

**ROANOKE ISLAND
MEMORIAL GARDENS**

**RULES
AND
REGULATIONS**

**Owner:
Dare County Airport Authority
P O Box 25
Manteo, NC 27954**

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INTRODUCTION

Roanoke Island Memorial Gardens is a cemetery located on Roanoke Island in Dare County, North Carolina (the "Cemetery"). The Dare County Airport Authority (the "Airport") owns and operates the Cemetery. In order to preserve and maintain uniformity, harmony, and beauty, to provide for stability and against decay and deterioration, to safeguard the sanctity of each lot, grave, or mausoleum space against future inefficient care, the Airport reserves for itself, its successors and assigns, the right to make any and all rules, regulations, limitations, and restrictions that it may deem necessary to protect and provide for future welfare of the Cemetery. These Rules and Regulations will help protect the Cemetery and create and preserve its beauty.

For the mutual protection of each lot, niche, or crypt owner, these Rules and Regulations shall apply to all lots, niches and crypts in the Cemetery. The Airport may adopt subsequent amendments to these Rules and Regulations from time to time. The reference to these Rules and Regulations in the Deed to lots, niches, crypts shall have the same force and effect as if fully set forth in such Deed word for word.

SECTION 1. DEFINITIONS

- A. The term "Cemetery" or "Memorial Gardens", shall be used interchangeably and is hereby defined to include a burial park or burial estate for the permanent interment of the human dead.
- B. The term "lot," "plot," "burial space," and "memorial estate," shall apply with like effect to one or more than one adjoining graves or in the case of mausoleum crypts or niches, one or more adjoining spaces in the mausoleum.
- C. The term "lot or plot estate owner" as herein used means any person in whose name a burial lot or burial mausoleum crypt stands of record, in the office of the Airport, but may not necessarily be the purchaser.
- D. The term "interment" shall mean the permanent disposition of the remains of a deceased person by burial in the ground or by entombment in the mausoleum or niche.

- E. The term “right of interment” or “interment right” shall mean the right to inter the remains of one human being in the Cemetery subject to the Rules and Regulations in effect for the governance of the Cemetery. A right of interment is a license or easement right to interment in a specific location. All rights of interment in the Cemetery are conveyed and shall be held subject to:
 - i. All applicable law and government regulations, and
 - ii. All Bylaws and Rules and Regulations adopted by the Airport as now in force or as hereafter amended or adopted, whether or not as set forth herein.
 - iii. The orders and laws of the properly constituted authorities of Dare County and the State of North Carolina.

- F. The term “memorial” is hereby defined as a bronze marker set approximately level with the turf for the purpose of identification. The term “marker” is herein interchanged with the term “memorial” and can apply to a name plate or inscription identifying a crypt or niche. The cemetery may, by rule or regulation, limit the type, size, or quality of memorials permitted for use on the cemetery grounds.

SECTION 2. GENERAL SUPERVISION OF CEMETERY

- A. The Airport reserves the right to refuse admission to anyone, other than lot or crypt owners, or their immediate relations, who violates the terms of these Rules and Regulations.

- B. All funerals, on reaching the Cemetery, shall be subject to these rules and regulations.

- C. No person or persons shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or without a court order, except authorized employees or authorized agents of the Airport, when it is deemed necessary.

- D. Any person or company providing services, equipment, or merchandise within the boundaries of the Cemetery shall:
 - i. Comply with these Rules and Regulations.
 - ii. Obtain a permit from the Airport to operate in the Cemetery.
 - iii. Obtain prior approval from the Airport for all fees, expenses and other charges imposed by such person or company for its services, equipment or merchandise.

- iv. Provide services, equipment and/or merchandise only during normal business hours of the Airport.
- v. Provide to the Airport, in advance of any work to be performed, a current certificate of insurance for worker's compensation, automobile liability, and comprehensive liability insurance, with limits acceptable to the Airport, for any and all work or services to be performed within the Cemetery.
- vi. Provide to the Airport the following information in advance of any memorial installation, replacements, additions and repairs in the Cemetery: The name of the manufacturer of the memorial and the name, address and phone number of the installer.
- vii. Be responsible for all liability arising out of its employees and /or its employees' work at the cemetery.
- viii. Indemnify and hold harmless the Airport, including those of bodily injury, property damage, or professional negligence which occurs due to actual or alleged charges in connection with the performance of and arising from acts of the installer, his/her employees, agents, subcontractors, or general supervision by the Airport except for injury or damage resulting from the gross negligence or intentional acts of the Airport.
- ix. Cause the installer's insurance carrier to notify the Airport thirty (30) days in advance of any cancellation or material changes made in the installer's insurance coverage.

The Airport reserves the right but not the obligation to provide services, equipment and merchandise to third parties within the boundaries of the Cemetery

SECTION 3. MAINTENANCE OF THE CEMETERY

- A. The Airport shall perform all general maintenance necessary to keep the Cemetery in a presentable condition at all times. The Airport shall have sole and exclusive discretion in determining when to perform such maintenance, and the amount and method of maintenance performed. The Airport shall not be obligated to replace memorials, vaults, caskets, or to perform any special or unusual work in the Cemetery.
- B. If any trees or shrubs situated on any plot or adjacent thereto by reason of the growth of their roots and branches or in any other way become detrimental to the lot or adjacent to its walks or drives, or dangerous or inconvenient to a passerby, the Airport shall have the right to enter upon said lot and remove the said trees and shrubs or such parts thereof as are thus detrimental, dangerous, or inconvenient.

- C. The Airport shall not be obligated to perform any specific special services except as may be set forth in a written special care agreements with plot owners.

SECTION 4. MAUSOLEUM REGULATION

- A. Mausoleum crypt decorations shall be limited to such decorations as may be placed in permanent vases where provided, and any use of decorations which are either placed on the floor, or stands, easels, tables, or which are attached directly to the marble or granite by use of wire, tape, glue, or such other similar method is strictly prohibited.
- B. Only lettering or crypt plates of bronze material as determined by the Airport may be used, and any crypt or niche and all fittings, ornaments, urns, inscriptions, and name plates for crypts or niches are subject to approval by the Airport.
- C. Bodies placed in crypts are required to be embalmed. If any unembalmed remains are placed in a crypt, the Airport shall hold the owner of said crypt or his/her legal representative liable for any damage to such crypt occasioned by holding such embalmed remains. The owner of the crypt or her/her legal representative further agrees to defend, indemnify, and save harmless the Airport and its agents, employees, and assigns, from any and all liability of whatsoever kind, or claim therefore, by reason of entombing such unembalmed remains.
- D. The Airport requires the use of a casket for entombments that are made in any mausoleum crypt. The casket used in a mausoleum entombment is required to be unsealed and the crypt owner(s) or his/her legal representative assumes all liability for said casket and any damage to any crypts as a result of its use.

SECTION 5. INTERMENTS AND DISINTERMENTS

- A. All interments, disinterments, and removals must be made at the time and in the manner designated by the Airport. The term “opening and closing” refers to the preparation for an interment.
- B. The Airport shall be notified at least twenty-four (24) hours prior to any interment and at least seven (7) days notice prior to any disinterments or removals.
- C. The Airport reserves the right to refuse interment in any plot, except on written application by the plot owner of record, or his successors or assigns in burial rights. Applications are available from the Airport Manager.
- D. The Airport shall not be liable for the action or inaction of persons or companies providing

services, equipment or merchandise to owners of plots, niches and crypts, or to third parties, in the Cemetery.

- E. Not more than one body or the remains of more than two bodies shall be interred in one grave or crypt. Exceptions shall be made at the Airport's sole and absolute discretion. A grave containing a body shall not be reopened for an additional interment.
- F. No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted in the Cemetery.
- G. A maximum of two interments of cremated remains will be permitted on a standard size space and shall be spaced according to normal guidelines. The scattering of ashes indiscriminately or throwing ashes to the wind is prohibited within the Cemetery.
- H. No private mausoleums will be permitted.
- I. No vault or tomb of any material or nature shall be allowed to extend to the surface of the ground or in any other way interfere with the sod or natural beauty of the Cemetery.
- J. An outer receptacle, crypt, vault, or other permanent type grave liner is required for caskets buried below ground. Composition of these vaults must be steel, reinforced concrete, or the equivalent in strength, and must be approved by the Airport in its sole and absolute discretion.

SECTION 6. DISINTERMENTS AND REMOVALS

- A. Removal, by the heirs, of a body or cremated remains must be in accordance with the local laws and of the State of North Carolina, and the Rules and Regulation of the Cemetery. The Airport must receive written permission of the lot, crypt, or niche owner before the Airport will authorize such removal.
- B. In the event of disagreement between family members over such removal, the Airport may require the issuance of an order from a court having legal jurisdiction, before any such disinterment or reinterment may be permitted.
- C. When a removal is to be made from a single grave to another grave, and a steel or concrete vault has not been used for the original interment, an outside protective container must be furnished by the party authorizing said removal.

SECTION 7. PROPERTY RIGHTS OF OWNERS

- A. All rights, title, and interest conveyed in a lot, plot, niche, crypt, or burial space is, and at all

times shall be limited to, a right of interment of human remains only, which is subject at all times to the Rules and Regulations.

- B. All lots, plots, niches, crypts, and burial spaces conveyed shall be presumed to be the sole and separate property of the person named in the Deed for the same; provided, however, that the spouse of the owner of any such plot containing more than one interment space shall have a vested right of interment of his/her own remains therein, and any person thereafter becoming the spouse of such owner shall have a vested right to interment in such plot if more than one interment space therein remains unoccupied at the time such person becomes the spouse of such owner. No conveyance or other action of such owner without joinder therein or written consent endorsed thereon or attached thereto of the spouse of such owner shall divest such spouse of such vested right of interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it shall otherwise be provided by such decree.
- C. In all conveyances to two or more persons, each owner shall have a vested right of interment of his/her remains in the space, niche or crypt so conveyed. Upon the death of an owner, the interest in the space, niche or crypt shall immediately vest in the survivors, subject to the vested right of interment of the remains of the deceased lot owner.
 - i. An affidavit filed with the Airport by any competent person setting forth the fact of the death of one lot owner and establishing the identity of the survivor named in the Deed shall be its complete authority to permit the use of the unoccupied portion of such plot in accordance with the directions of the survivor or his/her successors in interest.
 - ii. A vested right of interment as provided in these Rules and Regulations may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto under this provision. No such vested right of interment shall be construed to give to any person the right to have his or her remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment therein shall have been deposited or to give to any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the Rules and Regulations of the Cemetery. Exceptions may be made in the case of infants, stillborns, and very small children.
- D. Whenever an interment of a member of a family of the record owner, or of a relative of a member of said family, or of the remains of the record owner is made in a burial space, niche or crypt transferred by deed to an individual owner, and said owner dies without making disposition of such burial space, niche or crypt in his/her will by a specific and express devise thereof, or by written declaration filed with the Airport, such burial space, niche or crypt thereby becomes non-transferable and shall be held as the family burial plot of the owner.

- i. In said family burial plot one grave may be used for the owner's interment, one for the surviving spouse, if any, of the owner who has a vested right of interment therein and in those remaining, if any, the parents and children of said deceased owner in order of need, may be interred without the consent of any person claiming any interest therein.
 - ii. In the event there shall be no parent or child surviving such deceased person, the right of interment shall go in the order of need; first, to the spouse of any child of said record owner, and second, in the order of need to the next heirs at law of said owner as specified by the statutes of descent, or the spouse of any such heir at law.
 - iii. Any surviving spouse and any parent, child, or heir of such deceased owner having a right of interment in such plot may waive such right in favor of any other relative or spouse of such relative of such deceased owner, or spouse of such deceased owner, and upon such waiver the body of the person in whose favor the waiver is made may be interred therein.
- E. If no interment shall have been made in a burial plot, or if all remains of deceased persons previously interred therein shall have been lawfully removed therefrom, upon the death of the owner, unless such owner shall have been disposed of such burial plot in his/her will by a specific and express devise thereof, or by a written declaration filed with the Airport, the whole of said burial plot subject to the right of interment of the deceased therein shall descend in regular line of succession to the heirs at law of the owner, provided that one grave shall be reserved for the surviving spouse of the owner. An affidavit by a competent person setting forth the fact of the death of the owner and the name of the person or persons entitled to use such property, in accordance with these Rules and Regulations, shall be complete authority to the Airport to permit the use of the unoccupied portion of such plot by the person or persons entitled thereto.
- F. When there are several owners of a right of interment in a burial plot such owners may designate one or more persons to represent said plot and file written notice of such designation with the Airport, in the absence of such notice or of written objection to its doing, the Airport shall not be liable to any owner for interring or permitting an interment therein upon the request or the erection of any registered co-owner of such plot.
- G. All rights of interment or entombment shall be forfeited and conclusively be deemed to have been abandoned by the purchaser, and any persons claiming through said purchaser as to any grave or crypt spaces herein described, which shall remain unused ninety-nine (99) years after the date of the original purchase from the Airport or from its predecessor owner of the Cemetery, and all person and persons having any valid claim to the right of interment in such spaces have written two (2) years prior to the expiration of such ninety-nine (99) year period, requesting that such unused grave spaces be reserved for the interment or entombment of such person(s), then no forfeiture and reversion shall take place until such person(s) have been

buried elsewhere or have withdrawn such notice and claim.

SECTION 8. TRANSFER OR ASSIGNMENT

- A. All purchasers of grave spaces, crypts and niches in the Cemetery shall notify the Airport in writing of such acquisition and the name, address and phone number of the new owner, within ten (10) days after such acquisition has been completed.
- B. The Airport may impose a reasonable charge on all transfers of ownership in grave spaces, niches and crypts, which must be paid when the transfer is made and recorded on the books of the Airport.

SECTION 9. FLOWERS AND FLORAL ARRANGEMENTS

- A. Floral arrangements are limited to one (1) arrangement per memorial.
- B. The Airport reserves the right to remove any articles and material hazardous to lawn mowers such as, but not limited to, bronze vases, shells, toys, metal designs, ornaments, chairs, settees, glass, crockery, wood, iron cases, rocks, etc.
- C. No holes are to be dug in the ground.
- D. Potted plants and special arrangements (wreaths, sprays, etc.) will be permitted upon lots and graves at Christmas, Easter, and Memorial Day. If such containers and arrangements are not removed within sixty (60) days after placement, they may, at the option of the Airport in its sole and absolute discretion, be removed and disposed of.
- E. Except as otherwise permitted in these Rules and Regulations, flowers are permitted only in approved bronze memorial vase assemblies.
- F. The Airport reserves the right to remove any arrangements or container that it considers to be unsightly or in poor taste.
- G. No arrangement over 48 inches in height is allowed.
- H. The Airport is not responsible for loss, theft, or damage to flower arrangements or containers. Any such loss, or theft should be reported to the Airport Manager.
- I. In case of recent interment or entombments, flowers, baskets, designs, and frames shall be removed from grave, lot or mausoleum at any time at the sole and absolute discretion of the Airport. Upon written request made by the owner, or legal representative of owner of such

grave, which said request shall be made at the time of, or written forty-eight (48) hours after interment, any particular basket, design, or frame, may be held for such owner, etc., but not exceeding one (1) week. The length of time that such arrangements are left in usually determined by the time of year, weather, and conditions of such arrangements. If said arrangements are not retrieved and carded during this period, said arrangements shall become the property of the Airport and may be disposed of without incurring any liability whatever to donors, said grave owner or to such owner's legal representative.

SECTION 10. MEMORIALS, INSTALLATIONS, AND FOUNDATIONS

- A. In order that improvements be kept uniform, the Airport reserves the right to regulate the size and quality of all memorials and other construction on any grave or lot in the Cemetery, and to prevent the erection or placing of any obstruction which maybe injurious to the general appearance of the cemetery and to remove same if necessary.
- B. Coping, curbing or any other use of brick, marble, cement, granite or other materials to outline a single grave plot or group of graves shall not be allowed on any lot. Standard memorials shall be used exclusively as provided in these Rules and Regulations.
- C. A maximum of one memorial per grave space shall be permitted. No memorial may be set to embrace two or more grave spaces except a companion memorial. No more than one family name shall be permitted on any memorial, unless approved in writing by the Airport at the time of sale of the interment right. All memorials shall be set on uniform lines as prescribed by the Airport to conform to the general plan of the Cemetery.
- D. The marking or identification of each lot, grave, or graves, except as hereinafter provided, is restricted and limited to flat bronze memorials, set flush with the turf.
- E. Written approval by the Airport must be secured before any memorial, or foundation, etc. may be delivered to the Cemetery for installation.
- F. To preserve uniform beauty, all bronze memorials, etc. must meet the following specifications.
 - i. Each casting shall be true, free from all weakening defects and imperfections which would be visible from a distance of three (3) feet. All exposed surfaces must be smooth. No sand-like roughness will be permitted.
 - ii. Each memorial shall be cast with integral bosses on the back in locations specified by the Airport. These bosses shall be drilled and tapped to receive 3/8" diameter anchor lugs of brass from 4 inches to 6 inches in length.

- iii. The bronze alloy shall consist of not less than .87% copper, not more than 2.5% lead, not less than 5% tin, and not more than 5% zinc. All other elements in total shall not to exceed 1%.
- iv. All foundations must be granite or concrete and shall be the size and composition specified by the Airport. Foundations must be of quality and appearance deemed appropriate by the Airport in its sole discretion. Foundations must have thickness of not less than 3.5 inches and surface area must exceed surface area must exceed the surface area of the bronze memorial so as to produce an exposed foundation surface not less than two (2) inches on all sides of the bronze memorial.
- v. Companion memorials shall not be less than 28 inches by 16 inches in perimeter, Individual memorials not less than 24 inches by 12 inches; Baby memorials not less than 16 inches by 8 inches.
- vi. All memorials furnished by the government require the same foundation and installation given to all other memorials and are subject to these Rules and Regulations.

G. Installation of memorials and foundations

- i. Installation of memorials and foundations is defined by the Airport as including, but not limited to, the following:
 - a. Recording of required administrative information in the record of the Cemetery.
 - b. Verification and identification of lot ownership and location in the Cemetery records.
 - c. Location and surveying location of memorial placement in accordance with section map coordinates.
 - d. Alignment of memorial with existing memorials in accordance with section specifications.
 - e. Excavation and then compacting of the hole in order to provide solid “footing”; placement of memorial at proper level and aligning it with specifications of section and survey.
 - f. Removal to designated area of all excess dirt from excavation; back filling, and reseeded; resodding around the memorial as needed; and complete cleanup and repair of lots surrounding area of placement and cleanup of

memorial installed

- g. Complete final inspection of finished work.
- ii. Installers of memorials and foundations must comply with these Rules and Regulations while working in the Cemetery.
- iii. The Airport reserves the right to locate and properly identify the location for placement of the memorial and/or foundation, and record administrative information in the records of the Cemetery. A reasonable survey and administrative fee may be required by the Airport to be paid in advance of installation by the installer. Any fee is determined by the Airport and is subject to change without notice.
- iv. As part of the survey and administrative fee, the Airport reserves the right to inspect the completed work as outlined and make a determination that the work was performed completely and in accordance with the Rules and Regulations and guidelines of the Cemetery.
- v. At least twenty-four (24) hours advance notice of actual work to be performed is required by the Airport. Work will be performed at a mutually agreed time during normal Cemetery hours.
- vi. Installers shall furnish documentation of said memorial and/or foundation to the Airport for record keeping purposes prior to installation.
- vii. No memorial or foundation shall be installed without authorization of the grave space owner.
- viii. The Airport shall not be responsible for any defects, errors, omissions, or future lettering, scrolls, or vases for any memorial purchased from outside sources.

SECTION 11. CONDUCT OF PERSONS WITHIN THE CEMETERY

- A. The Cemetery grounds are sacredly devoted to the interment of the dead. The Airport shall require strict observance of the proprieties due such a place.
- B. The Airport Director is hereby empowered to enforce all Rules and Regulations and to exclude from the Cemetery any persons violating the same. The Airport Director shall have charge of the grounds and building, and at all times shall have supervision and control of all persons in the Cemetery, including the conduct of funerals, traffic, employees, plot owners, and visitors. However, this rule does not alter the responsibility of the funeral director in being present and conducting the burial services as provided by the laws of North Carolina

and the Rules and Regulations governing the Cemetery.

- C. Children will not be admitted unless attended by an adult who will be responsible for their conduct.
- D. All joggers, etc., will be expected to be appropriately dressed at all times and are expected to use good judgement and avoid funeral processions, etc.
- E. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery, or plants, or feeding or disturbing the birds or other animal life.
- F. No person shall be permitted to have refreshments within the cemetery, unless there is an area designated for such.
- G. No loud talking will be permitted on the cemetery grounds and especially within hearing distance of funeral services. No profanity, or person influenced by intoxicants will be tolerated on these grounds.
- H. The throwing of rubbish on the drives and paths or any part of the grounds or in the building is prohibited.
- I. Automobiles shall not be driven through the grounds at a greater speed than fifteen (15) miles per hour, and must always be kept on the right hand side of the road. Automobiles are not allowed to park or come to a full stop in front of an open grave unless such automobiles are in attendance of the funeral. Automobiles must not drive in any portion of the cemetery other than the roadway built and maintained for such automobile traffic.
- J. No bicycles or motorcycles shall be admitted to the Cemetery except such as may be in attendance of funeral or on business.
- K. No firearms shall be permitted within the cemetery except on a special permit from the Airport Director, unless for use at military ceremonies.
- L. No signs, notices, nor advertisements of any kind shall be allowed in the Cemetery, unless placed by the Cemetery.
- M. Dogs shall not be allowed on the Cemetery grounds unless properly leashed and controlled. The dog's owner shall immediately clean up after the dog if necessary.
- N. Strangers must keep a respectful distance during interment services. Be ever mindful of the feelings of the bereaved.
- O. Visitors are welcome during the day, but are strictly forbidden after sunset, in accordance

with North Carolina law. Trespassers will be prosecuted and vehicles towed at owner's expense.

- P. The Airport shall take such action as may be deemed necessary, though not expressly authorized in these Rules and Regulations, to protect the property of property owners, or that of the cemetery from injury, to preserve peace and good order, and to prevent the molesting of anything within the confines of the Cemetery.

SECTION 12. MODIFICATIONS AND AMENDMENTS

- A. Special cases may arise in which the literal enforcement of a rule(s) may impose unnecessary hardship. The Airport, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these Rules and Regulations, when in its judgement the same appears advisable; and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application or enforcement of this or any other rule.
- B. The Airport may and it hereby expressly reserves the right, at any time or times, to adopt new Rules and Regulations, or to amend, alter, and/or repeal any rule, regulation, and/or article, section, paragraph, and/or sentence in these Rules and Regulations.

SECTION 13. MISCELLANEOUS PROVISIONS

- A. No person, while employed or under contract with the Airport, shall receive, either directly or indirectly, any fee, gratuity, or commission, except from the Airport.
- B. The Airport shall have the right, but not the obligation, to enlarge, replace, replat, and/or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify and/or change the locations of or remove or degrade roads, drives, and/or walks, or any part thereof. The Airport shall also have the right to use cemetery property that is not sold to individual plot owners, for cemetery purposes.
- C. The Airport shall not be liable for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, acts of God, common enemy, thieves, vandal, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be collateral other than as herein provided.
- D. Each lot, niche and crypt owner shall notify the Airport of any change in his/her mailing address and telephone number. Notice sent to a property owner at the last address on file with the Airport shall be considered sufficient and proper legal notification.

- E. The instrument conveying to the lot owner the right of interment and the Rules and Regulations of this Cemetery, now in force or which may hereafter be adopted, including modifications or amendments thereof, shall be the sole agreement between the Airport and the property owner.
- F. The Airport shall have the right to charge additional fees for the authorization of any interment, disinterment, or removals on holidays, Sundays and Saturdays.
- G. All arrangements for any service in the chapel, including the handling and disposition of flowers, must be under the supervision and control of the Airport.
- H. All records of the Cemetery are public records.

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