

CHAPTER 13

CEMETERIES

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Section 13-1 Burial Only in Cemeteries.

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or a cemetery operated by a governmental entity or a private cemetery licensed or specifically excepted from licensing according to the North Carolina Cemetery Act (Article 9 of G.S. Chapter 65). In addition to any other penalties available at law, violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4 by costs of court and a fine greater than \$50.00 but not to exceed \$500.00, except where the application of this local penalty may be prohibited or precluded by law.

Section 13-2 Disruptive Activity Prohibited.

- a) No person may drive any motor vehicle or park any motor vehicle in any cemetery except upon the main road and avenues provided therein for vehicular traffic.
- b) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.
- c) No person may take any dog, horse, or other animal into any cemetery or allow any animal to run at large therein.
- d) No person may intentionally disrupt any funeral services or disturb the quiet and good of any cemetery by extreme loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.
- e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within the cemetery or on the inside or outside of any wall or fence enclosing any cemetery.
- f) Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4 by costs of court and a fine greater than \$50.00 but not to exceed \$500.00.

Section 13-3 Defacing or Desecration of Public and Private Cemeteries.

As provided in G.S. 14-148(c) persons who deface or desecrate grave sites may be guilty of a felony or misdemeanor. Examples of such acts include:

- (1) Throwing, placing or putting any refuse, garbage or trash in or on any cemetery.
- (2) Taking away, disturbing, vandalizing, destroying or changing the location of any stone, brick, iron or other material or fence enclosing a cemetery without authorization of law or consent of the surviving spouse or next of kin of the deceased.
- (3) Taking away, disturbing, vandalize, destroying, or tampering with any shrubbery, flowers, plants or other articles planted or placed within any cemetery to designate where human remains are interred or to preserve and perpetuate the memory and name of any person, without authorization of law or the consent of the surviving spouse or next of kin.

The provisions of this section shall not apply to:

- (1) Ordinary maintenance and care of a cemetery by the owner, caretaker, or other person acting to facilitate cemetery operations by keeping the cemetery free from accumulated debris or other signs of neglect.
- (2) Conduct that is punishable under G.S. 14-149.
- (3) A professional archaeologist as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70 of the General Statutes.

In addition to any other penalties available at law, violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4 by costs of court and a fine greater than \$50.00 but not to exceed \$500.00, except where the application of this local penalty may be prohibited or precluded by law.

Section 13-4 Removing or Defacing Monuments and Tombstones.

Per N.C.G.S. § 14-149, it shall be a Class I felony, without authorization of law or the consent of the surviving spouse or next of kin of the deceased, to knowingly and willfully:

- (1) Open, disturb, destroy, remove, vandalize or desecrate any casket or other repository of any human remains, by any means including plowing under, tearing up, covering over or otherwise obliterating or removing any grave or any portion thereof.
- (2) Take away, disturb, vandalize, destroy, tamper with, or deface any tombstone, headstone, monument, grave marker, grave ornamentation, or grave artifacts erected or placed within any cemetery to designate the place where human remains are interred or to preserve and perpetuate the memory and the name of any person. This subdivision shall not apply to the ordinary maintenance and care of a cemetery.

It is a Class H felony, without authorization of law or the consent of the surviving spouse or next of kin of the deceased, to knowingly and willfully disturb, destroy, remove, vandalize, or desecrate any human remains that have been interred in a cemetery

The provisions of this section shall not apply to a professional archaeologist as defined in NCGS 70-28 (4) acting pursuant to the provisions of Article 3 of Chapter 70 of the General Statutes.

In addition to any other penalties available at law, violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4 by costs of court and a fine greater than \$50.00 but not to exceed \$500.00, except where the application of this local penalty may be prohibited or precluded by law.