms of sale of lots.

All lots in the cemetery shall be paid in full at the time of purchase.

(Code 1976, § 9.53; Ord. No. 0-41-96, 5-9-96; Ord. No. O-70-99, 5-6-99)

Sec. 5-22. Reopening graves for interment of additional bodies.

No grave shall be reopened for the interment therein of an additional body.

(Code 1976, § 9.59)

***State law references**—Municipal cemeteries in general, G.S. 65-37 et seq.; authority to establish and operate cemeteries, G.S. 160A-341 et seq.; authority tax, G.S. 160A-209(c)(8).

Sec. 5-23. Depth of graves.

All graves over four and one-half (4½) feet in length shall be a minimum of six (6) feet in depth.

(Code 1976, § 9.58)

Sec. 5-24. Plantings.

No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the cemetery.

(Code 1976, § 9.60)

Sec. 5-25. Family monument; markers; embellishments.

Only one (1) central or family monument shall be allowed on a family lot. Markers shall be laid flush with the ground and shall not exceed two (2) feet in length and one (1) foot in width, and shall be placed at the end of the grave farthest from the monument. No coping, fencing, hedging, grave mounds, borders or curb of any kind shall be allowed on any burial lot.

In Section "G" of the cemetery, all monuments (including the base) shall not exceed three (3) feet in length on single lots, or eight (8) feet in length on double lots. The monument shall be centrally located on the lot(s) to allow at least twelve (12) inches from its edge to the lot line. Foot markers shall be laid flush with the ground, and shall not exceed two (2) feet in length. Vases are not allowed on foot markers.

(Code 1976, § 9.61; Ord. No. O-07-03, 7-17-03)

Sec. 5-26. Trees; shrubbery.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the cemetery sexton.

(Code 1976, § 9.62)

Sec. 5-27. Landscaping, etc.

All grading, landscaping and improvements of every kind shall be made or done by the city only.

(Code 1976, § 9.63)

Sec. 5-28. Structures.

No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the city council as lots to be used exclusively for mausoleums and tombs. Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or resetting, the finance officer shall so notify the owner of the lot, if living,

or any person having an interest in the lot, if known, and shall request such person to make the needed repairs under such person's supervision, and if such person shall fail to make such repairs the city attorney shall take whatever action is necessary to remedy the problem.
(Code 1976, § 9.64)

Sec. 5-29. Regulations; bill of sale clause.

All lots within the cemetery, or within any extension of the cemetery at any time hereafter made, whether owned by the city or by any other person, shall be subject to and regulated by city policies as adopted by the city council.
(Code 1976, § 9.68)

Sec. 5-30. Transfer of lots.

An owner of a cemetery plot may only sell or transfer a burial space(s) in his/her plot upon approval of the city manager or his designee. In order to meet the approval, a notarized document containing pertinent information must be submitted, and a transfer fee will be charged in most cases. The transfer fee will be equal to the difference in the price paid by the original owner and the purchaser's cost based on the applicable sale price for the plot(s) if purchased directly from the city. Transfer documents not recorded and filed in the city finance department will be deemed invalid. Plot(s) may not be sold for more than the current rate in effect at the time of sale.
(Ord. No. 0-41-96, 5-9-96)

Sec. 5-31. Vehicles.

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of fifteen (15) miles per hour. No vehicles shall enter the cemetery except for the purpose of the driver or passengers attending funerals, visiting graves, or other lawful mission.
(Code 1976, § 9.66)

