

## CHAPTER 52: CEMETERIES

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**§ 52.01 DUTIES OF STREET DEPARTMENT SUPERVISOR.**

The Street Department Supervisor shall have control over all Town cemeteries, in cooperation with the Town Manager. He shall supervise the digging of all graves and all interments and disinterments in the cemeteries.

The Town Clerk along with the Street Department Supervisor and staff shall also keep adequate records of the sale of cemetery grave spaces and the ownership thereof and records of all interments and disinterments in Town cemeteries. He shall see that all regulations are complied with. His actions may be reviewed and approved or disapproved by the Town Manager.

('81 Code, §6-1)

**§ 52.02 MAP.**

The Town Clerk shall keep a map of each Town cemetery showing thereon all burial plots or squares which are offered for sale, together with those sold, indicating the exact location of each. ('81 Code, §6-2)

**§ 52.03 USE AS THOROUGHFARE PROHIBITED.**

It shall be unlawful for any person to walk or drive any vehicle other than a licensed vehicle or to ride on a horse or other animal through the cemetery. No vehicle shall enter the cemetery except through the main entrances provided thereof. No vehicle of any kind or animal shall be driven on or over any plot or walkway. The use of all Town cemeteries as a dog park or means to walk or exercise an animal is prohibited. This excludes ceremonial funerals utilizing a horse drawn carriage or service animals.

('81 Code, §6-3) Amended 2006 Penalty, see §10.99

**§ 52.04 SPEED LIMITS FOR VEHICLES.**

The rate of speed of any motor vehicle in cemeteries shall not exceed five miles per hour.

('81 Code, §6-4) Penalty, see §10.99

**Statutory reference:** Authority of Town to regulate the speed of motor vehicles, see G.S. §20-141

**§ 52.05 SALE OF LOTS FOR INTERMENT ONLY.**

All sales of lots, portions of lots or single graves in the Town cemetery shall be for the purpose of interment only. ('81 Code, §6-5) Penalty, see §10.99

**§ 52.06 PURCHASE OF LOTS.**

Persons desiring to purchase lots in the Town cemeteries must apply to the Town Clerk, whose duty it shall be to have the lots laid off and require immediate cash payment for the lots at prices fixed by the Board. In the event an individual wishes to dispose of a lot, it has to be turned in to the Town Clerk, who will pay the owner the price he or she originally paid for the Lot(s). All deeds to be marked: “Not to be Resold by Individual to Another Individual; Must be Reverted to the Town of Franklinton.” (’81 Code, §6-6) (Am. Ord. passed 8-20-91)

**Statutory reference:** Authority of Town to impose a schedule of prices for cemetery lots, see G.S. §160A-348

**§ 52.07 CERTIFICATES AND DEEDS TO LOTS.**

On payment of the purchase price required, the Town Clerk shall issue a certificate to the purchaser of any lot specifying the lot and the price thereof, which certificate shall be entered by the Clerk in a book kept for that purpose. Any purchaser, upon presentation of his certificate to the Town Clerk, may obtain a deed for his lot upon completion and satisfaction of all conditions as set forth in this chapter. This deed shall be executed and attested by the Town Clerk. (’81 Code, §6-7)

Upon the death of the owner of a certificate of burial, all rights evidenced by such certificate shall pass to the owner’s heirs, legatees, or devisees in the same manner as other interests in personal property. In addition, the Town will refund, without interest, any sums paid for plots that the owner of a certificate of burial no longer wishes to reserve, upon surrender of the certificate of burial covering those spaces. In order to receive the refund, the owner of a certificate of burial must provide the certificate for surrender.

**§ 52.08 DEATH CERTIFICATE REQUIRED FOR BURIAL.**

It shall be unlawful for any person to perform an interment without first securing a death certificate from a licensed physician. The certificate shall give the name and residence of the deceased, the name of the nearest relative and the time, place and cause of death.

(’81 Code, §6-8) Penalty, see §10.99

**§ 52.09 PLACE OF BURIALS.**

It shall be unlawful for any person to bury, or cause to be buried, any human body in any place other than the Town cemeteries; provided that this section shall not apply to burial in family burial grounds by families already having such in the Town.

(’81 Code, §6-9) Penalty, see §10.99

**Statutory reference:** Authority for section, see G.S. §160A-341

**§ 52.10 DISTURBANCE OF PRIVATE BURIAL LOT PROHIBITED.**

No person shall dig any grave, put any gravestone or board or make any erections or dig up any sod on any private burial lot, except under the direction or by consent of the owner thereof and through express permission by the Street Department Supervisor or Town Staff. ('81 Code, §6-10) Penalty, see §10.99

**§ 52.11 PAUPER GRAVES.**

The Street Department Supervisor shall set aside certain cemetery plots to be used as a paupers' burial site. The Town Manager shall determine the eligibility of any request for burial in the paupers' section. Only cremains shall be allowed in the designated paupers' area. ('81 Code, §6-11)

**§ 52.12 DEPTH AND DIRECTION OF GRAVES.**

(A) All graves in the Town cemeteries shall be at least four (4) feet in depth and shall be sunk east and west.

(B) All above ground crypts in the Town cemeteries shall be constructed of full-length pieces of granite or marble on all sides preferably six inches in thickness and not less than four inches in thickness, and shall be positioned east and west. The foundation of each crypt must be properly prepared using cement and gravel to support the weight of the complete structure.

(C) All graves in the Town Cemeteries shall contain a vault and shall meet minimum construction material for vaults. Permissible materials are concrete, steel and polymer vaults. ('81 Code, §6-12)

**§ 52.13 ONE INTERMENT IN GRAVE.**

Only one interment shall be made in a grave, except a mother and infant, a father and infant, or two children, in one coffin. ('81 Code, §6-13)

**§ 52.14 FENCES; CORNER MARKERS; DIVIDING BORDERS.**

No fences or dividing borders shall be erected hereafter in any of the Town cemeteries. Corner markers to the satisfaction of the Street Department Supervisor will have to be installed by the purchaser of a lot within one month of the purchase of the lot. The corner markers will be installed so that they will be flush with the surface of the ground. The identification included on the corner markers shall be made available to the Street Department Supervisor, for documentation purposes, within the same one month installation period. No deed will be issued to the purchaser until all conditions are met. ('81 Code, §6-14) (Ord. passed 12-7-64; Am. Res. Passed 4-16-96)

**Statutory reference:** Authority of Town to regulate monuments, walls and fences in cemeteries, see G.S. §160A-348

**§ 52.15 LEAVING CONSTRUCTION AND FUNERAL MATERIALS ON LOT.**

No construction materials, excess dirt, or funeral accessories which include tents, chairs and other accessories shall be left on any lot in the Town cemeteries for a period of more than five (5) days. ('81 Code, §6-15)

**§ 52.16 DISINTERMENTS.**

No disinterment may take place in a Town cemetery except by a licensed funeral director or his employees pursuant to a valid or un-revoked permit for disinterment/re-internment issued by the Franklin County Health Department and under the supervision of the Street Department Supervisor, Town Clerk or other designated representative of the Town and upon written consent of the lot owner or nearest of kin. The Town shall be notified at least 36 to 48 hours in advance of any disinterment.

Marking of plots prior to opening for disinterment shall be accomplished to the specifications and in the presence of the Street Department Supervisor, Town Clerk or other designated Town representative.

All disinterred plots shall be restored to a condition level with surrounding areas. Any damage in the course of the disinterment shall be corrected and restored to the condition as was. Failure to comply will result in a penalty or fine in accordance with §10.99.

('81 Code, §6-16) Penalty, see §10.99

**Statutory references:** Authority of Town to regulate the opening of graves, see G.D. §160A-348  
General procedure for removal of graves, see G.S. §65-13

**§ 52.17 RESERVED.**

**§ 52.18 TRESPASSING ON LOTS.**

All persons are forbidden to trespass upon private cemetery lots or to cut across the lots either private or belonging to the Town, except in case of burial. All persons walking in the Town cemeteries shall keep within the walks or driveways.

('81 Code, §6-18) Penalty, see §10.99

**§ 52.19 DISTURBANCE OF FUNERALS.**

It shall be unlawful for any person to disturb any funeral congregation in any cemetery. ('81 Code, §6-19) Penalty, see §10.99

**§ 52.20 INJURY TO PROPERTY.**

It shall be unlawful to:

- A) Damage, deface, destroy or injure any property in or belonging to the Town cemeteries.
- B) Throw, place, or put any refuse, garbage, trash or articles of similar nature in the Town cemeteries.
- C) Destroy, remove, break, overturn, or pollute any flower, plant, shrub, or ornament located in the Town cemeteries.  
(’81 Code, §6-20) Penalty, see §10.99

**§ 52.21 TREES, SHRUBS, FLOWERS AND OTHER.**

No person may place on or around any plot site a fence, picture, toy, handmade ornament, or other self-described memoriam unless the memoriam can be placed on the tombstone or in approved containers. Approved containers shall mean vases made of all-weather material, concrete or marble.

The Town reserves the right to remove at any time any tree, shrub, flower or plant growing on any lot in the Town cemeteries when, in the opinion of the Street Department Supervisor, the tree, shrub, flower or plant, or its roots, branches or any part thereof, is injurious or detrimental to any adjacent lot, grave, road, alley or walkway or renders access to any lot inconvenient. (’81 Code, §6-18)

No person may plant, cut, break, prune or remove any tree, shrub, flower, grass or other plant of any kind located in the Town cemeteries.

The Town Clerk, Street Department Supervisor or their designee 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.  
(’81 Code, §6-21) Penalty, see §10.99

**§ 52.22 EXCAVATING OR MOVING EARTH; PERMISSION.**

No person shall excavate any earth, or remove the same from any part of the Town cemetery, except by consent of the owner and permission from the Street Department Supervisor.

All excessive dirt shall be removed by the funeral home in conduct with the individual burial. The Street Department Supervisor shall set aside an area for the disposition of excessive dirt and may grant permission for the deposit or removal of.

('81 Code, §6-22) Penalty, see §10.99

**§ 52.23 REMOVING OR DEFACING GRAVE MARKERS.**

No person shall willfully or unlawfully remove the stakes from a burial plot, or any board, gravestone or other monument which may have been erected at any grave, or shall deface, injure or destroy any such board, gravestone or other monument in any manner.

Should any monument or marker in the Town's cemeteries at any time become unsafe, unsightly, or in need of repair, or resetting, the Town Clerk shall notify the owner on the relevant certificate of burial rights of such condition and shall request such person to make any needed repairs.

Nothing in this section shall obligate the Town to place, replace, or repair any monument or marker in the Town's cemeteries. Exceptions will be handled on a case by case basis. ('81 Code, §6-23) Penalty, see §10.99

**§ 52.24 ENTERING AT NIGHT.**

It shall be unlawful for any person to enter the Town cemeteries at any time between sunset and sunrise for any purpose without a written consent from the Street Department Supervisor. ('81 Code, §6-24) Penalty, see §10.99

**Statutory reference:** Authority of Town to regulate the hours of opening and closing cemeteries, see G.S. §160A-348

**§ 52.25 CEMETERY NOT TO BE USED AS PLAYGROUND.**

It shall be unlawful for any person to use the Town cemeteries as a playground. ('81 Code, §6-25) Penalty, see §10.99

**§ 52.26 DEPOSITING FILTH OR RUBBISH.**

No person shall deposit or cause to be deposited any filth or unclean or offensive substances in the Town cemeteries. Ceremonies that include animals will be the responsibility of the owner to remove all feces immediately from the ground.

('81 Code, §6-26) Penalty, see §10.99

**§ 52.27 DISCHARGING FIREARMS.**

Except when authorized for military funerals, no person shall discharge firearms in the Town cemeteries at any time. ('81 Code, §6-27) Penalty, see §10.99

**§ 52.28 INDIVIDUAL BURIAL SITES.**

The Town Clerk and/or Street Department Supervisor shall set aside a block of cemetery plots to be sold as individual burial sites only. (Ord. passed 8-18-92)

**§ 52.29 BURIAL PROCEDURES.**

(A) No plot may be opened and no burial may take place in a Town cemetery except by a licensed funeral director or his employees under the supervision of the Street Department Supervisor, Town Clerk or other designated representative of the Town. The Town shall be notified at least twenty four (24) hours in advance of any funeral for which a plot shall be opened.

(B) Marking of plots prior to opening shall be accomplished according to the specifications and in the presence of the Town Clerk, Street Department Supervisor or other designated Town representative.

(C) The licensed funeral director responsible for any burial in a Town cemetery shall be responsible for ensuring that plot(s) opened in connection with any funeral conducted by him/her are restored to the reasonable satisfaction of the Street Department Supervisor or other designated Town representative. If, within six months from the date of the funeral, a plot sinks below the level of the surrounding ground, becomes eroded, or has otherwise become unsightly due to the lack of proper restoration or stabilization, the Town shall so notify the responsible funeral director who shall ensure that appropriate corrective action is taken within ten (10) days following such notification.

(1) If the funeral director fails to correct the problem within the period specified above following notification from the Town, the Town Clerk shall notify the funeral director in writing that the funeral director's privilege of conducting burials within any Town cemetery is suspended until the defective condition is remedied.

(2) No funeral director may conduct any burial within any Town cemetery after receiving the notice specified in subsection (1) until the Town Clerk has been notified by the funeral director in writing that the defective condition has been remedied and the suspension is lifted.

(3) Any suspension imposed under this section may be repealed to the Board of Commissioners. An appeal initiated by filing a written notice of appeal with the Town Manager. An appeal stays the suspension pending the outcome of the appeal.

**§ 52.30 CREMAINS.**

Cremains will be allowed in the Town cemeteries. No more than three (3) cremains are allowed in any individual burial space. The purchaser of a burial space(s) for cremains shall

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have the option of placing one monument over each cremains or one conventional monument for the entire burial space. Monuments over each cremains are restricted to four square feet. (Ord. passed 8-18-92)