

# Rules and Regulations Governing Beechwood and Maplewood Cemeteries



City of Durham,  
North Carolina

These Rules and Regulations are based on a combination of Chapter 14 of the City Code of Ordinances, approved by the City Council of the City of Durham on April 3, 2000, The Fee Schedule of the City of Durham, revised on November 23, 2015 and the Standard Operational Procedures currently in place for the City of Durham Cemeteries Division as provided to the Department of General Services on January 2, 2015.

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**INTRODUCTION**

For the mutual protection of all purchasers of burial space in Beechwood and Maplewood Cemeteries, the following documented Rules and Regulations, and any amendments, which may hereafter be adopted by the City Council per revision to code or fee schedules, or by change in operational procedures as established through the Department of General Services, shall govern the ownership, use and control of burial space, and any reference to the Rules and Regulations in the Deed of Cemetery Lot shall have the same force and effect as if these rules and amendments were described in full. The title to all land, shown on the official plat of Beechwood and Maplewood Cemeteries, filed in City's geographic information resource, is vested in and shall remain in the City of Durham, a municipal corporation of North Carolina.

## I. DEFINITIONS

The following words and phrases, when used in these Rules and regulations, shall have the meanings given to them in this section, except in those instances where the content clearly indicates a different meaning.

**Annex** – Maplewood, Annex: B refers to sections 1 through 21 and X.

**Burial Space** – also known as “grave space” is a predetermined division of land, usually four foot wide by ten foot long. It is used for the interment of human remains (including cremated human remains). Burial spaces are sold in three categories, Monument Space (meaning a 4grave lot or larger in a designated area that allows monuments), Premier Space (refers to more desirable areas where available space has become limited, and still requires a flat marker) and Standard Space (meaning space that is neither monument or premier).

**Cards, Section and Lot Owner** – typed or hand written cards that have been maintained in the main cemetery office to record lot ownership and use. Our card fining system dates back to the early 1900’s and in 2001 was transferred into digital format.

**Cemetery** – a “burial ground” or space laid out expressly for the interment of the dead.

**Cemetery Manager** – a reference to the administrator of the Cemeteries Division who was also, at one time referred to as the Cemetery Superintendent.

**Community Monument Lot** – a predesignated four grave lot in which the city erects an upright monument on a four grave lot in a designated area and burial space is sold in singles or multiples. This concept was a marketing strategy devised to meet the need of customers who wanted an upright monument but did not have a need for the four grave minimum requirement.

**Corners** – concrete blocks, usually 4” by 4” with an “X” stamped on the top, which are located at the corners or intersections of lots to mark property lines. Corners are installed as part of the survey process for new sections and reflect the same guides on ground as the paper copy of the survey. Corners are installed at various depths under the soils surface.

**Deed** – cemetery deeds differ from traditional land deeds in that they only grant permission for the eternal burial of human remains. They are not actually conveying a recorded parcel of land to a new owner. All cemetery property remains in the ownership of the City of Durham and thus no taxes are collected from “property owners”.

**Entombment** – the interment of deceased human remains into a crypt or mausoleum. Often referred to as above ground burial.

**Graveliner** – an outer burial container made of concrete or similar suitable material that is neither lined nor sealed. Graveliners protect the integrity of the burial space by limiting the amount in which a grave space settles after burial. Outer burial containers are required for traditional in ground burial at both city cemeteries.

**Infant** – a term referring to a child of no more than three years of age at the time of death.

**Installment Plan** – payment plan which allows cemetery customers to purchase pre-need property only, by paying four semiannual installments plus 8% interest on the amount financed.

**Interment** – the act placing deceased human remains into the ground. Commonly referred to as “committal of remains” and in most cases indicates a permanent placement or use of burial space.

**Lot** – also known as “plot” is a group of two or more burial spaces and is a reference made to identify each smaller parcel of land within a section of the cemetery. Furthermore, in the construction of this chapter of the City Code and of all instruments prepared or issued pursuant to this chapter, the following definitions shall be observed, unless inconsistent with the manifest intent of the council or the context clearly requires otherwise: *Lot* or *grave* includes the ground and not any monuments, foundations or mausoleums.

**Lot Map** – a form used to provide a diagram of cemetery lot or burial space. The map should depict the dimensions of the lot, the number of occupied and vacant spaces, location of markers and monuments. This form is also used when authorizing for burial to occur on cemetery property. The Cemeteries Division began using this form in 1997. Previously on occasion cemetery staff or owners of property would sketch a diagram to depict their plans for using the property.

**Marker** – a memorial of bronze, granite or marble, made to the specified size and installed flush with the ground. Specific size and placement instructions exist for Beechwood and Maplewood Cemeteries.

**Monument** – commonly referred to as a tombstone or upright memorial marker, this is a stone that is made of granite or marble and sits above ground level. Specific size and placement instructions exist for Beechwood and Maplewood Cemeteries.

**Number Pins** – metal (or a combination of concrete and metal) markers that are installed underneath the surface of the ground to identify property lot numbers. They were installed as sections were developed and remain under the surface of the ground.

**Sales/Policy Agreement** – form used in the cemetery office to communicate sales and policy information to customers at the time of lot sale and burial.

**Section** – refers to a surveyed parcel of land that is surrounded by cemetery drives and was divided into smaller lots of burial space.

**Section Maps** – surveys of each section were conducted when sections were developed. An original paper copy is kept in the main office for safekeeping and does not leave the office. Digital copies have been made and will be available on the cemetery page of the City of Durham website. Letter sized hard copies are also available in the office upon request.

**Single Grave** – refers to one full adult burial space unless the following terminology is included in the description; cremation, urn or infant space. Currently, one single grave can accommodate one full traditional burial or two urn or infant burials.

**Urn** – a container used for the burial of cremated remains.

**Vault** – a reference to an outer burial container made of concrete which is lined, usually with a metal or poly-plastic material, and is sealed with a gasket. Vaults protect the integrity of the burial space by limiting the amount in which a grave space settles after burial. Outer burial containers are required for traditional in ground burial at both city cemeteries.

**Veterans Markers** – free markers that are provided by the Veteran’s Administration to all qualifying deceased veterans after successful completion of the required form by the veteran’s

next of kin. Cemetery personnel often assist families with the application and coordinate installation of the markers upon arrival.

## **II. CONTROL OF THE CEMETERIES**

There shall be a cemetery manager of the city cemeteries who shall be appointed by the city manager. The cemetery manager shall perform all duties prescribed herein and such other duties as may be assigned to him or her by the city manager. The city manager through the cemetery manager, shall have absolute charge of the city cemeteries with authority to enforce all ordinances, rules, and regulations relating to the cemeteries; shall have the same kept in good order, and shall manage the digging of all graves and all interments and disinterments. The city manager is authorized, subject to the approval of the city council, to make and carry out and enforce suitable rules and regulations for the operation and maintenance of the city cemeteries not inconsistent with this chapter. It shall be unlawful for any person to fail, neglect, or refuse to comply with such rules. The cemetery manager may be sworn as a special police officer with full power to arrest all intruders and deprecators, and any person willfully violating any of the cemetery rules or regulations or ordinances may be ejected from the grounds by the cemetery manager.

## **III. WHEN OPENED TO THE PUBLIC**

Between March 1 and September 1 the city cemeteries shall remain open to the public from 7:30 a.m. until the earlier of sunset or 7:00 p.m. The cemetery manager may alter the closing time until change is made by daylight savings time. Between September 1 and March 1 the city cemeteries shall remain open to the public from 7:30 a.m. to 5:00 p.m. The city manager may order city cemeteries closed during an emergency. The following occurrences may be deemed emergencies by the city manager: ice storms, floods, hurricanes, tornadoes, extreme snow, natural disaster or any other situation of a serious nature.

No person shall enter any city cemetery except during the hours in which they are open to the public as set forth herein, except upon permission first granted by the cemetery manager. It shall be unlawful for any person to enter the enclosures or grounds of the city cemeteries, or to go out therefrom, except at the gates located at the proper places of entrance and exit to and from such cemeteries, or to mount or walk or run upon the walls, fences thereof.

The cemetery offices are open for business Monday through Friday, 7:30am to 4:00pm. Phone calls received after 4:00pm will be directed to voicemail and general inquiries will be responded to the next business day. To make request for burial services during the weekend, messages will be checked and calls returned by on call personnel.

## **IV. CONDUCT OF PERSONS WITHIN THE CEMETERY**

### **a) Advertisements, posters, etc.**

No advertising of any description shall be permitted within any of the city cemeteries. No bills, posters, placards, pictures, or any other like or similar device shall be attached or posted on either the inside or outside of any wall or fence enclosing any of the city cemeteries.

### **b) Trucks and wagons forbidden**

Commercial trucks and wagons, or other similar vehicles or equipment that are deemed to be a nuisance by the cemetery manager, shall not be permitted inside the gates of any of the city cemeteries, unless engaged in cemetery business.

**c) Bicycle, horseback, and other similar activities prohibited**

Horseback riding, riding of bicycles or go-carts, three and four wheelers, skating, skate boarding, rollerblading, jogging and other substantially similar activities are hereby prohibited in the city cemeteries. This section shall not apply to law enforcement officers while in discharge of their official duties.

**d) Driving on roads; speed limits**

No person shall drive a vehicle on any part of the grounds of the city cemeteries except upon the main roads and avenues provided therein for vehicular traffic. The speed of vehicles in the cemeteries shall not exceed 15 miles per hour.

**e) Parking**

No person shall park or cause to remain parked any vehicle within any city cemetery unless in attendance at burial services or otherwise engaged in activities which call for the presence of such vehicle within the cemetery.

**f) Disturbances**

Any person disturbing the quiet and good order of any of the city cemeteries by unreasonably loud noise of any kind may be ejected from the grounds. Any person refusing to leave the cemetery when notified to do so for any disturbance, disorderly conduct or other violation of any of the regulations or ordinances concerning such cemetery, shall be guilty of a misdemeanor.

**g) Defacing or removing property generally**

**a. Flowers, etc.**

It shall be unlawful for any person in any way to disturb any grave; deface, pull up or remove anything put or placed to mark a grave, or any wall, fence or enclosure around a grave, or any flowers, shrubs, or trees on any cemetery lot or elsewhere in the cemetery; provided, that the same shall not be a violation if done in compliance with the rules and ordinances pertaining to the cemeteries under a permit duly granted by the cemetery manager. The city shall not be liable for markers, monuments, floral pieces, baskets, or frames in which floral pieces are attached whether such markers, monuments, floral pieces, baskets or frames in which floral pieces are attached are lost, misplaced, broken or damaged due to weather conditions, thieves, vandals, or other causes. **State law reference**— Similar provisions, G.S. 14-148, 14-149.

**b. Monuments, etc.**

It shall be unlawful for any person willfully and without authority to defile, deface, desecrate, place any mark upon or otherwise injure any monument, headstone, or marker contained in any cemetery duly and lawfully maintained. **State law reference**- Removing or defacing monuments or tombstones, G.S. 14-148.

**h) Animals**

It shall be unlawful for any person to allow his or her animal, except service animals trained to assist the person with his or her specific disability, to enter any city cemetery, and all dogs and fowl, except said service animals, found within the enclosures or grounds of any city cemetery shall be impounded.



## **V. BURIAL SERVICES PROVIDED**

### **a) Interment notice**

Notice of interment in any of the city cemeteries must be given to the cemetery manager not less than 24 hours in advance, at which time the precise location and payment for the interment must be completed. Notice for interment to be held on Sunday or holiday shall be given to the cemetery manager not later than 11:00 a.m. of the preceding day. Holiday burials shall start no later than 12:00 p.m. Overtime charges begin at 4:00pm and are charged in half hour increments.

### **b) When burials and disinterments prohibited**

Burials and disinterments are prohibited in city cemeteries on Easter Day, Christmas Day, Thanksgiving Day, and Independence Day (July 4th).

### **c) Cremated remains interred**

No more than eight cremated remains may be interred in a single grave space in designated sections or portions of a section as determined by the cemetery manager.

### **d) Cremated remains scattered**

The city manager shall designate an area within city cemeteries for the scattering of cremains. The scattering of cremains in any city cemetery, except within the area designated by the city manager, is prohibited. Section Five at Maplewood Cemetery is our current designated site for scattering cremains.

### **e) Grave liner approval**

In all cases in which the casket is not placed in an approved vault, no interment in any city cemetery shall be permitted unless a grave liner of concrete or such other material as may be approved by the cemetery manager is installed in the grave to contain the casket.

### **f) Procedure and fees for disinterment**

1. No body shall be disinterred from the city cemeteries without written permission of the persons determined by the city manager to be necessary after consultation with the city attorney or attorney's designee. Person shall include surviving spouse and next of kin as defined by the General Statutes of North Carolina. The written permission shall be on a form approved by the city manager.
2. The city manager upon evidence that the request for disinterment is proper shall approve it and forward it to the city clerk. The city clerk shall notarize the approved disinterment form and make record in the book of entries showing the date of disinterment and the name, and new location of the burial of deceased.
3. Each disinterment charge will be assessed in accordance with the fee established by city council. The time allowance for each disinterment shall not exceed four hours. An excess time charge will be assessed in increments of each one-half hour, thereafter.
4. An administrative fee set by the council will be charged to prepare each instrument of disinterment and payment is due at the time of the request for disinterment.

### **g) Records to be kept**

Suitable digital records shall be provided and kept for entries by the cemetery manager of interments in the city cemeteries. Such entries shall contain the name, age, sex, date of death, burial date and location of every person buried in the city cemeteries.

### **h) Genealogy/Research**

It is the responsibility of the city cemeteries to provide general information as requested by the public regarding location for each burial. Request for information can be made by writing, calling or in person to the cemetery office.

## **VI. LOT SALES**

### **a) Cash sales**

Persons desiring to purchase lots or columbarium niches in the city cemeteries shall apply to the cemetery manager, whose duty it shall be to lay off the lot in question or mark the appropriate niche and require an immediate cash payment according to charges established by the city council. On payment of the required sum, the cemetery manager shall issue a certificate to the purchaser of such lot or niche specifying the same and the price thereof. Upon presentation of such certificate to the city clerk a deed shall be made out, and executed. A copy of such deed shall be delivered to the purchaser and a copy thereof shall be kept in a book of entries in the office of the city clerk for that purpose.

### **b) Installment sales**

The city manager may permit prospective purchasers of lots or columbarium niches in the city owned cemeteries to make installment deposits in the aggregate amount of the purchase price upon the terms and conditions as follows: The prospective purchaser may deposit 25 percent of the sale price of the lot or niche at the time of purchase and thereafter deposit 25 percent once every six months until the full amount of the sale price is deposited. An interest rate of nine percent will be charged on the outstanding balance and may be changed annually. The city manager may set up procedures and forms to document the above described transaction. Upon making the final deposit in accordance with such terms, the person making such deposits shall be entitled to receive a cemetery deed; provided, however, no deed shall be delivered for any such lot or niche, nor shall any burial be permitted therein, until the entire sale price has been deposited with and accepted by the city in compliance with these provisions; and provided, further, failure or refusal to make any deposit as and when the same falls due shall authorize the city manager to return to the depositor such sums as he or she may have deposited, less 25 percent thereof which shall be retained by the city to cover expenses of handling the transaction. Upon the return of such sum to the depositor, the matter shall be considered terminated, and the depositor shall have no right or privilege to purchase such lot or niche because of having made a designation and made one or more deposits.

### **c) Sales to corporations and business concerns**

Sales of cemetery lots or columbarium niches to any corporation or business concerns are hereby expressly forbidden.

### **d) Speculation prohibited**

It shall be unlawful for any person to buy or otherwise acquire any city cemetery lot or columbarium niche for the purpose of sales or exchange the same for speculation or for profit or gain, or to sell or exchange burial space in any such lot or niche for profit or gain.

### **e) Prices for services, fees, established by city council**

Except as otherwise provided, the city council shall set rates for all cemetery charges, services and fees. A schedule of rates shall be available for inspection in the office of the cemetery manager. All charges shall be payable in advance, in the form of check, cash or credit card charge. See Appendix A-FEE SCHEDULE

### **f) Procedure for transfer**

1. It shall be unlawful for any person to sell or transfer any lot or columbarium niche in the city cemeteries without first obtaining the consent of the city manager. The city

manager shall consent to transfer upon determining that all owners of the lot or niche have signed the transfer.

2. Whenever any sale and transfer of any city cemetery lot or niche has been approved by the city manager, such transfer shall not be valid unless the transferee or the transferor presents the deed in question to the city clerk, who shall make a notation thereon, and on the copy of the same in a book of entries showing the date of transfer and the name of transferee.
3. An administrative fee set by the city council will be charged to cover the expenses of handling the transaction for each individual transfer document and payment is due at the time of the request for transfer.

## VII. GROUNDS MAINTENANCE AND PERPETUAL CARE

### a) **Grave mounds; permanent boxes, urns, etc., on graves or lots**

No grave mounds will be permitted in any city cemetery. The placing of permanent boxes, urns, metal ornaments, concrete ornaments, wind socks, noncommemorative flags, or similar items deemed by the cemetery manager to be inappropriate or unsightly are prohibited upon any grave or lot within the cemetery.

### b) **Trees, shrubs, other plants, floral arrangements planting and removal**

1. *Consent and approval.* No trees, shrubs or plants shall be planted, pruned, or removed in the city cemeteries without the consent and approval of the cemetery manager. The cemetery manager shall have the authority to prune, remove or transplant any tree, shrub, plant or other growth upon a lot when he or she may consider such a course necessary for the general beauty, welfare and best interest of the cemetery.
2. *Planting permitted.* Planting is permitted only on cemetery lots with upright monuments and a minimum of four grave spaces. No evergreens shall be planted on the corners of any lot; no shrubbery of any kind shall be planted nearer than 18 inches from the lot line and must be of dwarf size and not exceed the height of the monument when fully grown. The planting of shrubs and trees on a lot shall conform to the general landscape features of the grounds.
3. *Shrubbery and planted flower prohibited in certain areas.* Shrubbery and planted flowers are prohibited in that portion of Maplewood Cemetery Annex bounded on the west by Anderson Street, on the south by Morehead Avenue, on the east by Chapel Hill Road and on the north by a branch or creek, and in all sections opened on or after August 1, 1987 in Beechwood Cemetery, except in areas specifically designated and approved by the cemetery manager, and in these areas so designated and approved, shrubbery and planted flowers may be furnished and planted by the city.
4. *Removal or pruning when detrimental.* If any trees, shrubs, or other plants situated in any lot shall, by means of their encroaching roots or branches, become detrimental to the adjacent lots, driveways or walks the cemetery manager is authorized and empowered to enter onto the lot and remove or trim any trees or shrubs that have become objectionable.
5. *Removal of nonconforming or unsightly flowers, etc.* The cemetery manager shall have authority to remove all floral designs, flowers, weeds, plants, breakable containers, glass, clay, wire or any dangerous or potentially dangerous item.

6. *Number of floral arrangements allowed during certain period; exception.* Between March 1 and November 1, more than one floral design or floral arrangement per grave is prohibited in city cemeteries, except for a period of seven days following interment.
7. Donations of large trees for planting in public areas of the cemetery will be considered on an individual basis and may be either accepted or declined.

**c) Floral arrangements in city cemeteries**

In any city cemetery, all floral designs or floral arrangements, other than those placed in the vase or container, are prohibited during the grass mowing seasons from March 1 to November 1. During this period vases must be attached to the marker.

**d) Approved materials used for cemetery vases or containers**

Cemetery vases or containers that retain artificial or fresh flowers must be made of durable material, such as concrete, steel, brass, or bronze. Glass, fiberglass, plastics, tin, or other non-durable type fibers are prohibited from being placed on graves in city cemeteries.

**e) Damages or lost items**

Items placed at burial sites are done so at the owner's risk. The city cemeteries are not responsible for lost, stolen or damaged items. This includes flowers (both artificial and real), vases, markers, monuments, shrubs, trees, or any other memorial related items. Claims for damaged caused by cemetery personnel should be reported to the office for a determination of liability and will be handled following the proper claims process.

**f) Perpetual Care**

Perpetual care of the cemetery grounds is the responsibility of the city cemeteries division. It includes general routine maintenance such as mowing, trimming, annual pruning of shrubbery, litter and debris collection, burial site repairs, and occasional re-leveling of markers. In some cases property owners wish to hire someone or perform additional maintenance themselves and we do try to honor those requests. Property owners are responsible for gaining approval from cemetery management prior to planting any trees or shrubs to ensure that they remain in the boundary of their property.

**g) Work Request**

Request for repair work or additional maintenance can be made at the cemetery office during business hours, or by leaving a voice message after hours. Work requests that we can assist with include, pruning or removal of shrubbery, repairing/over seeding burial spaces, resetting markers, minor vase repairs, and some pest control.

## **VIII. MARKERS, MONUMENTS, MAUSOLEUMS, COPING , ETC.**

**a) Location to be determined by city**

The location of markers, monuments, and mausoleums shall be determined by the cemetery manager and when located shall not be removed except on written approval of the cemetery manager.

**b) Permit, bond and insurance for persons installing monuments or other memorials**

No monument, marker, urn or mausoleum may be set or moved in the cemetery except by a person holding a permit from the cemetery manager to do such work. The cemetery manager will issue permit only when satisfactory evidence is furnished that the applicant has complied with the laws

with reference to monument dealer and is qualified to perform the work for which employed. A permit shall be revoked at any time for violation of the cemetery rules or for other reason satisfactory to the cemetery manager. The city may require of any dealer, bond insurance securing performance or liability insurance indemnifying the city and the public from any negligence, and guaranteeing faithful performance of all work. The permit fee will be paid at the cemetery manager's office. The placement of markers shall occur during normal business hours only after receiving permission from cemetery manager. The cemetery manager or designated staff person shall accompany the person or business that is installing the marker.

**c) Monument specifications foundations**

Monuments shall be placed or erected only in designated sections of city cemeteries determined by the cemetery manager. Such monuments shall be placed on lots with four or more grave spaces in the designated sections. Only one monument may be placed upon any one lot. The location of all monuments shall be subject to the approval of the cemetery manager.

1. (1)The cemetery manager shall have discretion in the designated sections to allow monuments to be placed in the center of the lot. The grave spaces in such a lot may be sold to individual owners. Each person owning a grave space in this type of a lot shall have equal monument space to place burial information (such as the deceased person's name) on a common monument. Flat markers are prohibited in these designated sections.
2. (2)When an individual grave space in a monument lot as set forth in subsection (a)(1) of this section is transferred, the burial information shall be removed from the face of the monument. At the time of burial, use of each individual monument space shall be paid for in full. If the individual grave space is purchased back by the city the original fee for the use of the monument space shall be refunded less the cost incurred to remove the burial information. If the grave space is sold to someone other than the city the cost of any changes to the monument will be the responsibility of the new owner.
3. A monument lot is defined as any lot in a section so designated by the cemetery manager that has four or more grave spaces. A non-monument lot is defined as any lot located in a section where monuments are prohibited.
4. When unnecessary hardship would result from carrying out the strict letter of this section, the cemetery manager may authorize variation from the terms of this article if said variance involves a section of the city cemeteries designated for monuments, would not unduly interfere with grounds maintenance or future burials and would not be injurious to the general appearance of the section in which the lot is located. City council shall set a variance application fee for requesting a variance.
5. No monument shall be placed or erected which shall have a face greater than 15 percent of the lot area, nor with a width greater than 60 percent of the average width of the lot.
6. No monument shall be placed or erected on any lot unless such monument shall be a minimum of two feet in height, not including the base, two feet in width and eight inches thick, and the length shall not exceed 60 percent of the lot width, provided that the cemetery manager may authorize reasonable exception within old Maplewood Cemetery and annex A of such cemetery only to conform to existing monuments therein.
7. All monuments shall be constructed of first-quality granite or marble only.
8. The foundation for all monuments shall be at least four feet deep unless solid rock or other suitable conditions, approved by the cemetery manager as being safe and substantial, are encountered at less depth. The cemetery manager shall issue any other specifications as may be necessary for the proper setting of monuments generally or individually. Foundations shall be constructed by cemetery employees under the direction of the cemetery manager at the expense of the lot owner.

9. Orders for foundations shall be submitted to the cemetery manager at least five days before the monument shall be set and no monument shall be set until notice to proceed has been given by the cemetery manager.
10. The fronts, backs, and tops of all monuments shall be finished in either a polished, steeled, or axed finish.

**d) Erection of upright monuments and mausoleums in certain sections prohibited**

The city manager through the cemetery manager may designate certain locations for mausoleums in all city cemeteries.

**e) Mausoleum locations; specifications; foundations, crypt placement**

The requirements as to mausoleums in city cemeteries shall be as follows:

1. No mausoleum shall be erected in city cemeteries, except upon lots specifically designated by the cemetery manager for that purpose.
2. No mausoleum shall be erected on any lot within the city cemeteries until complete plans and specifications shall have been submitted to the cemetery manager for approval and permit issued thereof.
3. Mausoleums shall be constructed of first quality granite or marble with outside walls to be not less than six inches in thickness.
4. Foundations for mausoleums shall be constructed to specifications of the director of building inspections. The expense of the foundation must be paid by the lot owner prior to pouring the foundation, Foundations shall not ordinarily be less than six feet deep unless specifically authorized by the cemetery manager. Orders for foundations shall be submitted to the cemetery manager at least ten days before the mausoleum is to be constructed, and no mausoleum shall be constructed until notice to proceed has been given by the cemetery manager and the city-county inspections department has issued a building permit.
5. No more than one crypt may be placed above another crypt except in family mausoleums. Three crypts may be placed above another crypt in family mausoleums. A family mausoleum is defined as a mausoleum located in one of the city owned cemeteries that is located on a specific lot, deeded to a specific person, and constructed with private funds, with all designs and sizes approved by the city-county inspections department. A family mausoleum may range in sizes from one to several crypts and must conform to the boundary restrictions outlined in this chapter.

**f) Marker placement specifications**

The requirements as to markers in the city cemeteries shall be as follows:

1. No more than one marker may be placed on any grave within the city cemeteries, except where a single grave space has been divided into two cremation spaces for urn or infant burials.
2. Single markers which shall be placed on any grave within the city cemeteries shall be 12 inches in width, and 24 inches in length, and six inches thick; provided that standard markers furnished to the family of any deceased veteran by the United States government, and which may not be within the limits specified herein, may be placed on any grave of any deceased veteran. Single markers which shall be placed on any grave in sections 16, 17, 18, 19, Maplewood Cemetery shall be 12 inches in width, 24 inches in length, and six inches thick, with rough or smooth sides. Such markers must include a vase located inside the base of the marker area. Companion markers or

double markers are allowed in the above sections provided the markers shall be 12 inches in width, 48 inches in length, and six inches thick, with rough or smooth sides. Such markers must include a vase located inside the base of the marker area.

3. All grave markers shall be constructed of first quality granite or marble, or of bronze.
4. All markers will be installed at grade level.
5. Bronze markers shall be 12 inches wide and 24 inches long; and if a vase is attached, the vase shall not be included in the overall dimensions of the marker. Bronze markers shall be installed in a concrete base, granite or marble base, so as to lie flush with the ground.
6. All graves shall have a permanent marker.
7. The owner will have six months in which to provide a suitable marker or monument. The owner must present evidence to the city that the grave has been marked or that owner has signed a contract for such marker or monument.

**g) Premier lot**

A premier lot is a lot so designated by the cemetery manager based on its location. In determining the premier lot designation the cemetery manager must take into account factors making the location of the lot desirable including but not limited to: elevation of the lot on a hill, proximity to landmarks such as roads and trees and proximity to historic burial sections.

**h) Markers—Floral vase attachments in sections 16, 17, 18, 19 of Maplewood Cemetery and sections F and G of Beechwood**

All grave markers in section 17 of Maplewood Cemetery, and in all sections opened on or after August 1, 1987, in any city cemetery, must be of a design to which a vase can be attached. Markers installed after July 1, 2000, in sections 16, 18 and 19 of Maplewood and sections F and G of Beechwood must be of a design to which a vase can be attached.

**i) Removal of certain items**

The cemetery manager shall promptly remove any item that is placed on a grave or left remaining at a city cemetery in violation of any ordinance, rule or regulation relating to the cemeteries and shall dispose of it, by sale, destruction, or otherwise as directed by the city manager.

**j) Enclosures around lot or grave spaces**

No coping, curbing, fencing, plantings or enclosures of any kind shall be permitted around any lot or grave space within the city cemeteries.

**k) Columbarium associated memorial items**

Various memorial items may be purchased and engraved for placement in the columbarium memorial court. These include memorial court floor plaques, memorial benches, and flagpoles. A charge shall also be made of engraving columbarium niche covers. The charges for purchase and engraving of memorial items associated with the columbarium shall be set by city council.

**l) Fees for foundation cost for family monuments and mausoleums**

Upon request the city will provide the service of forming and pouring concrete for monument and mausoleum foundations. The fee for such service will be set by the city council. Payment must be made prior to the pouring of the foundation. This charge applies to all foundations that are formed and poured by city personnel.

## APPENDIX



Attachment A—City of Durham Fee Schedule(excerpt)

Chapter 9A - Primary implementing department: General Services Department, through the Cemeteries Division

Part 9A-101 (Interest)

The provisions of Part 1-101 (Interest applicable to certain delinquent debt) apply to all charges imposed under Chapter 9A of this Fee Schedule.

An interest rate of 9% is charged on the outstanding balance of installment sales of lots and columbarium niches in the city owned cemeteries made under city code section 14-78(a). Page 25 of 77

Note: The second paragraph of this Part 9A-101, relating to interest on sales of lots and columbarium niches, was not placed in the fee schedule by the city council. It is included in the fee schedule only as a convenience. The reader's attention is directed to city code section 14-78(a).

Note: See also Part 9A-102 Section 14, relating to interest, and city code section 14-26 (promotional pricing).

Part 9A-102 (Cemetery charges)

Pursuant to city code section 14-25:

Section 1. Interment – Urn burial (below ground below ground, 8:00 AM until 9:00 PM): a.) Monday through Friday	\$450.00
b.) Saturday	\$550.00
c.) Sunday and holidays	\$700.00
Section 2. Interment – grave, crypt, or mausoleum (8:00 AM until 9:00 PM): a.) Monday through Friday until 4:00 p.m.	\$800.00
b.) Saturday	\$1,100.00
c.) Sunday and holidays	\$1,300.00

This section's weekday (Monday through Friday) interment fee is waived for infant remains. "Infant remains" refers to the remains of an infant who was 3 years old or younger at death. The fee for infant remains on a Saturday is \$600.00 and on a Sunday or holiday is \$700.00.

Section 3. Cemetery lot charges:

a.) <i>Non-monument lot</i> - Standard grave space for an adult or youth	\$1,200.00
grave space for an infant or an urn	\$600.00
b.) <i>Non-Monument lot</i> - Premier grave space for an adult or youth	\$1,400.00
grave space for an infant or an urn	\$700.00
c.) <i>Monument Lot</i> grave space for an adult or youth	\$1,400.00
grave space for an infant or an urn	\$700.00

Section 4. Transfer lot fee and/or Disinterment fee:

a.) administrative charge for each instrument of disinterment or transfer	\$150.00
b.) disinterment fee for an adult grave space	\$1,200.00
c.) disinterment fee for an infant/urn grave space	\$800.00
c.) disinterment fee for columbarium niche	\$150.00

Section 5. Interment-columbarium niche (above ground, 8:00 AM until 4:00 PM):

a.) Monday through Friday	\$150.00
b.) Saturday	\$300.00
c.) Sunday and holidays	\$400.00

Section 6. Columbarium niche charge

Double niche (space for two urns)	\$2,000.00	
Single niche (half of double, space for one urn):		\$1,000.00

Section 7. Overtime charges (additional interment charge when city employees required to work past 4:00 p.m.:

a.) Weekdays (Monday through Friday, per half hour)	\$100.00
b.) Weekend or holidays (per half hour)	\$150.00
	\$10.00

Section 8. Floral arrangement fee

\$25.00

Section 9. Duplicate deed charge:

Section 10. Fees for setting individual markers, companion markers, VA markers, etc.:

a.) Concrete base and installation for bronze veteran's marker	\$75.00
b.) Setting fee for private or veteran's single granite or marble marker	\$60.00
c.) Setting fee for private companion or double individual marker	\$150.00
d.) Permit fee to set monuments or mausoleums	\$65.00
e.) Fee for forming and pouring concrete for mausoleum or monument foundations, per cubic foot	\$15.00
f.) Application fee for variance	\$150.00

Section 11. Fees for cleaning and reconditioning cemetery markers, monuments, crypts, mausoleums:

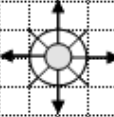
a.) Companion markers	\$90.00
b.) Individual grave markers	\$50.00
c.) Monuments	\$150.00
d.) Crypts (per individual crypt)	\$200.00
e.) Mausoleums (per niche)	\$200.00

Section 12. The purchase price of miscellaneous cemetery products (e.g., vases) is the City's total cost to acquire the miscellaneous cemetery product multiplied by a markup rate of up to 150%, except for the sale of mausoleums.

Section 13. The fee for planting or removal of ornamentals, trees, shrubs, etc., per plant \$25.00

Section 14. Interest rate on outstanding balances is 8% per year.

Attachment B—Lot Map Form

 <div style="border: 1px solid black; width: 250px; height: 25px; margin: 10px auto;"></div>					
Single Grave	Monument Lot	Non-Monument Lot	Premier Lot	Cremation Lot	
Traditional Man's Grave: _____ Traditional Woman's Grave: _____ Optional Grave: _____			Quality Assurance Site Verification by: _____ <div style="text-align: center;">/</div> <div style="display: flex; justify-content: space-between;"> <span>name</span> <span>date</span> </div>		
SEC: _____ LOT: _____ ANNEX: _____					
<p><b>* Overtime starts at 4:00PM and ends when the grave is covered and equipment is secured. Charges are per 1/2 hr. of \$75.00 on weekdays, and \$150.00 on weekends and holidays. Any Funeral scheduled at/after 1:00PM is required to make overtime deposit for 1 1/2 hrs. unless overtime is guaranteed by Funeral Home.*</b></p>					
<p>On this _____ day of _____, 20____, the Superintendent of _____ Cemetery is hereby requested to open a new grave, Space: _____ on the above mentioned lot for the burial of: _____ I hereby certify that I am the owner of the above lot, or am acting as agent for the owner, with the full authority to make this request. As witness, my hand and seal.</p>					
Family Representative: _____			Date: _____		
Witness: _____			Date: _____		
Cemetery Representative: _____			Date: _____		

Attachment C—Policy/Sales Agreement Form

**CITY OF DURHAM  
CEMETERIES DIVISION  
101 City Hall Plaza, Durham, NC 27701**

**Maplewood Cemetery  
Phone: (919) 560-4156  
Fax: (919) 560-4926**

**Beechwood Cemetery  
Phone: (919) 560-4154  
Fax: (919) 560-4158**

**Sale/Service/Policy Agreement**

Customer Name(s):			
Address:	City:	State:	Zip Code:
Home Phone:	Cell Phone:		

FOR VALUE received of it on this day, the above listed person(s) agree to purchase, for the sum hereafter established, from the City of Durham for the following Cemetery Property, Interments, Monuments, or Related Items or Fees.

**SERVICES PURCHASED/RENDERED**

MAPLEWOOD				BEECHWOOD	
Paid by Family		Billed to Funeral Home Account		Paid by Funeral Home	
Sec:	Lot:	Annex:	Space:	# of Spaces:	
Pre Need			At Need		
	Qty.	Cost		Qty.	Cost
Standard Space(s)			Adult: Wkday Satday Sun/Hol		
Premiere Space(s)			Infant: Wkday Satday Sun/Hol		
Monument Space(s)			Urn: Wkday Satday Sun/Hol		
Com. Mon. Space(s) Pkg.			Col: Wkday Satday Sun/Hol		
Columbarium Niche			Overtime (charged per 1/2 hour)		
Mausoleum Niche			Disinterment Fee		
V. A./Marker Installation			Coverplate Engraving		
Foundation			Other:		
<b>TOTAL DUE:</b>					

**PARTIAL PAYMENT INFORMATION (PRE NEED ONLY) Note: 9% interest on balance financed!**

Purchase Price:	AC#:	CID:	Total Due:
1st Payment:	3 Payments of:		Next Due Date:

**DEED/CERTIFICATE OF OWNERSHIP**

<input type="checkbox"/>	Deed will be issued	<input type="checkbox"/>	No Deed, sold as single grave
<input type="checkbox"/>	Certificate of Ownership (Columbarium / Mausoleum)		

**MARKER OPTIONS**

<input type="checkbox"/>	Single	<input type="checkbox"/>	Companion	<input type="checkbox"/>	Requires Vase	<input type="checkbox"/>	Monument
<input type="checkbox"/>	V.A. Marker (Installation Fee)		<input type="checkbox"/>	Grave is Already Marked			

**Note to Funeral Homes: If you are accepting charges for services rendered or items purchased, please complete the lower portion of this form and return to our office via fax (must be received 24hrs. Prior to the day of services).**

Funeral Home Accepting Charges: _____	Phone: _____
Address: _____	Account: _____
On behalf of the above listed Funeral Home, I agree to accept the afore listed charges to be :	
<input type="checkbox"/> Paid in Full buy the day of Service	<input type="checkbox"/> Billed to Funeral Home Account
Director Approving Charges: _____	
Sign	Date

**HOURS OF OPERATION**

- \*Monday - Friday.....7:30am - 4:00pm
- \* The Office at both cemeteries will be closed for all observed City Holidays.
- \* City cemeteries are closed for Burials Easter Sunday, Independence Day, Thanksgiving Day, and Christmas Day.
- \* Inclement weather closings are announced at the discretion of the City Manager.

**FIRE ARMS ARE NOT PERMITTED IN THE CITY CEMETERIES**

**THE POSTED SPEED LIMIT IS 15 MPH.**

**PLEASE LOCK PARKED CARS; THE CEMETERIES DIVISION IS NOT LIABLE FOR LOST OR STOLEN ITEMS.**

**FLORAL ARRANGEMENTS & SHRUBS**

- \* Floral Arrangements and other items are placed at your own risk. **No glass or ceramic is allowed due to safety concerns.**
- \* The Cemeteries Division is not responsible for lost, stolen or vandalized flowers or related items.
- \* Between March 1st and November 1st no more than one floral arrangement is permitted, except for a period of seven days following interment. Christmas Flowers are removed March 1st
- \* **Nothing should be physically planted on, over or near any grave, unless around an upright monument in a designated area.**
- \* **Covering graves with any material other than grass and placing boarders of any kind is prohibited for maintenance purposes.**

**MARKERS & MONUMENTS**

- \* Every grave within the City cemeteries must be marked within six months of interment
- \* **Requirements for single markers-12" X 24" X 6" thick**
- \* **Requirements for Double (companion) Markers-12" X 48" X 6" thick (Can be placed in designated sections only).**
- \* Sections 16 through 19 (Maplewood) and Section F and G (Beechwood) require a floral vase.
- \* **To place an upright Monument, you must have a minimum of four grave spaces in an area designated for upright monumnets**
- \* No in ground markers are allowed in the areas designated for upright monument singles, (Sections where the monuments are placed in the middle of the lot such as Section G Beechwood, and Section 21, Maplewood). The space in these areas can be purchased as singles up to a four grave lot. All burial information will be engraved on the "Community" Monument.
- \* No more than one marker is permitted per grave space, except where a single grave has been divided into urn or infant spaces.
- \* **Fee for installing V.A. Markers: \$60.00 for Granite or Marble, and \$75.00 for Bronze**

**OVERTIME POLICY**

**Overtime starts at 4:00pm and ends when the grave is covered and equipment is secured. Charges are per half hour of \$100.00 on weekdays, and \$150.00 on weekends and holidays. Any Funeral scheduled at/after 1:00pm is required to make an overtime deposit for 1 1/2 hours, unless overtime payment is guaranteed by the Funeral Home.**

**RESALE OF CEMETERY LOTS**

**Speculation is prohibited**

- \* If the total lot purchased has not been used, it can be transferred back to the City for the price originally paid by Instrument of Transfer (\$150.00 Transfer Fee).
- \* If a portion of the lot purchased has been used the remaining grave space can be transferred to another interested party through the Cemeteries office, for the appropriate fee.

**PERPETUAL CARE**

The cost of cemetery lots includes perpetual care. This includes, mowing, trimming, re-filling and re-seeding to repair graves, and to re-align declining markers.

I hereby agree that the information listed above was presented to me, and that I understand the obligations set before me as a Cemetery Property Owner.

**CEMETERY OFFICIAL:**

**OWNER OR DESIGNEE:**

\_\_\_\_\_  
(Sign)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Sign)

\_\_\_\_\_  
(Date)

**WITNESS:**

\_\_\_\_\_  
(Sign)

\_\_\_\_\_  
(Date)

**ADDITIONAL RESOURCES:**

City of Durham Website – Department of General Services Page

<http://durhamnc.gov/733/General-Services>

Full Cemetery Ordinance

[https://www.municode.com/library/nc/durham/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH14CE](https://www.municode.com/library/nc/durham/codes/code_of_ordinances?nodeId=PTIICOOR_CH14CE)

Cemetery Census Website

<http://cemeterycensus.com/>

Find A Grave Website

<http://www.findagrave.com/>

Family Search Website

<https://familysearch.org/search/>