



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager
Bobbi White, Parks and Recreation Director

Date: September 17, 2013

Re: Consideration – City of Elizabeth City Cemetery Code

BACKGROUND:

In trying to improve cemetery management in the Old Oak Grove, Old Hollywood and Highland Park Cemeteries managed by the City, the Parks and Recreation Department requested several changes to the City Cemetery Codes during the August 26, 2013 City Council meeting. The City Council tabled this matter until the September 23, 2013 work session for further discussion.

The City is in no way trying to prohibit anyone from being buried in a family cemetery plot. In August 2008, then Parks and Recreation Director Jim Overman approached Council to encourage the use of a new Registration of Burial form to be submitted to the City Clerk's office prior to burial. This form was very simple and did not take funeral directors over five minutes to complete. It was meant to give the City some type of record pertaining to who is actually buried in the various cemeteries. This form required that evidence be presented by Deed or Bill of Sale that would indicate ownership. It was required that the form be completed (with the documentation of ownership) and filed with the City Clerk prior to the date of burial. If the family could not produce a Deed or evidence of purchase stating the location of a specific gravesite, the funeral home was to just contact the Parks and Recreation Director for authorization to proceed with a burial. Some funeral homes are not following the Code and are waiting until after burial to return the Registration of Burial form to the City Clerk's office.

Staff also would like Council to adopt an additional Code to the City's Cemetery Ordinance concerning limiting what can be placed or planted at gravesites. It has become a custom in the last few years to decorate around gravesites especially at holidays such as Christmas, Mother's Day, Father's Day and Easter. Solar powered lights are now being placed around graves and headstones, as

well as metal beds (head and foot boards), boxes, outlining sites with rocks, and planting trees, flowers and shrubs. All these are a maintenance nightmare.

As stated during the August work session, staff is coming to Council for guidance on these issues.

ANALYSIS:

The minutes of the August 25, 2008 Council meeting state that in Section 18.2 REGISTRATION OF BURIAL that "Every undertaker shall, prior to burial in a cemetery owned by the City, register such burial with the City Clerk on a form provided by the Clerk. Such forms and registration shall contain the name, age, sex and race of the person to be buried and a description of the exact location at which such person is buried."

Unfortunately, some directors are not registering their burials until after the burial and this is too late to probe the gravesite or to make sure that a proof of ownership or right to be buried at the location is provided. Staff believes this leads to some of the problems associated with gravesites being disturbed.

It is estimated that only about 15% of the burials in Old Oak Grove or Old Hollywood can produce a Deed or Bill of Sale for their family owned plots due to the age of the cemeteries. Due to the lack of records at this time, we take into consideration looking at the plot and recognizing that it belongs to the "Smith, White or Jones Family" and whoever is going to be buried has a connection to that family or is a family member.

The primary purpose of the ordinance was and still is to receive prior notification of the burial so that the City can determine if there is actually an unoccupied space available for burial. Several of these cemeteries have no records as to how the gravesites are laid out or who is actually buried in the cemeteries. Staff is trying to make the best out of a bad situation. Staff would like to see a 48 hour time frame placed on prior notification of burial. This would give the City Clerk's office time to notify the Parks and Recreation Department of the location of the gravesite and time for the site to be probed. The City Clerk's office must be notified first, as the Clerk is the official record keeper of all City records. Staff would also like to see a fine established for the funeral homes for violation of the code, if the 48 hour prior notice of burial is not given to the City. The fine could be structured using a graduated scale, i.e. \$100 for the first violation, \$250 for the second violation and \$500 for each subsequent violation.

In addition, Staff would like to see the City adopt an ordinance that limits what can be placed at a gravesite to include wording not allowing the planting of trees, flowers, bushes or shrubs; no artificial lighting and limiting free standing decorations to one stand or vase of flowers unless the headstone itself has vases attached to the stone.

At this time, staff is still looking for some direction from City Council. We have ideas of what we would like to see put in place, but need to know the wishes of Council.

STAFF RECOMMENDATIONS:

Staff recommends that Chapter 18, Section 18-2 be amended to read:

"Every undertaker shall not less than forty-eight (48) hours prior to each burial in a cemetery owned or maintained by the city, register such burial with the City Clerk on forms provided by the Clerk. Such forms and registration shall contain the name, age, sex and race of the person buried and a description of the exact location at which such person is to be buried, date of service and a copy of the Deed or Bill of Sale or evidence that the person has a right to be buried at that site. The Parks and Recreation Department shall be notified forty-eight (48) hours prior to burial in Old Oak Grove, Old Hollywood and Highland Park Cemeteries by the City Clerk and shall probe the burial site to determine if a new grave may be dug at said location. Failure to notify the City Clerk a minimum of forty-eight (48) hours prior to burial will result in a fine of \$100 for the first violation, \$250 for the second violation and \$500 for each subsequent violation to the funeral home".

Staff also recommends that Chapter 18, Section 18-6 be added to the code to read:

"No grave shall have more than one free standing flower arrangement or decoration at a grave site two weeks after burial. Placing artificial or solar lights, trees, toys, decorations or more than one free standing vase of flowers will not be permitted on or near grave sites. Trees, bushes, flowers or shrubs will not be allowed to be planted in any city maintained cemetery without prior consent from the Parks and Recreation Director or City Manager".

With the adoption of the above amendment and proposed new code requirement, staff believes it can help control the disturbance of gravesites as well as make these historical cemeteries become better maintained. However, staff will certainly adhere to Council's wishes and direction.

Proposed Registration of Burial

Death



Family contacts Funeral Home



Funeral Home contacts City Clerk with Proof of Ownership or right to be buried at location not less than 48 hours prior to scheduled burial



City Clerk contacts the Parks and Recreation Department Director or designee



Parks and Recreation meets with the Funeral Home Director at the cemetery site



Grave site is probed and results sent back to City Clerk



City Clerk provides authorization to bury to Funeral Home



Burial



City Clerk sends notification of burial and burial information to the Parks and Recreation Department to be placed in the cemetery GIS records systems maintained by the Parks and Recreation Department.

REGISTRATION OF BURIAL

CITY OF ELIZABETH CITY
306 East Colonial Avenue
Elizabeth City, NC 27909
Dianne S. Pierce-Tamplen, MMC
Office: 252-337-6955
Fax: 252-337-6956

Date: _____

Service For: _____

Last Known Address: _____

DOB: _____ **DOD:** _____

Race: _____ **Gender:** _____

Date of Service: _____

Place of Service: _____

Place of Burial:

Cemetery: _____

Section: _____

Plot # (if known): _____

Vault: Yes _____ **No** _____

Funeral Home: _____

Copy of Deed, Bill of Sale, Evidence of purchase, or Right to Bury:

Dianne S. Pierce-Tamplen, MMC
City Clerk

Plot probed by: _____ EC/PC PARKS AND RECREATION DEPT Date: _____ Time: _____
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