



TOWN OF LA GRANGE

CODE OF ORDINANCES

CHAPTER 12 – CEMETERIES

ARTICLE I IN GENERAL

Section 12.1 TITLE

This chapter shall be known as the Town of La Grange ordinance for operating, maintaining, regulating and controlling the cemeteries owned and/or operated by the Town of La Grange.

Section 12.2 DEFINITIONS

Cemeteries means the Town's burial parks or cemeteries.

Cemetery lot means a numbered division as shown on the official municipal cemetery plats/maps.

Cemetery plot means a space sufficient size to accommodate one (1) adult interment approximately five (5) 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.

Maintenance Permit means permit issued to allow owner of plot to utilize one (1) foot in front of monument or marker for personalization subject to permit conditions.

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

Owner means the person(s) who legally owns the plot(s).

Director shall mean the Public Services Director or person designated by the Town

Manager to perform the duties assigned to the said position by this chapter.

Town shall mean the Town of La Grange, North Carolina.

Town Council shall mean the Town Council of the Town of La Grange, North Carolina

Section 12.3 PUBLIC SERVICES DIRECTOR – 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 Public Services Director.

Section 12.4 SAME - GENERAL DUTIES

It shall be the duty of the Public Services Director 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 appropriate law enforcement agency.

Section 12.5 RECORDS

It shall be the duty of the Public Services Director to report to the Town Clerk or his/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 12.6 MAPS; CONTENTS

It shall be the duty of the Town Finance 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 12.7 UNAUTHORIZED REMOVAL OR DAMAGE TO FLOWERS, ORNAMENTS, ETC.

It shall be unlawful for any person, other than the Public Services Director 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 Public Services Director, 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 Public Services Director.

Section 12.8 OFFENSIVE SUBSTANCES

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

Section 12.9 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 12.10 SPEED OF VEHICLES

No person shall drive a motor vehicle in any town-owned cemetery at a rate of speed in excess of ten (10) miles per hour.

Section 12.11 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 12.12 EXCAVATING OR REMOVING EARTH

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

Section 12.13 DISTURBING FUNERAL SERVICES

It shall be unlawful to disturb any funeral services being conducted within any town-owned cemetery. Picketing, protests, or demonstrations of any kind are prohibited within 500' of any exterior boundary of any cemetery maintained by the Town during any funeral services; nor shall it be allowed thirty (30) minutes prior to or thirty (30) minutes after services.

ARTICLE II SALE OF LOTS

Section 12.14 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 12.15 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 two adjacent single grave plots nor more than two four grave plots, or any combination of purchases that would total more than eight plots. Any person or legal entity denied the right to purchase a lot or lots pursuant to this subsection may appeal to the Town Council for a final decision on the matter.

Section 12.16 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. The purchase of plots may be accomplished by making payments to the Town through a payment plan established by the Town Clerk and the purchaser of said plot/plots; however, no burial is permissible until payment in full is made for the plot/plots. The purchase of lots through installments shall in no case exceed 18 months for family plots, and not more than 6 months for single grave plots.

Section 12.17 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 12.18 PURCHASE PRICE OF LOTS

The purchase price of lots in the cemeteries shall be as fixed from time to time by the Town Council. 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 persons owning real property within the Town's corporate limits and another price for persons not owning real property within the Town's corporate limits. The price of lots will be determined by the rate schedule duly adopted by the Town Council.

ARTICLE III OPERATION OF CEMETERIES

Section 12.19 MAINTENANCE AND CLEANLINESS OF CEMETERIES

(a) The Director 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, coping, fencing, marker, ornament, tree, shrub, plant (that was planted before being prohibited) becomes unsafe, unsightly or in need of repair, resetting, trimming, or removal, 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. The town has no liability if damage occurs while correcting or removing conditions in violation of this ordinance that the owner of record failed to correct..
- (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, except according to the following conditions:
 - (1) Owners of plots, who have obtained a maintenance permit are allowed to utilize one (1) foot of space in front of the family monument or a single marker on their plot to place such items to personalize the gravesite. The front of the marker is deemed to be on the side of the monument that faces the nearest road within the cemetery.
 - (a) Conditions and requirements to obtain and retain permit:
 - (1) The owner properly maintain an area of not less than eighteen inches in front of the monument or marker where the personalization is permitted to relieve the town from the responsibility of maintaining the area in which the personalization is allowed. Such areas shall be maintained in such a manner that the personalized area appears to be maintained by the Town, absence of tall grass, trash, or weeds within the eighteen (18) inches maintained by the owner. The town accepts no liability for the items which are placed on the lot which the owner places there at his/her own risk.
 - (2) Items allowed for personalization are to be temporary in nature and are subject to the following conditions:
 - (a) Shall not be items that are planted, such as trees, bushes, or plants of any kind.
 - (b) Shall not include rocks, concrete, coping of any kind.
 - (c) Seats, benches, chair, or swings are prohibited.
 - (d) Could not be considered lewd or offensive
 - (e) Shall not be in excess of 42 inches in height, nor more than 50%

the width of the lot.

(f) Must be secured in such a way to prevent any items from being blown off of the plot

(f) Shall not be permanent in nature.

(a) Violation of Ordinance, Revocation of Permit, and Remedies

(1) Property owners who do not obtain a permit as provided for above by May 1, 2011 and allow or cause items to be placed or installed on his/her lot(s) shall be considered in violation of this ordinance; the Public Services Director is hereby directed to remove all items in violation of the ordinance without additional notice after March 1, 2011.

(2) Property owners who obtain a permit as provided for above and fail to maintain the areas as required by the ordinance shall be notified only once of the his/her failure to properly maintain his/her lot as required by this ordinance. The permittee shall be notified in writing by first class mail and certified mail of the violation(s) of the ordinance by the Public Services Director, said notice shall detail the violation(s) of the ordinance and give the owner seven days to come into full compliance with the ordinance. Failure to comply with the ordinance within the seven days will result in the permanent revocation of the permit.

(3) Any property owner or permit holder whose permit was revoked shall not be allowed to obtain another permit in the future for this, or any other lot(s) within any cemetery owned or maintained by the Town.

(4) Notices of violation will be sent by first class mail and certified mail to the address provided on the maintenance permit application. The permit holder is solely responsible to notify the town of change in address.

(2) From November 1st – February 28th of each year

(a) Violation of Ordinance, Revocation of Permit, and Remedies

(1) Between November 1st and February 28th of each year, all property owners are allowed to cause items to be placed or installed on his/her lot(s) within two (2) feet of the monument or marker provided that the items are temporary in nature and meet the requirements listed in item 2 below to personalize the gravesite(s) without a maintenance permit.

(2) Items allowed for personalization are to be temporary in nature and are subject to the following conditions:

(a) Shall not be items that are planted, such as trees, bushes, or plants of any kind.

(b) Shall not include rocks, concrete, coping of any kind.

(c) Seats, benches, chair, or swings are prohibited.

(d) Could not be considered lewd or offensive

(e) Shall not be in excess of 42 inches in height, nor more than 50% the width of the lot.

- (f) Must be secured in such a way to prevent any items from being blown off of the plot
 - (f) Shall not be permanent in nature.
- (3) Item(s) placed on plots under the provisions of this section that remain on the lots after February 28th of each year or are in violation of the ordinance will be removed by the Town without prior notice.
- (e) 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.
 - (f) No person shall place any headstone, monument or marker onto a plot within a single grave plot that is not flush with the ground. In no case, shall more than one marker be installed on a single grave plot. Corner markers are acceptable on single grave plots provided that they are flush with the ground and are made of approved materials.
 - (g) Floral arrangements are allowed for each plot provided that it is attached to the headstone, monument, or marker in such a way not to require that that town move the flowers to mow.
 - (h) The Public Services Director 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 judgment of the Public Services Director 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 Public Services Director or his designee without advance notice. Any containers left at the graveside after the flowers have served their usefulness will be removed.
 - (i) Flowers placed on the plot immediately following interment will be removed once the funeral tent has been removed by the funeral home, but in no case shall be allowed to remain on the plot once they become unsightly, or do not conform to the standards described in (h) above.
 - (j) The Town cemeteries shall be closed from sunset to sunrise. No person may enter the cemeteries while it is closed without prior written permission of the Public Services Director.

ARTICLE IV INTERMENTS

Section 12.20 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 written permission from the Town, which will be issued only after the petitioner can produce a permit from the County Health Officer, written consent from the lot owner or members of the family of the deceased and in compliance with G.S. Section 125-13, or by court order.
 - (c) No person other than the regularly appointed Public Services Director'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 Town Council. 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. Charges associated with interments that are made on Saturday or non-excluded holidays as observed by the Town may result in the assessment of an additional charge in accordance with the Town's Rate Schedule. All funeral processions entering the cemetery grounds after 4:00 p.m. on any normal work day may also be required to pay an additional charge. All additional charges are outlined in the town's rate schedule.
 - (e) The Public Services Director 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 forty-eight (48) 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.
 - (g) All burials will be in a commercially procured grave liner or vault that has been approved by the Public Services Director. 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 thickness for a steel vaults shall be twelve-gauge (top, sides and bottom). Wooden or other short-term liners are not allowed. Metal and plastic liners are allowed as approved by the Public Services Director. No liners are required for cremations.

Section 12.21 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 Public Services Director, 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 disinterment 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 disinterments that are to be relocated to another area of the towns cemeteries shall be placed in a vault or liner as described in Section 12.20(h) above. If an old vault or liner exists, it must be physically solid to withstanding the disinterment. It shall be the responsibility of the Public Services Director or his designee 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 12.22 REINTERMENT; REQUIREMENTS

Any person desiring to have reinterred the remains of a person brought from another cemetery or burial place shall furnish the Public Services Director 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 Public Services Director, 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 12.23 LOCATION, SPECIFICATIONS

- (a) Monuments and grave markers shall be allowed or permitted only in those sections or portions of sections of the cemeteries as approved by the Town Council and as shown on the cemetery plot plans. All monuments and grave markers shall be erected under the supervision of the Public Services Director, or his/her designee, 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 Public Services Director 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 Town Council. 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. Any monument, gravestone or grave maker that is set on any lot without a permit shall be removed by the Public Services Director or his designee and a fine of \$50 shall be assessed against the company or individual responsible for the installation, Said individual will be required to obtain a permit and reinstall the removed monument, gravestone, or gravemarker.
- (c) The face of any monument shall not exceed fifty (50) percent of the width of the lot, its base width shall not exceed twenty four (24) inches measured

horizontally, and its maximum height including the base shall not exceed 42 inches in height measured from the lowest adjacent grade. Only one monument is allowed for each multi-grave plot that is purchased. Monuments shall be installed in such a manner that the monument is properly supported, but in no case shall be supported by less than 6" of concrete.

- (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, consisting of more than four graves within the town cemeteries.

ARTICLE VI MAUSOLEUMS AND TOMBS

Section 12.24 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 Town Council may designate.
- (c) Mausoleums or tombs shall be erected so as to leave at least two (2) feet clearance from all lot boundary lines.
- (d) Mausoleums or tombs may be built by citizens of La Grange for personal use, and may not exceed a height of 5 feet. Any Mausoleum that has a capacity of nine or more must be built and owned by the Town of La Grange.

ARTICLE VII COLUMBARIUMS

Section 12.25 LOCATION, SPECIFICATIONS

- (a) Columbariums are allowed in any section of the Cemeteries that has been approved and designated by the Town Council.
- (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 12.20 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 shall be approved by the Town Council.

ARTICLE VIII CEMETERY FEE SCHEDULE

Section 12.26 Fees associated with the operation and maintenance of the Cemeteries can be found in the most recent version of the Municipal Rate Schedule as adopted by the Town Council and on file with the Town Clerk.