



MEMORANDUM

To: Mayor and City Councilors

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

Date: August 22, 2013

Re: Consideration – City of Elizabeth City Cemetery Code

BACKGROUND:

In trying to improve municipal cemetery management, several issues are faced. Modern cemetery management is a complex business and the administration of a historical municipal cemetery is unprofitable. The result is that the typical municipally-owned or maintained cemeteries are a financial liability, subsidized by tax funds often paid by citizens who never use municipal cemetery services. Historically, cemeteries were poorly planned. Most were not laid out in grids or patterns, nor did they have standardized size grave plots. Most of the older cemeteries are located near rivers or creeks and have high water tables such as Old Hollywood, Old Oak Grove and Episcopal. Most also have poor soils that do not allow for drainage or the stabilization of the surface soils and grass.

The eight cemeteries maintained by the City of Elizabeth City are: Episcopal, Old Hollywood, Old Oak Grove, Highland Park, Culpepper Street, First Baptist Church, Herrington Road and "B" Street, and Hughes Blvd and Burk Street. Essentially, the only cemeteries that still have burials are Old Hollywood, Old Oak Grove, Highland Park and on occasion Episcopal. In the past year there have been 19 burials registered with the City Clerk's office in Old Hollywood, 20 in Old Oak Grove and 12 in Highland Park.

The cutting and trimming of the cemeteries is contracted by K-9 Lawn Care and this contract is overseen by the Parks and Recreation Department. We are very pleased with the care that K-9 had shown in all our cemeteries. All tree and debris removal, as well as pathway maintenance is done by the Parks Maintenance staff. By improving administrative practices, it is hoped that there will be improvement to the overall operations and maintenance of the cemeteries. Published rules and regulations that are adhered to will contribute to an efficient operation. These regulations usually formalize restrictions on work performed in the cemetery and establish standards for containers, decorations and memorials. For municipal cemeteries, it is hard to be overly restrictive; where explanations

fail to convince complaining citizens that rules help preserve the dignity of the cemetery; public officials could often refer to them and to the even more restrictive rules of the local private cemeteries.

ANALYSIS:

Parks and Recreation staff has met several times with Captain John Young of the Elizabeth City Police Department to develop a more restrictive code where burials are concerned. Unfortunately, several grave sites have been disturbed throughout the years when a fresh grave was dug. The only way to prevent this from happening is to discontinue burials in the old cemeteries or to have a staff person on site when each grave is dug. However, we do not see these as options at this juncture. Our department purchased a GIS mapping system in 2012 for Old Hollywood and Old Oak Grove cemeteries. We have used interns from Elizabeth City State University to conduct the grave surveys and enter the information into the computer system. This is a long and tedious process and we should complete the map for Old Hollywood by October and begin the mapping of Old Oak Grove in the fall. Once these cemeteries are mapped, it should help staff to determine who is buried in each plot.

Section 18-2 of the City Code of Ordinances states, "Every undertaker shall within ten (10) days from the date of each burial in a cemetery owned by the city, register such burial with the City Clerk on forms provided by the Clerk". When graves were once again disturbed in Old Oak Grove this past spring, it was found that some funeral directors had not properly registered burials in city maintained cemeteries, nor had they had the graves probed by recreation department staff. Staff would like to have the ten day period to register a burial changed to within forty-eight hours PRIOR to a burial. This would give our staff time to probe the grave site and help assure that another person is not buried in that site. It would also assure that burials are registered with the City Clerk's office prior to interment.

This issue is also covered in Section 18-33 "Opening new grave in old gravesite", which states, "In the making of an opening for a grave, no person shall open an old grave or dig therein or, if such old grave was not known to exist at the time the opening began, to continue to make such opening if such person finds or if there is present the remains of any human person or receptacle in which any human person has heretofore been buried or which could have been used for the burial of any human person and was likely to have been used. No person shall fail to place any remains discovered either of the person or receptacle within such opening and to cover it in a manner so as to restore it to the same condition as it was before the opening". In historical cemeteries, it is very easy to mistake a gravesite as being vacant. Wooden caskets decay and through the years may be filled with soil as the ground caves. Grave markers once made of wood may also decay or be removed by the elements. It is often difficult when probing a gravesite to determine by the compaction of the soil if there is already a body buried. However, it is not difficult to see the remains in soil thrown along the sides of a cemetery. Without City staff or a funeral director present at each grave

opening, we may never determine where the bones and remains found periodically belong.

Section 18-60 of the City Code of Ordinance states, "No person shall deposit, or cause to be deposited any filth or unclean or offensive substances in any cemetery". While the following does not fall under the filth category, we would like to limit what is being placed at the grave sites. It has become a custom in the last few years to decorate around the graves especially at holidays such as Christmas, Mother's Day and Father's Day. Some have placed solar powered lights around the graves and headstones. There is even a headboard and footboard to a metal bed placed at a grave in Old Oak Grove. Relatives are placing plastic flowers around the outline of grave sites as well as planting trees and shrubs. All these decorations are a maintenance nightmare. Staff would like to see a new ordinance worded to include trees, shrubs, artificial lighting, decorations, and more than one stand/or vase of flowers not be allowed on or near grave sites.

Trees and shrubs planted near the stones cause the stones to shift and topple. Staff would like to remove all small trees and shrubs that are planted near any stones. The old trees that are fully grown throughout the cemeteries will not be removed unless they are diseased. These trees will be trimmed to remove any dangerous or diseased limbs. All this will help us to improve the looks of the cemeteries as well as save time when mowing and trimming around the graves.

STAFF RECOMMENDATION:

At this time, staff is 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 recommends that Chapter 18, Section 18-2 be amended to read: "Every undertaker shall within 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 buried. 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 and shall probe the burial site to determine if a new grave may be dug at said location".

Staff recommends that Chapter 18, Section 18-6 be added to the code to read: "No grave shall have more than one flower arrangement at a gravesite two weeks after burial. The placing of artificial lights, trees, toys, decorations or more than one stand/or vase of flowers will not be permitted on or near gravesites. Trees and 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 adopting the above amendment and new code staff believes it can help to control the disturbance of gravesites as well as make these historical cemeteries become better maintained. But we will certainly adhere to Council's wishes and directions.



Elizabeth City Cemeteries



Legend

 Cemeteries