

AN ORDINANCE PROVIDING FOR THE CREATION OF A CEMETERY COMMISSION, AUTHORIZATION FOR THE LEVY OF A SPECIAL TAX FOR CEMETERY PURPOSES, AND EMPOWERING THE CEMETERY COMMISSION WITH THE RESPONSIBILITY FOR ESTABLISHING RULES AND REGULATIONS GOVERNING THE OPERATION OF THE CEMETERY FOR THE CITY OF SALUDA.

AUTHORITY: G.S.65-37 et seq., G.S. Article 17, G.S. 160A-341 et seq. **Amended 2-13-2017**

Section I. Saluda Cemetery Commission Created.

There is hereby created, for the City of Saluda, a cemetery commission to be known as the "Saluda Cemetery Commission,"

Section II. Membership, Terms, Procedure.

The Saluda Cemetery Commission shall consist of three (3) members to be appointed by the Board of Commissioners of the City of Saluda. The membership shall include one member of the Board of Commissioners of the City of Saluda to serve as Chairman of the Commission. The remaining two (2) members shall serve at the discretion of the Board of Commissioners of the City of Saluda. Vacancies arising from replacement or resignation shall be filled as soon as practical by the Board of Commissioners of the City of Saluda. Members shall serve without compensation, shall adopt appropriate rules and regulations governing its procedures, shall designate one of its members as secretary and shall meet as required.

Section III. Commission to Supervise and Maintain Cemetery.

The Cemetery Commission shall have full charge of all cemetery property owned or controlled by the City of Saluda and shall be charged with the duty of supervising and maintaining such properties. The Cemetery Commission is authorized, with the approval of the Board of Commissioners of the City of Saluda to acquire such additional property as deemed necessary for cemetery purposes.

Section IV. Right to Accept Property for Use as Cemetery.

The commission shall have the right to accept any grant, lease, loan, or gift of real estate, or any gift or bequest of money, or any donation to be applied, principal or interest, for the use, maintenance and perpetual care of any cemetery owned or controlled by the City of Saluda or for the acquisition of additional property for cemetery purposes as provided herein,

Section V. Tax Levy For Cemetery Maintenance.

The Board of Commissioners of the City of Saluda is authorized to levy, at its discretion, a special tax not to exceed twenty cents (\$.20) per \$100. valuation of taxable property for the maintenance and special care of cemeteries owned or controlled by the City of Saluda. The proceeds from any such levy of the special tax shall be deposited in the depository of the City of Saluda designed for the sole purpose as heretofore stated.

Section VI. Fees.

Section VI a. Grave Space.

The fee for purchasing each designated cemetery space shall be an amount to be determined, from time to time, by the City Commissioners of the City of Saluda. The fee for purchasers residing outside the Corporate limits of the City of Saluda shall be an amount equaled to 50% more than for purchasers residing inside the Corporate limits of the City of Saluda. Residency is determined by the location of the dwelling place of the purchaser at the time of purchase. Current fees shall be established, published and made available to the general public on a timely basis through normal communication channels.

Section VI b. Payment in Full.

Any and all fees associated with the purchase of any grave space shall be paid in full prior to actual interment. No space may be purchased on an installment basis due to the amount of bookkeeping involved with such purchases. **Amended 2-13-2017**

Section VI c. Indigent Interment. Amended 2-13-2017

In those rare cases where it can be determined, by the members of the Cemetery Commission, after consultation with the Mayor, that a resident of the City of Saluda or the guardian of a resident of the City of Saluda, is indigent, has no assets and is otherwise incapable of purchasing a cemetery space, a space may be furnished for a charge negotiated by the three members of the Cemetery Commission with the prospective purchaser. The Cemetery Commission shall make appropriate documentation available, in writing, to the Mayor and the City Commissions at the next regularly scheduled City meeting.

Section VII. Rules and Regulations Governing Interment & Exhumation. Amended 2-13-2017

- a. No grave space shall be opened and no interment made until such time as a permit has been issued by the City Clerk. **Amended 2-13-2017**
- b. No grave space shall be opened for the purpose of exhumation until such time as a permit has been issued by the City Clerk.
- c. Any interment, with the exception of interment of cremated remains, must be accomplished by a qualified agency licensed by the State of North Carolina to provide such service. Interment of cremated remains may be accomplished by family members provided the necessary permits have been obtained. **Amended 2-13-2017**
- d. Exhumation may be accomplished only by an agency licensed by the State of North Carolina to provide such service.
- e. No more than one body per grave site shall be permitted except in the event of accidental multiple deaths involving members of the same family. In the event of such a disaster, a maximum of two bodies may be interred in the same grave site.
- f. In the event of cremation, a maximum of two cremation urns or one body and one cremation urn may be interred in the same grave site. When a body and a cremation urn are interred in the same grave site, the cremation urn is to be interred either at the head or feet of the body. **Amended 2-13-2017**
- g. Interment shall be allowed only between the hours of 9:00AM to 4:00PM daily. **Amended 2-13-2017**
- h. Grave Specifications — The width of any grave shall be not less than three inches greater than the width of the grave liner on either side. The depth of any grave shall be limited to a maximum of 72 inches. A minimum of 24 inches of soil shall be placed over the liner and the grave made approximately level with the lot. Grave sites will be seeded or covered with sod as conditions allow. A minimum of (6) six inches of soil shall be placed over a cremation urn or cremation urn liner if used. **Amended 2-13-2017**
- i. Grave liners — Concrete, steel, or fiberglass grave liners shall be used for all burials. Liners constructed of wood or other materials, designed for short time use, shall not be permitted. This requirement may be waived by the Cemetery Commission, after consultation with the Mayor, in the event of space provided for burial of the indigent. A liner shall not be required for the burial of cremation urns.
- j. **Maintenance of Lots- Amended 5-9-11**

Maintenance of Lots. It shall be unlawful to place or cause to be place on any lot in a cemetery owned or controlled by the City of Saluda any stone, planting or obstacle other than an approved marker or monument, provided, however, that the Board of Commissioners shall have discretion to allow trees, shrubs or other plantings

or benches or other features on grave sites where no remains are interred. Placing of a coping or other enclosure, of any kind, around a lot or lots shall not be permitted. Requests for boundary markers shall be made to the City Clerk and actual setting shall be made by city maintenance workers. Mowing, seeding, and maintenance shall be performed by city maintenance workers.

k. Floral Arrangements. Floral arrangements may be placed on grave sites provided they are placed in either vases which are part of a memorial, are in a metallic flower vase, or are in a concrete floral vase designed for that purpose. No glass vases shall be allowed due to the possibility of injury to either visitors or maintenance personnel. Items deemed to be unsightly, inappropriate, or offensive shall be removed without notice and the City shall not be responsible for the loss or destruction of same. Arrangements shall be limited to one per grave site. The City reserves the right to remove all arrangements as they become wilted, impaired, or unsightly and shall not be liable for floral pieces, baskets or frames in which or to which such arrangements are placed or attached. The City shall not be responsible for lost, misplaced, broken, or damage to any floral arrangements or memorials which may be caused by the elements, thieves, vandals, or any other causes, regardless of the source.

l. Memorials Allowed, - A single grave shall be allowed one headstone and one marker. The headstone shall not exceed 42 inches in length, including the base, 36 inches in total height, and 16 inches in width at the base. A marker shall not exceed 24 inches in length, 12 inches in depth, and shall be installed flush with the surface of the ground.

A lot consisting of four or less graves shall be allowed one family monument in lieu of any headstones. In addition, one marker, with dimensions as indicated above, shall be allowed for each grave space. The family monument shall not exceed 60 inches in length, 36 inches in height, and 16 inches in width at the base. A lot consisting of five or more graves shall be allowed one family monument in lieu of any headstones. The size of the family monument on a lot consisting of five or more graves shall be limited to a length of 72 inches, 36 inches in height and 16 inches in width at the base.

Adoption of these limitations do not affect the size of any memorials installed prior to the date of such adoption.

m. Manner of Installation. All memorials shall be installed on sound foundations. The foundation shall be as long and as wide as the memorial base and shall extend to the top of the grave liner. In all cases, the foundation shall be installed in such a manner as to prevent sinking or movement of said memorial.

n. Installer Responsibility. Persons or firms installing memorials shall be responsible for installing All memorials as prescribed above. All debris associated with any installation shall be cleared from The site upon completion of any installation. Repairs necessary due to sinking, moving memorials, or any other causes, must be accomplished within fifteen (15) days of request to prevent the possible withholding of permission for further installation until corrective action is completed.

o. Record Keeping. The city clerk shall maintain a record of all interment and removals. The record shall provide the name of the cemetery, section, lot number, size and location of graves on the lot, the name of the deceased and the date of such action. **Amended 2-13-2017**

p. Change of Ownership. Should a change in ownership occur, in any cemetery owned or controlled by the City of Saluda, both the Seller and the Buyer shall bear equal responsibility to advise the City Clerk, in order to maintain adequate and proper records. Improper notification may result in possible delay or refusal of use for anyone other than the original owner.

q. Defacing of Property. It shall be unlawful for any person to injure, or deface, in any way, any well, pump, building, tombstone, monument, seat, bench, chair, railing, roadway, enclosure, tree, shrub, vine, bulb, flower or other thing placed, put or growing in any cemetery owned or controlled by the City of Saluda.

r. Conduct in Cemetery. No person shall use any cemetery or graveyard in the City as a playground,

for loafing, as a parking place, for making loud noises of any kind, use of foul or profane language, make any indecent exposure of the person, or commit any other indecent act therein. Use of the roadway through the cemetery as a walking or hiking trail by responsible persons is permitted.

s. City liability, The City of Saluda shall exercise reasonable care to insure reasonable care during interment or removal but it shall have no liability for damage to any body, casket or burial case or urn incurred during such interment or removal. The City shall not be held responsible for any order given by telephone or for any mistake occurring from the absence of written, precise and proper instructions as to the particular space, size and location in a plot where interment is desired. The City reserves and shall have the right to correct any errors that may be made by it, either in permitting interment, disinterment, or removal or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible or as may be selected by the City or in the sole discretion of the City by refunding the amount of money paid by the purchaser. In the event such an error should result in the interment of the remains of any person other than the remains of the person intended, the City reserves and shall have the right to correct the error by removal of the remains to such other property of equal value and similar location as may be deemed appropriate. The City shall also have the right and opportunity to correct any other errors for which it may be legally responsible and when so corrected, no claim shall lie against it on account thereof. **Amended 2-13-2017**

t. This ordinance supersedes all previous ordinances, rules, regulations, guidelines, etc., written prior to the adoption of this ordinance.

(Ord. 0-99-03, Adopted 10-4-99; Am. Ord. 0-11-03, Amended 5-9-11, Amended 2-13-2017)

ATTEST:

APPROVED:

By: _____

By: _____

Tola Ellis, Clerk

Fred Baisden, Mayor

APPROVED AS TO FORM

By: _____

Jana Berg, City Attorney