

TOWN OF NEW LONDON ORDINANCE 08-4
MUNICIPAL CEMETERY ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NEW LONDON, NORTH CAROLINA:

Section 1. Short Title. This Ordinance shall be known and may be cited as the “Town of New London Municipal Cemetery Ordinance.”

Section 2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) “Town” is the Town of New London;
- (b) “Board” shall mean the Board of Commissioners of the Town of New London;
- (c) “Municipal Cemetery” or “Cemetery” is the municipal cemetery of the Town of New London;
- (d) “Person” is any person, firm, partnership, association, corporation, company or organization of any kind;
- (e) “Superintendent” is the person designated by the Board of Commissioners of the Town of New London to oversee the Cemetery.

Section 3. Appointment of Superintendent. The Board shall appoint one of its members as superintendent of the Cemetery. The Superintendent shall be subject to removal at any time by the Board.

Section 4. Authority of the Superintendent. The Superintendent shall manage, operate and maintain the Cemetery subject to any limitations and restrictions set forth herein or contained in any applicable law.

Section 5. Rules and Regulations. The Superintendent shall establish rules and regulations, which shall be approved by the Board prior to becoming effective, for the use of the Cemetery relating to

- (a) Subdividing the cemetery into lots
- (b) Capacity of each lot
- (c) Location of graves
- (d) Type of plantings, monuments and markers that will be permitted for the proper and most attractive development of the Cemetery.

Section 6. Duties of Superintendent.

- (a) Direct Cemetery. The Superintendent shall look after and take proper care of the Cemetery and see that no lot therein is used or occupied in violation of this Ordinance or of any rule or regulation promulgated by him.
- (b) Collect and Turn Over Fees. All fees and charges collected by the Superintendent for duties and services performed in connection with the Cemetery shall be for the use of the Town and shall immediately be turned over by him to the Finance Officer.

Section 7. Rules for Interment. No deceased person shall be interred in the Cemetery until the Superintendent has found:

- (a) That the lot in which burial is to be made has been fully paid for;
- (b) That the person arranging for such burial has the right to the use of such lot;
- (c) That such lot is not used beyond its capacity;
- (d) That proper record is made of the name and age of the deceased person and of the exact location of the grave.
- (e) In all interments, caskets shall be enclosed in a permanent outside container. A permanent outside container is described as a non-degradable container such as a concrete, copper, steel or composite burial vault.

Section 8. Lot Valuation. The Superintendent shall place a value, which must be approved by the Board, upon all unsold lots in the Cemetery, and shall record such valuations on an official map or plan of such Cemetery that shall be kept on file, open to public inspection, in the office of the Town Clerk. Such valuations shall be the fixed and established value of such lots and the price at which such lots shall be sold. There shall be no discrimination in the sale of lots, on any basis.

(a) **Method of Purchase.** Any person desiring to purchase a particular lot or lots, for the purpose for which it is intended, shall be permitted to do so upon payment of the price fixed for such lot or upon making arrangements, according to rules and regulations that may be established by the Superintendent, for the purchase of such lot on an installment plan.

Section 9. Records of Ownership. The Superintendent shall keep full and complete records of the ownership of all lots in the Cemetery, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the names of the persons buried in each grave that has been or shall hereafter be used, and of the date of burial of each.

Section 10. Cemetery Accounts. The Superintendent shall keep full and detailed accounts of the receipts and expenditures on account of the Cemetery and at least once a month shall turn over to the Finance Officer all monies collected on such account.

Section 11. Penalties. Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Fifty Dollars (\$50.00) or be imprisoned for a period not exceeding thirty days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Section 12. Separability. If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 13. Cemetery Rules. The following rules are to be enforced by the Superintendent of the New London Municipal Cemetery, which shall be subject to penalties under Section 11.

- (a) No more than one (1) flower arrangement shall be placed on each grave with the exception of time of burial.
- (b) No flowers or shrubs shall be planted on a grave or the surrounding area of the gravesite.
- (c) No signs of any nature other than original grave identification placed by a funeral home are permitted.
- (d) Gravesites shall be cleared after two weeks from burial date. Items remaining after two (2) weeks will be removed by the cemetery superintendent.
- (e) A yearly cleanup shall be scheduled four (4) weeks prior to Easter and four (4) weeks prior to Thanksgiving. All flower arrangements or other items placed on graves are to be removed by family members on or before these dates. Items remaining after these dates will be removed by the Cemetery Superintendent.

Section 14. Ordinances repealed. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Originally adopted September 2, 2008, Amended to add section 7 (e) on April 5, 2016

Adopted this the day of April 5, 2016.