



Town of Southern Shores

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2013-02-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to North Carolina General Statute § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town finds that the Town of Southern Shores has authority to establish, operate, and maintain cemeteries pursuant to North Carolina General Statute 160A-341; and

WHEREAS, the Town further finds that Town of Southern Shores has authority to adopt by ordinance rules and regulations concerning all matters of the use, operation, and maintenance of town cemeteries, and may impose a schedule of prices for lots; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Cemeteries Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Cemeteries Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That Chapter 10. [Cemeteries] be amended as follows:

Sec. 10-1. Municipal cemetery established; cemetery fund; monitoring of operations.

- (a) The town shall establish, operate and maintain a municipal cemetery on that parcel of land, the gift of the Southern Shores Civic Association, bounded on the north by Kitty Hawk Land Company Lot No. 8, Block 202, on the west by Dogwood Trail and on the south and east by the property of the Outer Banks Recreation Association.

(b) The cemetery shall be known as the Southern Shores Cemetery.

(c) The cemetery development, operation and maintenance costs shall be paid for from revenues derived from the sale of lots in the cemetery. A cemetery fund shall be established in the town budget to account for revenues and expenditures.

(d) The mayor, with the approval of the town council, may appoint a councilmember to monitor cemetery operations and policies established by the town council and make recommendations to the Council as appropriate.

(e) The council may establish further regulations regarding the management or maintenance of the cemetery.

(Code 1988, § 3-1; Ord. No. 81-0021, § 1, 1-6-1981)

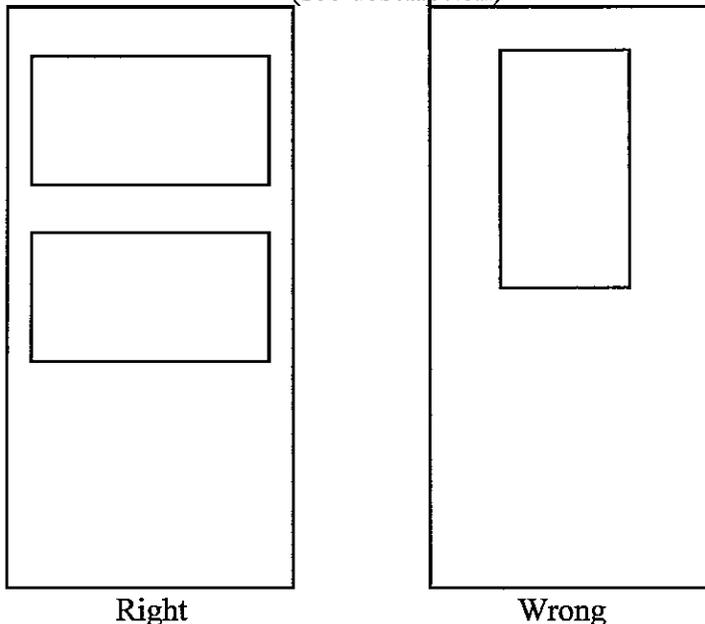
1. A Certificate of Burial Rights shall be issued for the right to use, for burial purposes and in exchange for payment, lot or lots in Southern Shores Cemetery and is issued subject to the rules, regulations and ordinances governing the cemetery adopted by the Town Council. The right conveyed by a certificate is for a period of 20 years from the date of execution of the certificate by the Town and thereupon shall expire. Once a lot is used for a family member, however, the entitlement to use one other lot owned by that family vests in perpetuity to the family without renewal requirements. Any remaining lots may be retained by the family as long as renewal requirements are met. The right to use the above described cemetery lot as burial place is vested to the grantee and any member of his/her immediate family which is defined as spouse, brother, sister, parent, child or grandchild or the spouse of any of those and shall not be assigned to any other person.
2. Should no immediate family burial occur within 20 years from the date of the certificate expiration, then, upon tender of a renewal fee of \$10.00 within five (5) years following the expiration date of the original certificate, the certificate may be renewed for a period of 10 years from the expiration date of the original certificate. It is the responsibility of the grantee or his family, to advise the town of any change of address and renew the certificate. Automatic cancellation of burial rights will occur if the certificate is not duly renewed within five (5) years following the expiration date of the original certificate. No more than four (4) lots may be owned by any one family, unless Town Council determines otherwise, based on number of children, grandparents, spouses. Upon request of the certificate holder, ~~and upon approval of the Town Council,~~ the Town may purchase lots back at the original purchase price. Current purchase price is \$500.00 for Town property owners, \$2,000 for non-property owners.
3. Lots containing trees shall only be used for burial of cremains.
4. The Town Clerk shall be notified, in writing, by a deceased's representative of any interment or dis-interment in or from a cemetery lot prior to such action.
5. The Town reserves the right to determine, establish, modify, alter or change the grade of any vacant lot, road, driveway, pathway or part thereof, and it shall not be liable to

anyone for any such action.

6. No lot owner shall make any changes or alterations in or on any lot, including the removal or change in position of any memorial or marker, removal of trees or shrubs without the written consent of the Town Manager.
 - a) No coping, curbing, fencing, hedging, borders, perennial plantings, shrubs, corner posts, or enclosure of any kind will be allowed around a gravesite. No walks of brick, cinders, tile, stone, sand, cement, gravel or wood or other materials will be allowed on any cemetery lot.
 - b) No trinkets, toys, shells, glass jars, tin cans, sand, flagpoles, lights or any article determined to be unsightly by the Town Manager shall be allowed on a grave. Any such articles may be removed without notice and the Town will not be responsible for the loss or destruction of the same.
7. Besides being subject to these rules and regulations, all interments, dis-interments and removals are made subject to the orders and laws of the properly constituted authorities of the County and State.
8. Grave markers shall not be in excess of 12 by 24 inches in size and shall be made of permanent material.
9. Adjoining family graves may share a common marker whose size shall not exceed 12 by 48-inches and shall be made of permanent material.
10. Markers shall be located at the head of the grave, center measured one-foot from each side, readable west to east with long dimension of the marker to be on a North/South axis only. Additional 12 by 24-inch markers, shall be placed parallel to the 24-inch dimension of the head marker; (See diagram)

PERMITTED MARKER PLACEMENT:

(see description)



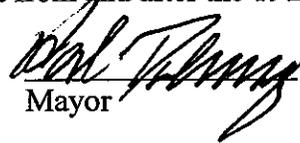
11. The top of a marker shall be flush and flat with the ground.
12. Grave markers with porcelain or photographs are not permitted.
13. No loitering shall be allowed in the cemetery.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 19th day of February, 2013.


Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM


Town Attorney

Date adopted: 2/19/20103

Motion to adopt by Council member: Kowalski

Motion seconded by Councilmember: Lawhon

Vote: 5 AYES 0 NAYS