

## CHAPTER 95. OCEANVIEW CEMETERY

### Sec. 95.01. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Human remains* or *remains* means the bodies, or remains thereof included ashes of cremated bodies, of deceased persons.

*Lot* refers to one individual grave space within a plot for the burial or interment of the remains of one deceased person.

*Marker* means a plaque installed at ground level at the site of a grave to indicate the name, date of birth and date of death of the person buried there.

*Mausoleum* means a structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.

*Monument* means any above-ground stone, structure, or container, or material (except cut flowers) placed on a lot or plot.

*Oceanview Cemetery* refers to that cemetery located at 1200 Ann Street in the town which is operated by the town.

*Plot* means a tract of cemetery property consisting of more than one lot.

(Ord. 06-14, passed 10-9-2006)

### Sec. 95.02. Existing plots and lots.

- (A) All plots and lots within Oceanview Cemetery previously registered in ownership to families or individuals on the town's records prior to the effective date of this chapter are hereby recognized by the town as owned by the families or individuals to which the plot or lot is registered provided (1) there are no human remains or other evidence of burial whatsoever contained within said plot or lot except for the remains of the family members of the registered owner, or (2) that said plot or lot does not encroach upon any other previously registered plot or lot.
- (B) In the event plots or lots previously registered on the town's records encroach on others, the town will equitably adjust the boundaries of the plots or lots.

(Ord. 06-14, passed 10-9-2006)

### Sec. 95.03. Lot sales.

- (A) All sales of lots in Oceanview Cemetery shall be made only by the town at prices approved and set by the Board of Commissioners from time to time. All persons desiring to purchase a lot in Oceanview Cemetery shall apply to the Town ~~Clerk~~ **Manager or his/her designee** who shall be authorized to issue a deed for said lot upon receipt of the purchase price in full.
- (B) Lots may be purchased on installment plans approved by the Town Manager. No deed for a lot shall be issued until the town has received the purchase price in full. In the event any installment due under an

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installment plan remains unpaid for 90 days after the due date, the purchaser, ~~without notice after 30 days~~ **written notice**, shall forfeit all rights to said lot, and all previous installment payments made for said lot shall be forfeited to the town as liquidated damages for breach of the installment purchase contract, and said lot shall be made available for sale to another party.

- (C) No interment or burial of human remains, or other disposition thereof, in Oceanview Cemetery, shall be made until the purchase price for the lot has been paid in full and a deed issued to the purchaser of said lot.
- (D) Resale of a lot in Oceanview Cemetery is hereby prohibited except as specifically provided herein. In the event that a person owning a lot where no human remains are buried or interred desires to relinquish ownership of the same, the person shall notify the Town **Clerk Manager or his/her designee** and the town shall repurchase the lot at the current price as set by the Board of Commissioners.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.04. Permits and time of burial.**

- (A) No interment or burial of a body, or other disposition thereof, shall be made in Oceanview Cemetery until a permit is issued by the town. In applying for a permit hereunder, the applicant shall furnish the town with the following information concerning the deceased: name, date of death, home address, ~~place of birth~~ **birth place**, and date of birth, next of kin and address of next of kin.
- (B) Only human remains may be buried in Oceanview Cemetery.
- (C) All funeral directors, local and non-local, or other persons in charge of any funeral shall obtain a permit before a burial or interment at Oceanview Cemetery. Interment permits must be obtained during regular business hours, unless extenuating circumstances exist. In any circumstances requiring a permit for a burial or interment to take place on Saturdays, Sundays or a legal holiday, the funeral director must notify the Town of Beaufort at least 24 hours or one working day, prior to the time of burial. The town reserves the right to impose a fee to reimburse the town for overtime salaries and other costs incurred by the town in connection with weekend or holiday burials or interments. The amount of such a fee will be set forth in the official fee schedule for the Town of Beaufort.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.05. Opening of graves.**

No grave within Oceanview Cemetery shall be opened or otherwise disturbed nor shall any human remains be removed from any grave without a permit from the County Health Director and the consent of the lot owner and an immediate family member of the deceased, if family members of the deceased are known or can be reasonably ascertained. If immediate family members of the deceased are not known and cannot be reasonably ascertained, the Town Manager can give consent for the removal of remains from a grave.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.06. Vaults or liners.**

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Due to the sandy soil conditions within the area and the fact that monuments or markers sometimes sink or become covered by sand, vaults or liners shall be required for all burials and interments in Oceanview Cemetery except for the burial of cremated remains in small urns. Vaults must have 18 inches of suitable ground covering.

(Ord. 06-14, passed 10-9-2006)

**Sec. 95.07. Mausoleums.**

Mausoleums may not exceed five feet in height and must be positioned so as not to infringe upon adjacent lots. No monument in addition to the mausoleum is permitted on a lot. The Town ~~Clerk~~ **Manager or his/her designee** will determine the appropriateness of mausoleums placed in Oceanview Cemetery.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.08. Removal of debris.**

All materials and other debris shall be removed by the funeral director from a grave space as soon as possible upon completion of burial or interment, but in no event more than 24 hours after the burial or interment.

**The Town will conduct bi-annual cemetery clean-ups twice per year. The public will be notified at least 30 days in advance of each established clean-up date. The clean-up dates will be the first Monday in March of each year and the first Monday in October of each year. Town staff are authorized to remove and dispose of all loose items including, but not limited to, flower arrangements, vases, and trinkets.**

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.09. Burial of cremated remains.**

- (A) Each lot in Oceanview Cemetery which is used for the burial of cremated remains shall not exceed ~~three feet by eight feet~~ **three feet six inches by eight feet** in surface dimensions.
- (B) Each plot may contain up to three lots per gravesite for the burial of cremated remains.
- (C) Cremated remains must have at least 18 inches of suitable ground cover.

(Ord. 06-14, passed 10-9-2006)

**Sec. 95.10. Markers, monuments and other memorials.**

- (A) It shall be unlawful for any person to erect any marker, monument, or other memorial without first obtaining approval from the Town ~~Clerk~~ **Manager or his/her designee** for compliance with this chapter before being placed or erected in Oceanview Cemetery. All markers, monuments and other memorials must be made of stone or concrete except that receptacles for flowers can be made of steel or some other durable material.
- (B) Only one central or family monument shall be allowed on a family plot. When a monument is not desired by the family, one head or foot marker per grave may be authorized.
- (C) 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.

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- (D) Foundations for memorials and monuments shall be constructed in accordance with uniform standards and specifications as established by the Town ~~Clerk~~ **Manager or his/her designee**.
  - (E) All markers, monuments and other memorials shall be set even with the plot or lot lines and shall not extend over the plot or lot lines in any direction; except for the following:
    - (1) Headstones for two adjacent lots wherein the remains of family members are, or are to be, buried the headstones for each separate lot may be combined producing a headstone with a width of 60 inches as long as such headstone does not extend beyond the boundaries of the two lots; and
    - (2) Family monuments on a plot may extend over the boundary of the lots within a plot as long as the family monument is confined to the boundaries of the plot.
  - (F) All foundations of family monuments, headstones and footstones, shall not exceed eight inches in depth and shall not rest on the liner cover. Foundations for family monuments, headstones and footstones shall be composed of a hard course aggregate, sand and cement in proportions not less than 1:3:5, and well compacted in place. The Town ~~Clerk~~ **Manager or his/her designee** shall have the authority to approve an equivalent foundation. Foundations shall be at least as wide and as long as, as the base stone of the monument or footstone resting upon it and must not project above the lot surface.
  - (G) Footstones shall conform as to material with the material comprising the headstone on the lot.
  - (H) Should a monument or marker at any time become unsafe, unsightly or in need of repair or resetting, the Town ~~Clerk~~ **Manager or his/her designee** shall so notify the owner of the lot upon which such condition exists. Any persons having an interest in such lot shall be requested to make the needed repairs. The Town-~~Clerk~~ **Manager or his/her designee** shall direct that the necessary improvements be made to eliminate unsafe conditions until the lot owner shall be contacted. In the event that the Town ~~Clerk~~ **Manager or his/her designee** is unsuccessful in contacting the lot owner, the town will make the necessary temporary repairs at its discretion to alleviate the unsafe condition.
  - (I) It shall be unlawful for any person to remove any monument or marker which may have been erected at any grave or to deface, injure, or destroy any such monument or marker in any manner.
  - (J) The town shall not be held liable for default of a contract agreement between the lot owner and the memorial contractor.
  - (K) The town shall not be responsible for replacing or restoring any monuments or markers.
  - (L) Exceptions for veterans administration monuments. In honor of veterans of the United States Armed Forces buried or interred at Oceanview Cemetery, and in grateful appreciation of their service to the people of the United States, notwithstanding the size limits and other restrictions provided in this chapter, grave monuments provided by the Veterans' Services Administration to the family of a deceased veteran are permitted to be erected on the lot of the deceased veteran notwithstanding its nonconformity to the regulations contained herein. The town will either install or supervise the installation of any such monument.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

#### **Sec. 95.11. Care and improvements.**

- (A) No person shall place, or cause to be placed, on any lot in Oceanview Cemetery, any stone or other object, other than an approved monument. Boundaries of all lots shall be marked by corners which shall be set by the town at no additional cost to the lot owner. General maintenance provided by the town shall consist of grass cutting (when necessary), filling in graves when sunken, resodding, and other beautifying and keeping said lots neat, safe, clean and in good order.

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- (B) All care and improvements of the cemetery, including all grading and landscaping shall be done by town employees or contractors employed by the town.
  - ~~(C) The planting of flowers or shrubs, except at the plot or lot corners, is hereby prohibited.~~
  - ~~(D) The placing of a coping or other enclosure around lots or plots is hereby prohibited, except when the coping or enclosure is ground level and will not interfere with maintenance of the cemetery.~~
  - (C) Trees and shrubs shall not be planted in the cemetery due to the damage that can be caused to grave markings by root mats and falling trees. Existing vegetation may not be replaced under any circumstances.
  - (D) Structures such as benches, ropes, chains, fencing, bricks, or concrete ground borders are prohibited in the cemetery without prior town approval.
  - (E) The placing of glass vases on cemetery plots or lots is hereby prohibited.
  - (F) Metal receptacles for cut flowers placed within 12 inches of the centerline of the marker and buried to allow mowing are allowed and encouraged.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

**Sec. 95.99. Violations; penalties.**

In addition to being a misdemeanor pursuant to G.S. 14-4, the violation of this chapter shall subject the offender to a civil penalty pursuant to § 10.99 of this Code of Ordinances.

(Ord. 06-14, passed 10-9-2006)