

## Chapter 7 - CEMETERIES<sup>[1]</sup>

### Footnotes:

--- (1) ---

**Cross reference**— Streets, sidewalks and other public places, ch. 19.

**State Law reference**— Cemeteries generally, G.S. Chapter 65; powers of municipalities regarding cemeteries, G.S. 160A-341 et seq.

### Sec. 7-1. - Purpose.

Cemeteries are for the burial of human dead only.

(Code 1985, § 7-1)

### Sec. 7-2. - Powers and duties of city manager.

- (a) *Management and control.* The city manager shall have general management and control of the cemeteries and burial places owned, operated and maintained by the city. The manager may create publish and enforce rules and guidelines, for public use and operations, maintenance, and visitation of cemeteries.. An accurate copy of such rules and guidelines shall be maintained at all times in the office of the city clerk and in the office of the cemetery supervisor. .
- (b) *Burial of indigent persons and unclaimed remains.* The city manager shall lay out one section for burial of indigent persons and unclaimed remains. The manager shall coordinate with local agencies to fund these burials, and the manner of burial provided shall be at the discretion of the manager.

(Code 1985, § 7-2)

### Sec. 7-3. - Requirements for purchase of burial rights.

- (a) *Payment.* Any person may select in the cemeteries described in section 7-2(a) any lot or portion thereof, except where no subdivision is allowed, to which no other person has acquired burial rights, and obtain from the cemetery supervisor upon payment of the cost of such lot or portion thereof a receipt (a copy of which the purchaser should retain for his or her permanent record) showing amount paid and purposes to which applied and setting forth the lot or portion of a lot purchased, location and other data.
- (b) *Receipts.* The receipt provided for in subsection (a) of this section shall be sent to the city's central cashier, and a copy shall be given to the purchaser for his or her permanent record.

(Code 1985, § 7-3)

### Sec. 7-4. - Unused lots; publication of notice.

- (a) When a lot or part thereof in the cemeteries described in section 7-2(a) shall remain without any interment therein for 100 years, and the purchaser or his assignee shall have died, and no relative of them is known, the lot or part thereof shall revert to the city when conditions as set out in subsection (b) of this section have been complied with.

- (b) The city council shall give notice once a week for four weeks in a newspaper published in the city, and if no relative of the purchaser or his assignee appears within 30 days from the last day of publication, then the lot or part of lot thereof, as the case may be, shall revert to the city.

(Code 1985, § 7-4)

Sec. 7-5. - Schedule of charges.

A schedule of all cemetery charges shall be made available to all funeral directors and monument dealers in the county. In addition a copy of all current charges shall be posted in the offices of the supervisor of the cemeteries division.

(Code 1985, § 7-5)

Sec. 7-6. - Perpetual care fund.

- (a) *Definition.* The term "perpetual care" means the cutting of grass upon plots in the cemeteries described in subsection (b) of this section at reasonable intervals, the pruning of shrubs and trees that may be placed by the city, the general preservation of the lots, grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or grave spaces, the planting of flowers or ornamental plants; the reconstruction of any bronze, marble, granite or concrete work on any section or lot or any portion or portions thereof in the cemetery, mausoleum or other buildings or structures, caused by any natural occurrence or human activity whatsoever, whether the damage be direct or collateral.
- (b) *Established.* A fund, known as the perpetual care fund, shall be established for the purpose of perpetually caring for and beautifying the city cemeteries described in section 7-2(a). The city treasurer may accept gifts and bequests to the fund.
- (c) *Management of fund.* The principal of the fund shall be invested in the same manner as other city funds.
- (d) *Expenditure of income.* Perpetual care expenditure shall be limited to the income received from the investments of the fund with no part of the principal being expended.

(Code 1985, § 7-6)

Sec. 7-7. - Place of burial.

No person shall be buried within the corporate limits of the city other than in established cemeteries licensed by the state cemetery commission, in church cemeteries, or in memorial structures on state-owned property that is a part of the university system of the state.

(Code 1985, § 7-7)

Sec. 7-8. - Validation of use of existing cemeteries; establishment of new cemeteries restricted.

The cemeteries or places of burial now located and maintained as such as of May 19, 1975, within the limits of the city by a corporation or association for the purpose of affording burial places for the dead, and for maintaining the graves therein are hereby expressly authorized to be used and maintained for such purpose.

(Code 1985, § 7-8)

Sec. 7-9. - Payment.

All payments for charges shall be made by check, money order, cashier check, credit card, or any other method of payment subsequently approved by the finance director.

(Code 1985, § 7-9)

Sec. 7-10. - Disinterment; reinterment

- a. A person who desires to have removed from his lot the remains of a person interred therein shall obtain a disinterment permit from the health department. Disinterment shall be scheduled only on weekdays during the morning hours.
- b. Any person desiring to have reinterred the remains of a person brought from another cemetery or burial place shall furnish the cemetery supervisor with a certificate from the health department, setting forth, if possible, the name, age, sex, condition (married or single), cause and date of death, and residence of deceased, and name and location of former burial place. The cemetery staff, upon receiving the charges fixed therefor, shall schedule the reinterment of the remains.
- c. Any such disinterment or reinterment shall be scheduled as determined by the cemetery supervisor.

(Code 1985, § 7-10)

Sec. 7-11. - Monuments and markers.

All monuments and markers to be placed in city-owned cemeteries must conform to the requirements as set forth by the city manager in the publication entitled "City of Charlotte, Cemetery Rules and Guidelines." Cemetery staff shall construct all foundations for markers and monuments and shall set all markers.

(Code 1985, § 7-11)

.

Sec. 7-12. - Trespassing.

It shall be unlawful for any person to trespass upon or to go across cemeteries or cemetery lots belonging to the city, between sunset and sunrise except for the purpose of governmentally authorized cemetery business or maintenance.

(Code 1985, § 7-12)

State Law reference— Trespass on public lands, G.S. 14-130.