

CHAPTER 4. CEMETERIES

Editor's Note—Chapter 4 dealing with cemeteries was amended by Ordinance No. 08-71 dated June 12, 2008, removing the Financial Services Department and City Clerk's Office from the departments providing cemetery service.

Editor's Note—Chapter 4 dealing with cemeteries dated 1971 was totally rewritten by Ordinance No. 04-52 dated May 13, 2004.

Related and local laws references—Removal of graves under council's authority, § 1-1 et seq.; cemetery purchase fund, §§ 8-1, 8-2.

State law references—Establishment and operation of cemeteries, G.S. 160A-341; regulation of city cemeteries, G.S. 160A-348.

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Sec. 6-4-1. Applicability of chapter.

All lots within city-owned or controlled cemeteries shall be subject to and regulated by this chapter.

Sec. 6-4-2. Purchase of cemetery lots.

(a) Lots shall be purchased from the public works department.

(b) A deed signed by the mayor and attested by the city clerk and sealed with the legal seal of the city shall be mailed to the address of the purchaser.

(c) The price paid for a cemetery lot shall be based on the residency of the purchaser. This price shall be set by city council and maintained on file in the city clerk's office as a part of the manual of fees. A resident of the City of Greenville is one who has established permanent residence in the corporate limits of the City of Greenville.

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Sec. 6-4-3. Resale of cemetery lots.

(a) An owner of a lot in a city-owned or controlled cemetery may sell his lot to another individual only upon approval of the public works director or designee and for no more than the original purchase price of the lot plus the administrative fee set forth in the manual of fees. A notarized written request must be made by the lot owner or his heirs to the public works director or designee and an administrative fee paid as set forth in the manual of fees.

(b) No lots that have been used may be sold.

Sec. 6-4-4. Ownership of cemetery lots.

(a) No person will be recognized as owner of a lot unless his name appears on the records located at the public works department.

(b) In all deeds of conveyance by the city to any person for any lot in the city-owned or controlled cemeteries, the following provision shall be included as a covenant running with the land: "This conveyance is made subject to the provisions of Title 6, Chapter 4 of the Greenville City Code, providing rules and regulations for the control of the city's cemeteries and penalties for the violation thereof. The grantee herein, his heirs and assigns agree that, upon the breach of any such provision, the title to the property shall revert to the city."

Sec. 6-4-5. Opening and closing of graves.

(a) All graves in city-owned or controlled cemeteries shall be opened and closed by city employees or contractors employed by the city, including the burial of cremated remains and bodies entombed in crypts and mausoleums.

(b) The funeral home representative requesting the opening and closing of a grave shall provide the public works department an opening and closing request form along with the fee established by city council and maintained on file in the city clerk's office as a part of the manual of fees. This form is provided by the city and must be completed and signed by the funeral home representative. When the city cemetery staff has to wait to close a grave beyond the time specified on the opening and closing request form, a wait time fee will be assessed to the funeral provider in accordance with the manual of fees.

(c) The funeral home representative requesting the opening and closing of a grave on a site with more than one grave shall be responsible for scheduling a meeting with a public works official to determine which grave to have open.

(d) All graves in city-owned or controlled cemeteries shall be at least four (4) feet in depth from grade.

(e) No grave excavated in the city-owned or controlled cemetery shall encroach on any adjacent lot.

(f) The public works director of the city is authorized to establish standards to provide for the performance of the service of opening and closing of graves, niches, mausoleums or crypts.

(g) The public works director or designee shall be responsible for the collection of fees for the opening and closing of graves.

Sec. 6-4-6. Cremations.

(a) Prior to the placement of any cremated remains in a city-owned or controlled cemetery, an opening and closing of grave permit must be secured from the public works department and a fee paid as established in the manual of fees.

(b) The burial or placement cremated remains shall be performed by city employees or contractors employed by the city.

(c) Cremations shall have at least eighteen (18) inches of cover.

(d) Human remains that are cremated must be secured in a hard plastic urn or a type approved by the building and grounds superintendent or his designee which can be sealed or any other urn that is equal or better.

Sec. 6-4-7. Interments.

(a) No person shall bury or entomb any human body or cremation urn in a city-owned or controlled cemetery without first securing an opening and closing of grave permit from the public works department and paying a fee established in the manual of fees.

(b) Only human remains may be buried or placed on city-owned or controlled cemetery properties.

(c) The usage of each burial lot or crypt shall be limited to the interment of one human body or no more than two cremation urns. The usage of each niche shall be limited to the interment of one hard plastic urn.

(d) No interment shall be made in city-owned or controlled cemeteries without necessary documentation from a certified funeral director or crematorium.

(e) The uppermost part of a burial vault shall be a minimum of eighteen (18) inches below the ground surface.

(f) With the exception of cremated remains which are addressed in Section 6-4-6 of this code, all burials in all city-owned or controlled cemeteries shall utilize either concrete grave liners or below ground vaults with a minimum of eighteen (18) inches of backfill over the top of the liner or vault.

Sec. 6-4-8. Disinterments.

(a) No body or remains shall be disinterred in city-owned or controlled cemeteries without lawful authority.

(b) No disinterment shall be made in city-owned or controlled cemeteries without necessary documentation from a certified funeral director.

(c) Unless otherwise required by a court order, all disinterments shall be performed by city cemetery staff or a contractor employed by the City of Greenville at the expense of the lot owner and only upon written consent of the lot owner or his heirs (if deceased), the city and the nearest living relative or relatives of the person or persons whose remains are to be disinterred from one location to another or from other cemeteries.

(d) Remains removed from other cemeteries must be accompanied by the proper papers as required by State law.

Sec. 6-4-9. Markers, Monuments and Other Memorials.

(a) It shall be unlawful for any person to erect any marker, monument or other memorial in the city-owned or controlled cemeteries without first obtaining a permit from the public works department and paying the appropriate fee as listed in the manual of fees. The permit shall be obtained within 10 working days of the actual installation. Failure to obtain the permit prior to installation shall subject the contractor responsible for the work to an additional administrative fee in the same amount as the permit fee.

(b) Government markers are allowed in city-owned or controlled cemeteries. A completed form supplied by the Veterans Administration is to be provided to the public works department in addition to the permit fee established in the manual of fees. The Public Works Director or his designee is authorized to sign necessary government forms regarding government markers.

(c) One central or family monument and one flush foot marker per grave shall be allowed on a family lot in city owned or operated cemeteries. When a monument is not desired by the family, one head or foot marker per grave may be authorized.

(d) When a head or foot marker is used in place of a monument, it shall not exceed two feet in length and one foot in width.

(e) Foundations for memorials and monuments shall be constructed in accordance with uniform standards and specifications as established by the public works director.

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(f) Should a monument or marker in the city-owned or controlled cemeteries at any time become unsafe, unsightly or in need of repair or resetting, the building and grounds superintendent or his/her designee shall so notify the owner of the lot upon which such condition exists of any persons having an interest in such lot and shall request such person to make the needed repairs under the supervision of the building and grounds superintendent or his designee; and such person shall be required to make such repairs, under the direction of the building and grounds superintendent or his designee. The building and grounds superintendent or his designee shall make necessary improvements to eliminate unsafe conditions in city cemeteries until the lot owner may be contacted. In the event the building and grounds superintendent or his designee is unsuccessful at locating the lot owner, the city will make necessary temporary repairs at its discretion to alleviate the unsafe condition.

(g) It shall be unlawful for any person to remove any marker or monument which may have been erected at any grave or to deface, injure or destroy any such marker or monument in any manner.

(h) The city shall not be held liable for default of a contract agreement between the lot owner and the memorial contractor.

(i) The city shall not be responsible for replacing or restoring any monuments or markers.

Sec. 6-4-10. Crypts, mausoleums or other structures.

(a) No private crypt, mausoleum, building or other structure of any kind shall be erected on any lot within Greenwood, Cherryhill or Brownhill Cemeteries without approval of the public works director or his designee, a permit from the Public works department, and payment of a fee in accordance with the manual of fees. No above ground mausoleums shall be allowed at Homestead Memorial Gardens.

(b) Definitions.

(1) A mausoleum shall be defined as an above ground burial vault. The overall height of the above ground burial vault shall not exceed two crypts in height nor shall it exceed one hundred eight (108) inches from the ground level measured at the center of the structure.

(2) A crypt shall be defined as a burial chamber wholly or partly underground.

(c) Private crypts and mausoleums shall be installed in accordance with the standards and specifications established by the public works director.

(d) Should any mausoleum or crypt in the city-owned or controlled cemeteries at any time become unsafe, unsightly or in need of repair or resetting, the building and grounds superintendent or his designee shall so notify the owner of the lot upon which such condition exists and shall request such person to make the needed repairs under the supervision of the building and grounds superintendent or his designee; and such person shall be required to make such repairs, under the direction of the building and grounds superintendent or his designee. The building and grounds superintendent or his designee shall make necessary improvements to eliminate unsafe conditions in city cemeteries until the lot owner may be contacted. In the event the lot owner is unable to be contacted, the city will make necessary temporary repairs at its discretion to alleviate the unsafe condition.

(e) The city shall not be responsible for replacing or restoring any private mausoleums, crypts or other structures.

Sec. 6-4-11. Trees, shrubs, flowers and other plants.

(a) It shall be unlawful for any person to plant, deface, trim, prune, remove, disturb, injure or destroy any tree, shrub, flower or other plant in the city-owned or controlled cemeteries, whether on that person's lot or not, except in accordance with the provisions of this chapter.

(b) The city reserves the right to plant trees and shrubs in accordance with the general plan for landscape work on any part of the city-owned or controlled cemeteries that is desirable.

(c) Individual tree, flower, and shrub planting is not allowed in any city-owned or controlled cemetery.

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(d) Should any tree or shrub become objectionable, for any reason whatsoever, the city reserves the right to remove said tree or shrub at its discretion.

(e) The building and grounds superintendent or his designee shall have the authority to remove floral designs, flowers, plants and containers from the lots when, in his judgment, they become faded and unsightly and distract from the general appearance.

(f) Cut flowers, potted plants, memorial wreaths, sprays, baskets or vases may be placed on graves at any time, but must be placed at the headstone.

(g) Funeral designs, floral pieces and cut flowers shall be removed as soon as they become unsightly.

(h) All Christmas floral arrangements are to be removed by March 1. All Easter arrangements are to be removed by June 1.

(i) The City shall not be responsible for flower arrangements or other plants that are lost, damaged or stolen.

(j) No florist, funeral home or person other than members of the family of persons buried on the lot shall remove any flowers, floral designs, plants or containers from any lot without first obtaining permission from the building and grounds superintendent or his designee.

Sec. 6-4-12. Care and improvements.

(a) General maintenance provided by the city shall consist of cutting the grass when necessary, filling in graves when sunken, resodding, and otherwise beautifying and keeping said lots neat, clean, safe and in good order.

(b) All care and improvements of lots, including all grading and landscaping shall be done by cemetery employees of the city or contractors employed by the city.

(c) No lot or grave shall be defined by fence, railing, coping or edge.

(d) Boxes, shells, toys, wire screens, arbors, trellises, chairs, benches and objects of similar nature of any kind whatsoever, are not permitted on any lot or grave.

(e) No lot or grave shall be planted or seeded except by city cemetery personnel or by contractors employed by the city.

(f) The city shall not be responsible for the loss, damage or destruction of any article left on cemetery lots.

Sec. 6-4-13. Hours of operation.

(a) All cemetery gates are open daily during daylight hours.

(b) It shall be unlawful for any person, other than duly constituted officers of the law while engaged in the prosecution of their duties as such, to enter the city's cemeteries in the nighttime between one (1) hour after sunset and one (1) hour before sunrise without prior authority to do so from the director of public works or his designee.

Sec. 6-4-14. Trespassing.

(a) It shall be unlawful for any person to trespass within the city-owned or controlled cemeteries.

(b) Visitors must keep to the walks and drives and must not cross over or otherwise trespass on any lot other than their own.

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Sec. 6-4-15. Using as a short cut.

It shall be unlawful for any person, either on foot or with vehicle, to enter, use, cross or recross any portion of the city-owned or controlled cemeteries for the purpose of using a cemetery as a way of ingress or egress to or from other property adjacent thereto.

Sec. 6-4-16. Deposit of filth.

It shall be unlawful for any person to deposit or cause to be deposited any filth or unclean or offensive substances in any city controlled or owned cemetery.

Sec. 6-4-17. Damaging fences.

It shall be unlawful for any person to break or damage the fences around any cemetery.

Sec. 6-4-18. Alcoholic beverages and other controlled substances prohibited.

No alcoholic beverages or other controlled substances are permitted in city-owned or controlled cemeteries and no consumption or use of such shall be allowed (except during any religious services conducted by ordained clergy when sacramental wine may be used).

Sec. 6-4-19. Animals.

Animals are allowed in city-owned or controlled cemeteries if the owner has control of the animal at all times by leash. All animal excrement must be removed immediately and disposed of properly.

Sec. 6-4-20. Disturbing the peace.

No person shall disturb the quiet, repose and good order of any city-owned or controlled cemetery.

Sec. 6-4-21. Immoral acts.

No person shall commit any immoral act in any city-owned or controlled cemetery.

Sec. 6-4-22. Vehicles; use of roadways required; speed limit.

(a) It shall be unlawful for any person to drive any vehicle within a city-owned or controlled cemetery except upon the roadways and at a rate of speed not in excess of fifteen (15) miles per hour.

(b) It shall be unlawful for any person driving a vehicle to enter any city-owned or controlled cemetery except for the purpose of attending funerals, visiting graves or some other lawful mission.

Sec. 6-4-23. Removal of unused building materials.

All materials carried within the city-owned or controlled cemeteries 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 other structure shall be located.

Sec. 6-4-24. City to restore property in case of violation.

In the event of any violation of the provisions of this chapter, the city shall have authority to restore the property to its condition as authorized herein.

Sec. 6-4-25. Use of contractors by city.

The city may contract with individuals or companies to perform services relating to city-owned or controlled cemeteries.

Sec. 6-4-26. Schedule of charges.

The schedule of fees and charges for graves and services in city owned and controlled cemeteries shall be as fixed in the manual of fees.

Sec. 6-4-27. Compliance with chapter; penalty.

It shall be unlawful for any person to violate any of the provisions of this chapter. Any violation of this chapter shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). In addition to or in lieu of the civil penalty remedy, a violation of the provisions of this chapter shall constitute a misdemeanor punishable upon conviction by a fine of fifty dollars (\$50.00).

(Ord. No. 08-71, §§ 1-10, 6-12-08)