

# TOWN OF HERNDON CHESTNUT GROVE CEMETERY RULES AND REGULATIONS Amended January 23, 2007

## INTRODUCTION

To ensure the permanent and uniform beauty of Chestnut Grove Cemetery, and to provide for the protection of owners of burial spaces, the following rules and regulations have been adopted. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town of Herndon reserves the right to, without notice, make exceptions, suspensions, or modifications in any of these Rules and Regulations when enforcement may impose an unnecessary hardship as determined by the Town Manager. Such exceptions, suspensions, or modifications shall in no way affect the general application or enforcement of these Rules and Regulations. Questions, requests, complaints, or any other cemetery business should be brought to the attention of the Cemetery Manager at 831 Dranesville Road, Herndon, VA 20170-3008.

## 1.0 GENERAL CONDUCT IN THE CEMETERY

**1.1** Visitors are welcome at Chestnut Grove Cemetery between the hours of sunrise and sunset. Entrance to the cemetery other than through posted entrances is prohibited.

**1.2** All vehicular travel by visitors is restricted to paved roadways and vehicles shall not exceed the posted speed limit of 15 mph. Funeral processions and cemetery vehicles and equipment shall have right-of-way at all times. Visitors who are parked in an area which will likely interfere with a funeral procession shall move to a designated area upon request of the Cemetery Manager or other officer or agent of the Town.

**1.3** While on cemetery grounds, all individuals shall maintain the dignity and decorum of the cemetery. Loud, profane, abusive, intoxicated, or inappropriately dressed persons are subject to removal at the discretion of the Cemetery Manager using the standards of the industry.

**1.4** Anyone in the cemetery jogging, or walking as a form of exercise between 9:00 a.m. and 4:00 p.m. shall avoid areas where funerals are either in progress, or about to begin. Visitors utilizing bicycles as a form of transportation for legitimate cemetery business shall observe the same speed limit and other provisions pertaining to motor vehicles stated above.

**1.5** The use in the cemetery of power tools by anyone other than Town personnel or contract workers approved by the Cemetery Manager shall not be permitted.

**1.6** Use of firearms shall be permitted in the cemetery when utilized in military funerals and ceremonies.

**1.7** No dogs, cats or other animals are allowed on the cemetery grounds, except for animals trained to assist individuals with disabilities, horses drawing a funeral carriage, and pets kept in motor vehicles of visitors having legitimate cemetery business. The Town shall have no responsibility for any damage done by domestic or wild animals in the cemetery.

**1.8** The selling of flowers, plants, or any other merchandise on cemetery grounds, or soliciting the sale of any commodity or service on cemetery grounds by anyone other than employees or contractors of the Town shall not be permitted. No signs, notices, or advertisements of any kind shall be permitted in the cemetery, except those placed by the Town or approved by the Cemetery Manager.

## 2.0 DESCRIPTION, PURCHASE AND USE OF INTERMENT RIGHTS

**2.1** Purchase of "burial spaces" constitutes the purchase of the right to inter human remains in a designated space. Burial Spaces shall include adult size (40" X 120"), infant/child size (30" X 48"), and cremation size (24" X 24"). Upon payment of all charges and fees, the Cemetery Manager shall issue a Certificate of Interment Rights unless the Cemetery Manager makes other arrangements in writing. The purchase of interment rights includes rights to perpetual care. The owner of the interment rights shall notify the Town of any change in mailing address. Notice by the town sent to the owner at the last known address on file in the cemetery office shall be deemed sufficient legal notice to the owner.

**2.2** Except as provided below, only one interment is permitted in each adult burial space, unless a second right of interment is purchased by the owner of the interment right. Burial space in which two interment rights have been purchased may be used for two cremation interments, or one casketed interment and one cremation interment. In the case of cemetery relocations in whole or in part, the Town may permit multiple burials in one adult burial space, if approved in writing by the Town Manager, using any recognized standards. The Cemetery Manager shall submit a recommendation to the Town Manager for final approval. Only one monument or marker which projects above the surrounding grade of the ground will be permitted on dual interment burial sites. Only one interment will be permitted in infant/child burial spaces. Infant/child burial spaces shall require the use of flat memorials that do not project above the grade of the surrounding ground, unless ordered prior to September 29, 1997.

**2.3** Tender of payment for interment rights and the interment fee may be made to the Town by cash, check, or credit card. Payment in full will be required at the time of purchase. Upon the approval of the Cemetery Manager, payment for interment rights, as well as interment and recording fees, may be made by funeral homes on the purchaser's behalf. Upon the approval of the Cemetery Manager, the Town may accept payment or assignment of the proceeds of life insurance policies. The Town has no provision for time-payment for interment rights, services, or merchandise.

**2.4** No burial, entombment, or inurnment may take place until an Interment Authorization Form is signed and delivered to the Town by the owner of interment rights for the space to be used, or by another individual the Cemetery Manager determines has proper authority. At least twenty-four hours notice will be required to schedule an interment. The cemetery manager will have final authority to resolve scheduling conflicts.

**2.5** In order to maintain the general appearance of the cemetery lawn, all interments or ground inurnments will require the use of an outer burial container. At a minimum, a concrete grave liner must be used. Sealed burial vaults made of concrete or other materials approved by the Cemetery Manager may also be utilized.

**2.6** The disposition of cremated human remains (cremains) shall require the same authorizations as interments or entombments. Burial of cremains in ground spaces, whether regular burial spaces or special areas set aside for ground cremation burial, shall require use of a sealed, non-biodegradable, non-collapsible urn or urn vault. Questions regarding whether a cremation container meets cemetery standards should be addressed to the Cemetery Manager. Inurements in cremation benches, mausoleum crypts, or columbariums with opaque fronts will not require the use of an urn. The scattering of cremains in Chestnut Grove Cemetery shall not be permitted.

**2.7** The Town shall not be held responsible for errors in any interment order given by telephone, or for any error resulting from imprecise or improper instructions regarding the particular space, size, location, and memorialization in a lot, crypt or niche where interment or entombment is effected.

**2.8** All charges and applicable fees must be paid, or payment arrangements made and approved by the Cemetery Manager before an interment may take place.

**2.9** No interments will be permitted on New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, after 12:00 noon on Christmas Eve, and on Christmas Day.

**2.10** The regular hours for interments will be between 9:00 a.m. and 3:30 p.m., Monday through Friday. Any interment arriving after 2:00 p.m., or on weekends will be subject to overtime charges beyond the standard interment and recording fee.

**2.11** Ownership of Interment Rights may be transferred upon payment of the established fee to the Town for each transfer, along with the appropriate documents. No change in ownership will be considered valid and binding on the Town until approved by the Cemetery Manager on behalf of the Town. Upon approval, the Cemetery Manager shall issue a Certificate of Interment Rights to the new owner.

**2.12** No disinterment shall take place without the authorization of the Cemetery Manager, who will not proceed until all necessary notices, authorizations, permits, or judgments have been received, and fees have been paid or accommodated. If the presence of a licensed Funeral Director is required, or in the sole judgment of the Cemetery Manager becomes advisable during the course of the disinterment, the charges for the services of the Funeral Director shall be the responsibility of the individual(s), agency, or authority requesting the disinterment. The Town shall not be held liable for any damage to the outer burial container, casket, or remains in such disinterment. Should another outer burial container or any other receptacle for the remains be required, the costs for these items will also be the responsibility of the individual or agency/authority requesting the disinterment.

## 3.0 CARE AND MAINTENANCE OF THE GROUNDS AND BURIAL SPACES

**3.1** Perpetual care shall include the Town's general maintenance of the grounds, burial spaces, roadways, walkways, features and structures, the trimming of grass at appropriate intervals, and the general care of trees and shrubs placed by the Town. The Town may plant, prune, remove or transplant any tree, plant, or shrub in the cemetery, including those on or at any burial space or lots whenever necessary economically to maintain and care for burial spaces and lots, or to prevent the impairment of or interference with the use of other burial spaces or lots, or to promote, preserve, or improve the appearance and dignity of the cemetery.

**3.2** Perpetual care does not include the replacement of any trees or shrubs, the replacement of any monument or memorial not damaged by the Town, the cost of replacing flowers or ornamental plants; the repair or reconstruction when damaged by the elements of any marble, granite, bronze, or concrete work on any section, lot, or space; damages from an act of God, thieves, vandals, explosions, unavoidable accidents, riots, war, or insurrections, or causes reasonably beyond the control of the Town. Monuments, corner-markers, and family estate orders made of marble or other materials which deteriorate with exposure to the elements or that are broken may be removed by the Town. The Town shall be under no obligation to replace such monuments or corner markers. However, the Town may at its discretion remark gravesites with permanent memorialization of its own choosing.

**3.3** Due to the necessity of continuous maintenance and other cemetery operations, incidental damage may occur to the borders and edges of monuments and memorials. Such incidental damage shall not obligate the Town to replace the monument or memorial.

**3.4** The Town reserves the right to enter or cross any lot or space at any time to carry out needed maintenance or to conduct operations.

**3.5** To maintain a generally uniform and neat appearance of the cemetery, and to prevent interference with routine maintenance and operations, the Town reserves the right to regulate or restrict the placement of memorials and other tributes. The enclosure of any site with copings, railings, rocks, fences, or any other material, and the planting of any shrubs or trees will only be permitted on specifically designated estate lots, and on lots or larger areas enclosed with poured concrete borders which were installed prior to September 29, 1997. All sites shall remain level with the surrounding ground. Benches shall only be permitted on lots other than estate lots when the bench is used as a memorial.

**3.6** The Town shall contact owners of sites not in compliance with cemetery regulations at the address on file in the cemetery office, and give these owners thirty days either to bring their space(s) into compliance, or to make arrangements with the Town to do so.

**3.7** Owners may arrange for special or unusual work to be performed by Town personnel at a rate to be established by the Town Manager.

#### **4.0 FLOWERS AND DECORATIONS**

**4.1** The cemetery recognizes that tasteful arrangements of flowers and certain other decorations or ornaments enhance the beauty of the cemetery. However, to preserve the dignity, attractive appearance, and safety of the cemetery, the Town reserves the right to remove or alter any floral arrangement, ornament, or decoration which becomes damaged or unsightly, or interferes with routine maintenance or operations of the cemetery. Ornamental stands shall be limited to one per site with no more than two hanging baskets per stand, for flowers only. Wind chimes, birdhouses, or other such items may not be hung on the stands. Statues shall be limited to one per site and must be maintained on the base of the headstone. The Town is not responsible for lost, missing, or stolen flowers, ornaments, or other decorations. The Town may remove flowers, decorations, or ornaments when they become damaged or unsightly or that interfere with the routine maintenance or operation of the cemetery, or when they otherwise do not conform to this section 4.1.

**4.2** The planting of live annual or perennial flowers in front of monuments is permitted, provided that the flowers are protected with mulch, and that the planted/mulched area does not extend beyond the width of the monument, or more than one foot away from the front of the base. If there is no monument, any planting shall be at the head of the site (where an upright monument would be placed), and shall not exceed two feet in width and one foot from front to back. The Town may adjust or remove plantings that exceed these dimensions. Flower pots or planters may be located on a site instead of plantings. All care and upkeep (for example watering, replacing mulch, etc.) of such plantings are the responsibility of the individual(s) who place them. Other types of landscaping (for example rocks, fencing, copings, edgings, trees, azaleas, boxwoods, etc.) shall not be permitted. The Town may remove live arrangements that are not maintained (for example wilted or dead flowers, scattered mulch, etc.).

**4.3** Artificial flowers may be placed in permanent ground vase units, as well as in vase units built into the monument or securely mounted saddle arrangements on top of monuments. Artificial arrangements should reflect the season of the year in which they are displayed. Artificial arrangements should be securely anchored. The Town may remove and dispose of any loose arrangements on the ground.

**4.4** Temporary flower vases along with their contents are subject to immediate removal. The Cemetery Manager shall determine whether a vase is temporary or permanent using standards in the industry. Examples of permanent vases are those built into monuments, and bronze vases that invert and store within a granite base. Tin cans, bottles, glasses, jars, and any other receptacle made of glass are prohibited, and will, along with their contents, be immediately removed.

**4.5** Certain holidays are appropriate for extra decorations in the cemetery. During the month of December, and the holidays of Valentine's Day, Easter, Mother's Day, Father's Day, Memorial Day, and Veteran's Day, wreaths which are securely attached to wire stands will be allowed. Wooden easels are not permitted and will be removed. To minimize the impact on mowing, such decorations may be placed starting on the Friday (after noon) before the holiday, and will be subject to removal by the Town starting the day after. December holiday decorations will be permitted beginning the day before Thanksgiving, and will be removed starting the Monday after Valentine's Day. Valentine's decorations may be placed starting the Friday before, and will be removed starting the Monday after.

#### **5.0 MEMORIALIZATION**

**5.1** Monuments (upright), markers, cremation benches, vase units, vesper lights, or any other form of permanent memorialization require a permit issued by the Cemetery Manager before placement. The purpose of the permit is to insure the quality, appropriate appearance, and safety of the item using the standards of the industry. Temporary markers provided by funeral homes require no permit, but placement of these temporary markers

may be adjusted by cemetery personnel. Temporary markers will be allowed to remain in place for a period of 6 months from the date of the burial, or until a permanent memorial is installed, whichever is shorter.

**5.2** Monuments and lot corner-posts must be constructed of memorial grade granite, or combinations of granite and bronze. Exceptions are granted for monuments, corner-posts, and memorials installed or ordered before September 29, 1997. Memorials may be made of either granite or bronze. Bronze memorials must be mounted on a base made of granite, or other material that meets industry and cemetery standards. Lot corner-posts shall not project more than one inch above the grade of the surrounding ground.

**5.3** The designs of monuments, and other forms of memorialization is subjective and the Town will make reasonable allowances for differing tastes. However, the Town reserves the right to reject any monument or other form of memorialization the Cemetery Manager finds objectionable using the standards of the industry. Owners working with outside vendors who wish to purchase memorialization of a type not normally found in the cemetery are encouraged to have the vendor submit a copy of the design to the Cemetery Manager before finalizing their orders. Memorialization of names and dates on community mausoleums, columbaria, cenotaphs, and the like, will be included in the purchase of the interment rights fees. The purchaser shall bear the costs for the purchase and installation of additional enhancements (e.g., vase rings, photo ceramics, additional lettering, special designs, and the like). The Town may vary the permitted memorialization or permanent enhancements in different structures using recognized standards. To maintain a consistent appearance, the Town shall establish the type and style of memorialization or permanent enhancements allowed prior to the sale of any units. The Town shall provide to the purchaser guidelines for memorialization or permanent enhancements or floral arrangements permitted on a community mausoleum, columbarium, cenotaph, and the like, with the Certificate of Interment Rights.

**5.4** The Town reserves the right to build foundations, place markers or memorials, and charge an appropriate fee for such service. Outside vendors performing such work must be approved by the Town, and must comply with town standards and specifications for monument or memorial work. The Town reserves the right to inspect monument and memorial work performed by outside vendors for accurate placement and compliance with cemetery standards and guidelines. Vendors who do not comply with cemetery standards will not be permitted to install foundations, monuments, or memorials in the cemetery. Vendors shall be responsible for corrections to foundations for monuments and memorials due to settling or improper installation for a period of five years from the date of installation.

**5.5** Free-standing vase units and vesper lights shall be of a design that can be inverted and stored in a granite base (not less than 12"x12"x4") when not in use. To minimize impact on mowing and other operations, such free-standing units must be placed according to directive of the Cemetery Manager.

#### **6.0 ESTATE LOTS**

**6.1** Estate Lots is defined as a lot that has been enclosed with shrubbery on the north, south, and west sides and is open on the east side. The number of interment rights of the Estate Lot shall be based on the size of the lot. The 20' x 20' lot shall have six interment rights and the 13'-4" x 20' lot shall have four interment rights.

**6.2** Memorials. When an Upright Monument is used either as a family, companion, or as an individual memorial, foot markers shall be placed level with the lawn. Benches or Bench memorials made out of granite will be allowed on Estate Lots upon approval of the Cemetery Manager using recognized standards.

**6.3** Landscaping. The price of an Estate Lot shall include the perimeter planting of shrubbery around three sides of the lot as provided by the Town. The purchaser must purchase additional landscaping for Estate Lots from the Town. The Cemetery Manager has the right of final approval of all landscape designs, using recognized standards.

**6.4** Landscape designs and materials for Estate Lots must be approved by the Cemetery Manager, using recognized standards.

**6.5** Only one tree will be allowed on an Estate Lot unless otherwise approved by the Cemetery Manager, using recognized standards.

**6.6** Maintenance and upkeep. The Town will be responsible for the maintenance and upkeep of all landscape materials and plantings purchased from the Town.

**6.7** The planting of live annual or perennial flowers is permitted, provided the flowers are protected with mulch. All care and upkeep of such plantings are the responsibility of the owner of the interment rights. The Town may remove live flowers that are not properly maintained according to recognized standards.

#### **7.0 MAUSOLEUM**

**7.1** When the decedent entombed in a mausoleum is not embalmed, the Town will require the decedent's casket be placed in a Casket Protector purchased from the cemetery at the expense of the owner of the interment rights.

**7.2** Casket Protector is defined as a sealed unit with a tray and cover which provides a controlled environment for the individual casket. The Casket Protector is constructed out of fiber reinforced polyester designed to quickly encapsulate liquids into solids. The Casket Protector shall also be constructed with a one-way check valve.

**7.3** No entombment may take place until an Interment Authorization Form is signed and delivered to the Town by the owner of interment rights for the space to be used, or by another individual the Cemetery Manager determines has proper authority to authorize the entombment. At least twenty-four hours notice to the Town will be required to schedule an interment. The Cemetery Manager enjoys final authority to resolve scheduling conflicts.

**7.4** Memorials. Memorialization is included in the purchase price of the mausoleum crypts and will consist of a bronze plate with a flower vase of a standard type and style as selected by the Town.

**7.5** Flowers and Other Decorations. Well kept flowers are permitted in the crypt front vases installed by the Town. Vases and other decorations that sit on the ground are not permitted at the mausoleum. Extra items may not be taped, stuck, or wired to the crypt fronts or left on the ground or sidewalk. Flowers shall not extend in front of another crypt.

**7.6** All irregular decorations or out of season or faded flowers will be removed. Decorations left anywhere other than in the vases on the crypt fronts will be removed.