

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 23
HOUSE BILL 64

AN ACT TO CREATE A CEMETERY COMMISSION FOR THE TOWN OF
GARLAND AND DESIGNATE OTHER PURPOSES OF ITS EXISTENCE.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby created a cemetery commission for the Town of Garland, Sampson County, North Carolina, to be known as the "Garland Cemetery Commission".

Sec. 2. That the said Garland Cemetery Commission shall consist of five members to be named by the Board of Town Commissioners of the Town of Garland, after the General Assembly of North Carolina shall ratify this Act, and shall be named to hold office for the terms stated so that one member shall hold office for a term of one year after appointment and the other four members shall hold office for terms of two, three, four and five years, respectively, after appointment. Each of the persons named shall serve for the terms specified and until his or her successor is appointed and qualified. Thereafter as the terms of office of the members initially appointed expire, one member shall be appointed each year by the Board of Town Commissioners of the Town of Garland to serve for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the Board of Town Commissioners of the Town of Garland. The members of this commission shall serve without compensation. The commission shall at its first regular meeting appoint a chairman and secretary and such other officers as it shall deem necessary and it shall adopt rules and regulations to govern its procedure.

Sec. 3. The Garland Cemetery Commission shall have full charge of city cemetery property owned or controlled by the Town of Garland and shall be charged with the duty of supervising and maintaining the same.

Sec. 4. The said Garland Cemetery Commission shall have the right to accept any grant, lease, loan or device of real estate, or any gift or bequest of money, or any donation given for cemetery purposes to the Town of Garland or any gift or bequest of money or any donation to be applied, principal or income, for the use, maintenance and perpetual care of the cemeteries owned or controlled by the Town of Garland. If gifts are made, the principal of which is to be invested and income only used for the maintenance of the cemeteries owned or controlled by the Town of Garland, the board of town commissioners shall invest said principal only in such securities as are approved by law for investment of guardianship funds.

Sec. 5. The Board of Commissioners of the Town of Garland, upon written request from the said Garland Cemetery Commission is hereby authorized and directed to call a special election for the town for the purpose of submitting to the qualified voters thereof the question of the levy of an ad valorem tax not to exceed ten cents (10¢) on the one hundred dollars (\$100.00) valuation of real and personal property for the maintenance and perpetual care of the cemeteries owned or controlled by the Town of Garland. The Board of Commissioners of the Town of Garland shall call a special registration for such election and said election shall be held as now provided by law for special elections for municipal corporations. At such election there shall be printed one ballot. The ballot shall relate to the question of tax for cemetery maintenance and on the left side thereof shall be printed "For Tax for Cemetery Maintenance", and on the right-hand side thereof shall be printed "Against Tax for Cemetery Maintenance". If a majority of the voters voting thereon shall approve said tax, the tax so approved shall be levied yearly thereafter by the board of town commissioners and turned over to the town treasurer for the use of the Garland Cemetery Commission for its purposes.

Sec. 6. All funds belonging to the perpetual care of cemeteries owned or controlled by the Town of Garland shall be held by the town treasurer together with any additional gifts, bequests or donations thereto and funds from the tax levied for the maintenance and perpetual care of cemeteries owned or controlled by the Town of Garland and the use of said funds both principal and income, shall be controlled by the Garland Cemetery Commission. All funds so held by the Town of Garland for cemetery purposes shall be segregated at all times and shall not be mingled with any other funds belonging to the Town of Garland.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1961.