



Town of Smithfield  
Department of Public Works  
Cemetery Operations

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# History

Historically speaking, the Town of Smithfield has been in the cemetery business since the beginnings of this great country of ours. John Smith, from whom the Town gets its name, deeded to the Town a parcel of land along the Neuse River to be used as a burial ground in 1777. This parcel is known today as Riverside Cemetery.

In the late 1800's, John D. Thomas, with his passing, gave his lands to his heirs. His will shows the first recorded information of a burial ground for his descendants. Known today as John Thomas Cemetery, this burial ground is located approximately at the intersection of Second and North Streets.

Resthaven Cemetery was once owned by the Broadhurst family. It appears to have been divided from a larger piece of property for use as a burial ground for persons of African-American descent in 1911. It is located near the end of Twelfth Street.

Realizing that Riverside could no longer be expanded in 1924, the Town Commissioners bought a 12-acre parcel of land from the Austin-Stephenson Company. They named the new cemetery Oakland. It is located north of the intersection of North and Fifth Streets.

Sunset Memorial Park, created in 1937, was a privately owned cemetery until it was given to the Town in 1980. It is located at the intersection of Highway 70 and Highway 210. Sunset along with Riverside Extension are the only cemeteries in which the Town has grave lots for sale to the general public.

Riverside Extension Cemetery is the town's newest addition, created in 2008. It is located at the intersection of Front and E Church Streets, directly across from the oldest cemetery the town owns "Riverside Cemetery". This cemetery offers a wide selection of grave purchase options to the general public. The outer perimeter wall was hand built to resemble the stonewall around Riverside Cemetery.

## Records

A great number of the original records for the cemeteries owned and managed by the Town have been lost over the years. However, a good number still exist.

Though Riverside is the oldest cemetery in Smithfield, there are a number of records available for the property. The Town possesses a large number of copies of original deeds, an original lot sale record, and a map of the cemetery showing lot owners as of 1959. This map is still used today to locate lots and grave spaces. Until 1989, there were no interment records maintained for the cemetery. While the records maintained since 1989 may not contain information as to the exact location of a specific grave, they provide a starting point for those individuals wishing to research their ancestry and the location of their loved ones. The deed records have been placed in a searchable computer database for fast and easy access.

Beyond those records of the transfer of the property, no record of interments exists for John Thomas Cemetery. Additionally, there is no known map of the cemetery.

The Town maintains a number of records for Resthaven Cemetery. These records include the original lot sale record, a large number of original deed copies, and a map of the cemetery. Records of interments have been kept since 1989. While the records maintained since 1989 may not contain information as to the exact location of a specific grave, they provide a starting point for those individuals wishing to research their ancestry and the location of their loved ones. The deed and lot sale records have been placed in a searchable computer database for fast and easy access.

Records maintained by the Town for Oakland Cemetery include the original lot sale record, a large number of original deed copies, and a map of the cemetery. Records of interments have been kept since 1989. While the records maintained since 1989 may not contain information as to the exact location of a specific grave, they provide a starting point for those individuals wishing to research their ancestry and the location of their loved ones. The deed and lot sale records have been placed in a searchable computer database for fast and easy access.

The Town has, and maintains, extensive records for Sunset Memorial Park and Riverside Extension Cemeteries. These records include the original lot sale record, the original interment record, a large number of original deed copies, map of the cemeteries, and comprehensive interment information which enables Town officials to locate the exact location of all deceased persons interred in the cemeteries.

**The Town of Smithfield  
Code of Ordinances**

**Chapter 6**

**Cemeteries**

Chapter 6

**CEMETERIES\***

- |           |                                                                            |
|-----------|----------------------------------------------------------------------------|
| Art. I.   | In General, §§6-1—6-15                                                     |
| Art. II.  | Regulations Particularly Applicable to Town Cemeteries, §§ 6-16—6-34       |
| Art. III. | Designation and Sale of Cemetery Graves and Lots, §§ 6-35—6-49             |
| Art. IV.  | Mausoleums, Monuments, Surface and Corner Markers and Coping, §§ 6-50—6-66 |
| Art. V.   | Burials, §§ 6-67—6-80                                                      |

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\*Editor's note—Ord. No. 379, adopted June 5, 2001, repealed Ch. 6 in its entirety and enacted a new chapter as set out herein. The former Ch. 6 contained similar provisions and derived from Code 1967, §§ 6-1—6-5 and §§ 6-6—6-9 and Ord. No. 335, adopted Nov. 11, 1997.

Cross reference—Superintendent of public works, § 2-196 et seq.

State law references—Cemeteries generally, G.S. § 65-1—65-36; municipal cemeteries, G.S. §§ 65-37—65-50; authority of municipalities in respect to cemeteries generally, G.S. § 160A-341 et seq.

## ARTICLE I. IN GENERAL

### Sec. 6-1. Burials restricted to cemeteries.

No person shall bury or inter a human corpse within the town except in a cemetery.  
(Ord. No. 379, 6-5-01)

### Secs. 6-2—6-15. Reserved.

## ARTICLE II. REGULATIONS PARTICULARLY APPLICABLE TO TOWN CEMETERIES

### Sec. 6-16. Application of provisions.

The following sections shall apply to all cemeteries owned and operated by the Town of Smithfield.  
(Ord. No. 379, 6-5-01)

### Sec. 6-17. Definitions.

*Cemetery.* Any and all land areas within the town limits, set aside by order of the town council, for use as a burial ground for human remains.

*Cemetery official.* That person designated by the city manager to perform the duties and responsibilities associated with the operation and management of town-owned cemeteries.

*Coping.* Any stone, cement, bronze or other material used to outline the outer edge or margin of any lot.

*Corner marker.* Any stone, bronze, cement, or other material or plaque used to mark the locations of the corners of a burial lot.

*Cremains.* The ashes of a cremated human body.

*Deed.* A written document provided by the town, upon the sale of cemetery graves or lots, which constitutes the evidence of the buyer's legal ownership of the property.

*Deed holder.* Any person named in the grave or lot deed, or any person/s directly descended from the person named in the deed.

*Disinterment.* The removal of human remains from the ground.

*Grave.* An area of ground within the cemetery which is to be used for the interment of human remains.

*Grave ledger.* A type of surface marker which covers approximately the entire surface of a single grave. Typical ledgers are seven feet by three feet (7' x 3').

*Interment.* The burial of human remains in the ground.

*Lot.* Any area of ground, within the cemetery, which is composed of two (2) or more graves.

*Mausoleum.* A structure or building used for the entombment of human remains.

*Monument.* Any large stone, bronze, cement, or other material or plaque installed above the level surface of the ground.

*Surface marker.* Any stone, bronze, cement, or other material or plaque used to mark the burial location of the deceased that is installed level with the surface of the ground. This definition shall include: markers which display the name, date of birth and the date of death in a surface area not to exceed seven feet by one foot, eight inches (7' x 1'8") approximately; those markers inscribed with mother, father, son, daughter, etc. in a surface area not to exceed five inches by ten inches, (5" x 10") approximately; and grave ledgers not to exceed seven feet by three feet, (7' x 3') approximately.  
(Ord. No. 379, 6-5-01)

### Sec. 6-18. Cemetery official.

[The cemetery official is] that person designated by the city manager to perform the duties and responsibilities associated with the operation and management of town-owned cemeteries.  
(Ord. No. 379, 6-5-01)

### Sec. 6-19. Disruptive activity prohibited.

(a) No person shall drive any motor vehicle of any kind in any cemetery except upon the main roads or drives provided therein for such vehicular traffic. Excluded from this prohibition are those types of vehicles or equipment necessary for

grounds maintenance operations, grave preparations or monument and surface marker installation.

(b) No person shall drive a motor vehicle or park any motor vehicle in any cemetery unless in attendance at funeral services or otherwise engaged in activities consistent with the use of the cemetery.

(c) No person shall take any dog or other animal into any cemetery or to allow any animal to run at large therein. Excluded from this prohibition are those animals used as an aid by those individuals with handicaps or disabilities.

(d) No person shall intentionally disrupt any funeral service.

(e) Except in the case of military, police or firefighter funeral services, no person shall carry or discharge a firearm in any cemetery.

(f) No person shall post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within the cemetery, or on the outside or inside of any wall or fence enclosing the cemetery.

(g) All persons within any cemetery shall conduct themselves in a proper manner and shall not pick any flower, or intentionally break any shrub, tree or plant.

(h) No person shall use any part of any cemetery as a playground.  
(Ord. No. 379, 6-5-01)

#### **Sec. 6-20. Desecration of public cemeteries.**

As provided by North Carolina General Statutes, N.C.G.S. 14-150.1, if any person shall willfully commit any of the acts set forth in the following subsections, he/she shall be guilty of a misdemeanor and shall be fined not more than one hundred (\$100.00) dollars or imprisoned for not more than thirty (30) days, or both, at the discretion of the court.

(a) Disturbing any grave, or pulling up or removing anything placed on a grave to mark its location or for the ornamentation of the grave.

(b) To abuse, mar, disfigure or damage any surface marker or monument in any cemetery as defined in N.C.G.S. 14-140.

(c) To be in any cemetery either before or after the normal hours of operation.  
(Ord. No. 379, 6-5-01)

#### **Sec. 6-21. Hours of operation.**

All town cemeteries shall be open to the public throughout the year from 8:00 a.m. until sundown.  
(Ord. No. 379, 6-5-01)

#### **Sec. 6-22. Landscape improvements, maintenance.**

(a) No person or persons shall plant or install or cause to be planted or installed winter hardy grasses, ground covers, shrubs, trees or flowers on any grave or lot in any cemetery without obtaining prior written authorization from the cemetery official.

(b) No person or persons shall use or cause to be used any lawnmower or string-line trimmer in any cemetery on individual grave or lots without obtaining prior written authorization from the cemetery official.

(c) No person or persons shall use or cause to be used pesticides of any kind on any grave or lot in any cemetery without obtaining prior written authorization from the cemetery official.

(d) No person shall prune or remove, or cause to be pruned or removed any tree, shrub, ground cover, flower or grass from any grave or lot in any cemetery without obtaining prior written authorization from the cemetery official.

(e) The cemetery official or his/her designee may enter any lot or grave area for the removal of any tree, shrub, ground cover, flower or grass deemed to be a hazard to maintenance operations.  
(Ord. No. 379, 6-5-01)

#### **Sec. 6-23. Grave and lot ornamentation.**

(a) Seven (7) days from the date of funeral services, all floral arrangements, except one, shall be removed.

(b) Not more than one floral arrangement per grave space shall be permitted.

(c) All holiday floral arrangements shall be removed not later than three (3) weeks after the date of said holiday.

(d) All floral arrangements shall be placed so as to be secure on the top of monuments, secure in vases, or secure on tripods.

(e) The cemetery official or his/her designee may remove from any grave in any cemetery all floral arrangements, flowers, toys, pictures, hand-made ornaments, etc. that have deteriorated or have otherwise become unsightly or have been left on any grave beyond time limits established in this section.

(f) The Town of Smithfield shall not be responsible for floral arrangements that are lost, stolen, blown away from grave sites by wind, or damaged during maintenance operations because of improper placement.  
(Ord. No. 379, 6-5-01)

**Secs. 6-24—6-34. Reserved.**

### ARTICLE III. DESIGNATION AND SALE OF CEMETERY GRAVES AND LOTS

#### Sec. 6-35. Cemetery map required.

(a) There shall be maintained in the office of the cemetery official maps of Sunset Memorial Park Cemetery, Riverside Cemetery, Oakland Cemetery and Resthaven Cemetery.

(b) Graves and lots shall be sold in reference to these cemetery maps.  
(Ord. No. 379, 6-5-01)

#### Sec. 6-36. Sale of graves and lots.

(a) The town shall sell graves and/or lots in accordance with the provisions of this section and the schedule of fees set forth in the fee schedule maintained in the office of the cemetery official.

(b) Records of all grave and lot sales shall be maintained in the office of the town clerk and the cemetery official.

(c) A properly executed deed shall be issued to the purchaser of any grave or lot. This deed shall identify the purchaser and the specific grave and/or lot to which the deed applies.

(d) The purchase price for any grave and/or lot shall be paid, in full, at the time of sale.

(e) No interment of human remains shall occur in any grave or lot unless and/or until the purchase price for said grave or lot has been paid in full.

(f) Sale of cemetery graves and/or lots shall be limited to individual citizens; not companies, corporations, businesses or groups.  
(Ord. No. 379, 6-5-01)

#### Sec. 6-37. Rights of grave and lot deed holders.

(a) The grave or lot deed holder shall have the authority to use the graves or lots designated in the deed as they deem appropriate for the interment of the deceased and subject to the provisions of this chapter.

(b) Upon the death of the original deed holder, all rights evidenced by the deed shall pass to the heirs, legatees or devisees of the original deed holder in the same manner as other interests in personal property.  
(Ord. No. 379, 6-5-01)

#### Sec. 6-38. Speculation in grave and lot sales prohibited

(a) No person shall purchase or otherwise acquire any grave or lot for the purpose of sale or exchange.

(b) No person shall sell or exchange any grave or lot for a profit or gain.  
(Ord. No. 379, 6-5-01)

**Secs. 6-39—6-49. Reserved.**

**ARTICLE IV. MAUSOLEUMS,  
MONUMENTS, SURFACE AND CORNER  
MARKERS AND COPING**

**Sec. 6-50. Mausoleums.**

No private mausoleum shall be constructed or installed in any cemetery.  
(Ord. No. 379, 6-5-01)

**Sec. 6-51. Monuments.**

(a) Monuments constructed and/or installed on any grave in any cemetery shall be subject to the provisions of this chapter.

(b) No monument of any kind shall be constructed or installed on any lot in any cemetery without prior authorization of the cemetery official or his/her designee.

(c) Monuments shall only be constructed and/or installed on four-grave and six-grave lots.

(d) All monuments shall be constructed and/or installed in the center of the lot.

(e) Not more than one monument shall be allowed on any single four-grave or six-grave lot, provided that all grave spaces are owned by a single deed holder.  
(Ord. No. 379, 6-5-01)

**Sec. 6-52. Surface markers.**

(a) Surface markers constructed and/or installed on any grave in any cemetery shall be subject to the provisions of this chapter.

(b) No surface marker of any kind shall be constructed and/or installed on any lot in any cemetery without prior authorization from the cemetery official or his/her designee.

(c) Not more than one surface marker shall be constructed and/or installed on any single grave or any single grave of a lot in any cemetery.

(d) All surface markers shall be placed only on the end of any single grave or on the ends of all graves in any lot in any cemetery.  
(Ord. No. 379, 6-5-01)

**Sec. 6-53. Corner markers.**

Corner markers shall be used only on four- and six-grave lots.  
(Ord. No. 379, 6-5-01)

**Sec. 6-54. Coping.**

With the exception of Sunset Memorial Park, the installation of coping is permitted in any cemetery.  
(Ord. No. 379, 6-5-01)

**Sec. 6-55. Installation, repair and removal of monuments, surface and corner markers and coping.**

(a) No surface marker or monument shall be constructed or installed on any grave or lot in any cemetery without prior authorization of the cemetery official.

(b) All surface markers and monuments shall be installed subject to the provisions of this chapter.

(c) No surface marker or monument shall be constructed or installed less than three (3) months from the date of burial.

(d) Should any surface marker or monument in any cemetery, at any time, become unsafe, unsightly or in need of repair or resetting, the cemetery official or his/her designee shall notify the deed holder of such condition and request that appropriate action be taken to remedy said condition.

(e) Should any surface marker or monument be constructed or installed on any grave or lot in any cemetery without prior authorization of the cemetery official or his/her designee, and said surface marker or monument does not comply with the requirements of this ordinance, the cemetery official or his/her designee shall notify the deed holder of such violation and request action be taken to remedy said condition.

(f) The town shall not be held responsible for damages to surface markers or monuments which require repair or replacement of such markers or monuments caused by faulty or premature construction or installation, vandalism, or environmental conditions.

(g) No surface marker or monument shall be removed from any grave or lot in any cemetery without prior authorization of the cemetery official or his/her designee.

**Secs. 6-56—6-66. Reserved.**

#### ARTICLE V. BURIALS

##### Sec. 6-67. Grave opening and closing.

(a) No grave shall be opened or closed for the purpose of the burial of the dead in any cemetery by any person other than those authorized by the cemetery official or his/her designee to undertake such work.

(b) The cemetery official or his/her designee shall be notified not less than twenty-four (24) hours prior to any burial service in any cemetery.

(c) All graves over four-and-one-half (4½) feet in length shall not be less than three-and-one-half (3½) feet in depth, unless otherwise provided by state law.

(d) The use of any grave in any cemetery shall be limited to:

- (1) The interment of one human corpse;
- (2) The interment of one human corpse and one human cremains;
- (3) The interment of not more than two (2) human cremains.

(e) Prior to any funeral service, any grave in any cemetery shall be marked for opening by the cemetery official or his/her designee.

(f) All fees associated with the interment or disinterment of human remains shall be the responsibility of the funeral home to whom the town provides grave opening and closing services.

##### Sec. 6-68. Disinterment.

(a) No grave shall be opened for the purpose of the disinterment of human remains in any cemetery by any person other than those authorized by the cemetery official or his/her designee to undertake such work.

(b) The cemetery official or his/her designee shall be notified not less than twenty-four (24) hours prior to any disinterment from any grave in any cemetery.

(c) No disinterment/reinterment shall be authorized by the cemetery official or his/her designee without a valid permit issued by the Johnston County Health Department to undertake such work.

(Ord. No. 379, 6-5-01)

##### Sec. 6-69. Burial records required.

The cemetery official or his/her designee shall maintain records of all interred persons in all cemeteries which shall include: the name of the deceased; the cemetery; date of interment; and the funeral home performing the interment.

**Secs. 6-70—6-80. Reserved.**

# Cemetery Operating Procedures

The Operating Procedures outlined herein shall apply specifically to the locating and marking of specific graves for opening/closing services. Generally, there are two procedures to follow. The procedure to follow is determined by the cemetery in which an interment is to take place.

Interment services in Riverside, Resthaven, Oakland and John Thomas require a meeting with an immediate family member of the deceased, or an individual representing the family of the deceased who has reliable information about the specific grave and/or lot into which a burial is to take place. This meeting is required to establish the specific gravesite that is to be utilized for a burial. Once this meeting has taken place, the grave is marked and the opening/closing contractor is contacted. Graves may be marked with a cone, small flags, or with ground paint.

Information regarding the orientation of bodies interred in these cemeteries indicates that bodies are to be oriented so as to have the head of the deceased placed in, or toward, the center of the lot. If this is not to be the manner of interment, the family shall notify the Town, or the individual providing the location services.

In keeping with tradition, bodies interred as outlined above should be placed so as to allow for the future burial of a surviving spouse in the appropriate location. Tradition dictates that the deceased husband with a surviving wife be interred so as to leave a space to the deceased's left. Conversely, a deceased wife with a surviving husband is to be interred so as to leave a space to the deceased's right. In other words, she should be on his left, and he should be on her right.

At Sunset Memorial Park, the orientation of the body is dependent upon the section in which a burial is to occur. Body orientation is as follows: Sections A, B, C, E, F, and the mausoleum, feet toward 70 Hwy; Sections D and G, feet toward Town. The information outlined above, regarding the location of the deceased with a surviving spouse, applies to Sunset as well.

The location of lots and graves at Sunset Memorial Park and Riverside Extension is a straightforward undertaking. If the lot number is known, it is simply a matter of looking it up on the map, and going to the cemetery and uncovering the numbered and un-numbered corner markers that are located on the outer corners of the lot. These numbered markers are usually under a few inches of soil, but have been known to be as deep as one foot. All numbered markers are on the end of the lot that joins the path which divides the double rows of lots.

If the lot number is not known, it will be necessary to meet with a family member of the deceased, an individual representing the family of the deceased who has reliable information about the specific grave and/or lot into which a burial is to take place, or review the property deed. Once the specific lot is located, it will still be necessary to uncover the numbered and un-numbered corner markers located on the outer corners of the lot to ensure the location is correct, and to obtain information needed by the opening/closing contractor. Once the grave is marked, the opening/closing contractor may be contacted. Graves may be marked with a cone, small flags, or with ground paint.

In all sections of Sunset Cemetery, with the exception of Section A, lot numbers increase from left to right. Therefore, the grave numbers within the lot increase from left to right. A four grave lot, measuring approximately 7' X 18', is two graves wide and two graves deep. A six grave lot, measuring approximately 11' X 18', is three graves wide and two graves deep. The actual lot area extends from the numbered marker to the next consecutive higher numbered marker to the right.

In Section A, all lot numbers increase from right to left. The individual graves are numbered from left to right. The actual lot area will be on the right hand side of the higher numbered marker and will extend to the next consecutive lower numbered marker.

In Riverside Extension Cemetery the orientation of the bodies are feet toward S Second Street (East) and Head toward Front Street (West). Lot numbers increase from left to right. Therefore, the grave numbers within the lot increase from left to right with each grave space measuring 3.5ft X 9ft. A four grave lot, measuring approximately 7' X 18', is two graves wide and two graves deep. In certain areas within the cemetery four grave lots are measuring approximately 14' X 9', being four graves side by side. A six grave lot, measuring approximately 11' X 18', is three graves wide and two graves deep. The actual lot area extends from the numbered marker to the next consecutive higher numbered marker to the right.

Please use the form provided when notifying the Town of your weekend/holiday burial. Notification should be sent to the Town on the first workday following the burial. This form may be hand delivered to the Public Works Office at 231 Hospital Road, or faxed to 919-934-1688, Attention: Lenny Branch

The Town utilizes the services of Craft Digging Service for the opening and closing of graves in all Town owned cemeteries. They can be reached at (919) 735-5376. When notifying the opening/closing contractor, please provide the coordinates of the grave for burials in Sunset. For example, Section C, Lot 43, Grave 3.

If an error occurs in the marking of graves by a funeral home, for opening and closing services, it will be the responsibility of that funeral home to cover all costs associated with making the necessary corrections.

## **Cemetery Fees**

### **Single Grave and Lot Sales for Sunset Memorial Park:**

Single Grave	\$1,000.00
Two Grave Lot	\$2,000.00
Four Grave Lot	\$4,000.00
Six Grave Lot	\$6,000.00

### **Lot Sales for Riverside Extension Cemetery:**

Single Grave	\$1,250.00
Two Grave Lot	\$2,500.00
Four Grave Lot	\$5,000.00
Six Grave Lot	\$7,500.00

### **Opening and Closing Fees:**

Grave Opening/Closing	\$700.00
Burial under 36 inches in length (Including Cremation Burials)	\$400.00
Crypt Opening/Closing	\$700.00