

OAK GROVE CEMETERY

EVERGREEN CEMETERY LEXINGTON, VA

REGULATIONS

FOREWORD

Cemeteries are generally presumed to survive all other works of man and, through the ages, have been the most permanent records left to posterity. Much that we know of ancient peoples has been preserved in their tombs, for burial places reflect the culture, religious beliefs, and sentiments of a community.

The monuments we erect, the honor we pay our dead and the care we take to preserve the beauty and dignity of cemeteries thus link us to our past, influence profoundly the community of the present, and leave a rich heritage to those who come after us.

It is with these thoughts in mind that these Regulations for the operation of Oak Grove and Evergreen Cemeteries are set forth.

The City of Lexington trusts that the rules will not be considered unduly restraining. On the contrary, they are intended to insure the preservation, good order and proper care of grounds; to safeguard the interests of lot owners; and to allow, insofar as possible, for individual freedom of expression. In the interest of all concerned, cooperation of the public and the patrons of both cemeteries is earnestly solicited.

HISTORY

Thomas Jonathan Jackson was buried on May 15, 1863 in the Oak Grove cemetery. At that time it was owned and operated by the Lexington Presbyterian Church, of which Jackson was a deacon, which had established a cemetery in 1797 in its churchyard near the intersection of South Main and White Streets. The cemetery remained where it is now located when the church moved to a new location at the corner of Main and Nelson Streets. Since 1853 the cemetery has been operated as a public burial ground, not restricted to Presbyterians alone, as had been done in earlier years. Lexington gave money for the purchase of land in 1880 to enlarge the cemetery, and thereafter contributed a small annual sum towards its upkeep. Minutes of the Board of Deacons of the Presbyterian Church reveal that in 1897 the church owned the property in fee simple, but regarded funds or property derived from cemetery operations as trust property for the benefit of the community. The church continued to operate the cemetery, but under trustees and a budget separate from usual church operations. Thus appears to have begun the trust fund which continues to this day to provide funds to the City for operation and maintenance of the cemeteries. All responsibilities and properties of the Oak Grove Cemetery were transferred from Presbyterian Church trustees to the town under a Trust Deed and agreement dated April 1, 1949.

Recognizing a need to provide for proper burial of its black citizens, Lexington in 1880 acquired the property now known as Evergreen Cemetery. Remains buried in an old cemetery at another location were moved to Evergreen, and the former property was sold in 1946. Although the cemetery was municipally owned, a board of trustees from the black community managed and cared for the grounds until 1971, when the City assumed responsibility for care and maintenance as it had already done at Stonewall Jackson.

Although historically segregated by race, the cemeteries are administered under a completely non-discriminatory policy as stipulated more fully in the regulations which follow.

OPERATIONS

Evergreen and Oak Grove Cemeteries are owned and operated by the City of Lexington, Virginia, as a public service under Chapter 6 of the City Code. As properties of the City, the cemeteries are directly supervised and controlled by City Council, acting through the office of the City Manager, who has designated the Director of Public Works, herein referred to as the “Director” to be responsible for day- to -day cemetery operations. As used in these regulations, the term “Management” refers to the Public Works Department, which exercises administrative and managerial control of the cemeteries on behalf of the City Manager.

The boards of the two cemeteries were merged in 1973, and an Advisory Board of citizens was appointed to advise Council on matters pertaining to operation of both cemeteries. The Advisory Board has no authority of its own, and is responsible for making recommendations to Council concerning fees, costs, expenses, security, landscaping, grounds care and rules and regulations for governing the cemeteries.

Funds to operate and maintain the cemeteries are derived from three sources:

1. Appropriation of public funds in the City’s annual operating budget to provide for public services. This is the major source of maintenance and operating funds.
2. Fees charged for burial services. Rates are set to reimburse the City for portion of the costs of labor and materials provided and are adjusted by City Council through the annual budget process.
3. A perpetual care trust fund. This fund, which is empowered to receive gifts and bequests, generates interest income that is deposited periodically in the City’s general fund to assist in the financing of cemetery operating costs.

1. GENERAL RULES

Lot Ownership

1.1 Lots are sold for no purpose other than for the burial of human remains without regard to age, sex, race, color, creed, religion, place of residence, and national origin.

1.2 Payments for spaces and/or opening closing services are due on receipt of invoice, and are subject to the City’s established collection procedures. A schedule of lot costs and opening and closing costs is maintained in City offices.

1.3 When a lot is conveyed by the City to two or more persons, they take title as tenants in common. In such case, upon the death of one, his interest goes to his heirs.

1.4 As a certificate to a lot conveys only the right of burial therein; Management retains control and supervision of all lots which have been sold. It is management’s duty to enter upon

any lot and prohibit, modify, or remove any structure, any object, improvement, or adornment on such lot which may be placed thereon in violation of the rules, or which is unsightly, objectionable, or injurious to the lot or adjoining lots, or the general appearance of the cemeteries. Failure to utilize a lot within fifty (50) years from the date of sale, without an express written indication of an intention to hold such lot for use, shall result in, after publication for two consecutive weeks in a paper having local circulation of an advertisement to the effect that said lot is being reclaimed, and after mailing of a letter to the last known address of the lot holder, the reversion of the lot to the City for resale. Such 50 year period shall be extended by the receipt of a written letter of intention for another like period.

1.5 The owner of a lot should designate in writing to Management the names of those to be interred upon the lot.

1.6 Upon the death or judicially declared incompetency of a lot owner, it is the duty of the heirs, devisee, or guardian to file with Management competent proof of their right to use of the lot.

1.7 All corners and boundaries will be delineated by Management at the time plots are sold.

Lot Care and Maintenance

1.8 Perpetual Care is provided on all lots. Perpetual Care is defined as only care of grass and the removal of trash and litter. Management will exercise reasonable care to protect all property within the cemeteries from loss and damage resulting from causes beyond its control. The City does, however, reserve the right to correct damages that may be required to preserve appearances or to prevent further injury or persons or property.

1.9 Lots shall not be filled above established ground level.

1.10 Ownership of a lot does not confer the right to make any plantings, to erect any coping or enclosure around the lot or grave, nor to place any other structure upon the lot except as provided under Section 4 of these Regulations.

1.11 In order to achieve proper landscaping effects, all planting will conform to the landscape master plans adopted by the City Council. Actual planting will be done by City employees or by qualified nurserymen approved by the Director. Flowering plants and bulbs will not be permitted on burial lots.

1.12 All plantings made on cemetery grounds become the property of the cemeteries. Any shrub, or other plant, which becomes detrimental to other plants or to an adjacent lot or which may interfere with the plan of development, may be removed or trimmed without notice to the donor or to the owner of the lot on which planted.

1.13 In order to avoid interference with mowing operations and grounds care and to prevent unsightly appearance resulting from breakage and neglect, the following conditions govern decoration and ornamentation of graves:

a. Live or artificial wreaths, flowers and potted plants, and other appropriate flags, emblems and special markers are permitted on religious and patriotic holidays, and on special family occasions such as birthdays and anniversaries. Items may be placed by individuals or authorized representatives of religious and patriotic organizations, and must be removed by the persons responsible not later than ten days after being placed. Any item placed on a grave may be removed at any time by cemetery personnel to facilitate grounds care or to maintain orderly appearances. Upon request at the Cemetery Office, any baskets or other materials may be stored at the storage house for a period not to exceed one week. If not retrieved, such stores items will be disposed of.

b. Any permanent receptacle for cut flowers must be constructed so that it can be sunk even with the ground surface.

c. Floral and other decorations will be removed from a new grave at the discretion of the Director.

d. Signs, bulletins, posters, or advertising of any kind, glass or other breakable covers or containers for markers, wreaths, flowers, or other decorations are not permitted in or on cemetery property.

2. INTERMENTS

2.1 All interments shall be made at the expense of the lot owner, and the work shall be done by Cemetery employees only. A current schedule of charges for burial services is maintained at Cemetery and City offices.

2.2 All interments must be within a concrete vault or approved receptacle.

2.3 Notice for opening a grave shall be given sufficiently early to allow 12 hours of daylight for the work.

2.4 No more than one casket or no more than six urns containing the ashes of cremated remains will be permitted in a single burial space.

2.5 While a funeral or interment is being conducted nearby, all work of any description shall cease.

3. DISINTERMENTS

3.1 No change of location after interment will be made except at the expense of the lot owner and Management shall not be responsible for any mistakes occurring from the want of precise and proper instructions as to the location of the grave or lot.

3.2 Persons desiring to arrange for removals must make such arrangements at the Director's office. Authority to make the removal must be signed by the next of kin of the decedent or executor of the estate. When such authority is filed, and the total cost of removal is paid, a permit for the removal will be issued by the Director.

3.3 When remains are to be removed from any Cemetery it will be necessary to make such removal in accordance with all local ordinances, and state statutes and regulations.

3.4 Unless authority in writing is filed with the Director, as above provided, no disinterment will be made, for an autopsy or any other purpose, unless the City is directed to make such a disinterment by the order of a court of competent jurisdiction.

3.5 Disinterments will be made by Cemetery employees only. Management will exercise utmost care in making a removal, but will not assume any liability for any damage resulting there from.

3.6 Cost of disinterment will be charged to the lot owner or duly authorized representatives.

4. MONUMENTS

4.1 As used herein, terms used to describe physical structures that mark graves are defined as follows:

“Monument” - an upright memorial stone or other marker placed at a grave or on a lot; a tombstone.

“Marker” - a flat stone or metal slab that is installed level with the ground.

“Mausoleum” or “Vault” - a structure built above ground level for the containment of bodies’ remains.

4.2 Plans for monuments, markers, or other structures to be placed at a grave site must be submitted to Management for approval prior to installation.

4.3 Management shall have authority to reject any structure that is considered inappropriate as to size, design, workmanship, inscription, ornamentation, or kind and quality of stone or metal. Photographs and materials that are breakable or non -durable are not permitted on monuments and other structures.

4.4 Sound foundations are required for all monuments, markers, and other structures, and will be constructed by the monument dealer. It is required that monument suppliers consult with Management to determine specifications for foundations.

4.5 All work connected with the setting or erection of markers and monuments of any kind will be done under supervision of Management, and must conform to highest standards of craftsmanship.

4.6 In certain designated areas of Oak Grove Cemetery upright stones and monuments are prohibited. Approved markers that are installed level with the surface of the ground are required in these areas, and are permitted elsewhere, as well.

4.7 There are certain lots where Management may permit the erection of a mausoleum or vault. In no case will permission for the erection of a mausoleum or vault be granted when, in the opinion of Management, the lot is not suitable for the location of same. Before any

mausoleum or vault is erected, the owner must deposit with the Management the sum of money estimated by it to be sufficient to yield an income for the proper care of such structure in perpetuity. Immediately upon completion of any mausoleum or vault, one key to each lock on or in the same must be deposited in the office of the Cemetery Director to remain permanently in the custody of Management.

4.8 Any monuments or other structures erected upon a lot or grave must be placed within the boundaries of the space it is intended to mark.

4.9 The installation of ledgers, also known as “slabs”, “headboards”, and “footboards” is not permitted.

4.10 Perpetual care does not include the maintenance of monuments. Maintenance of monuments and fences are the responsibility of the lot owner.

4.11 All material excavated for foundations, footers, or monuments shall be deposited only in a location designated by Management.

5. VISITORS/TRAFFIC

5.1 Visitors are welcome in the cemeteries except when they are closed as posted at entrances, and during hours of darkness.

5.2 Noisy, boisterous, disorderly, or mischievous behavior is prohibited, and picnicking and alcoholic beverages are not permitted.

5.3 Leashed dogs and other pets are allowed in the cemeteries. Pet owners are required to pick up and properly dispose of their pet’s waste.

5.4 Unauthorized persons are forbidden under penalty of law to kill, wound, or trap any bird or animal within the limits of the cemeteries, or to remove the young of any animal or the eggs of any bird.

5.5 Visitors to the cemeteries who are not members of the funeral procession or party are forbidden to intrude upon a funeral party or to loiter about an open grave.

5.6 Pedestrians have the primary right to use of the roads, and all vehicle drivers are required to observe the right by careful driving and strict adherence to the rules.

5.7 All general cemetery traffic, including motorcycles and bicycles, are restricted to paved roadways.

5.8 Admission of vehicles upon the roads of the cemeteries will be permitted as a privilege and not as a right inherent to ownership of a lot, or otherwise. As a privilege it is restricted to those who observe the traffic rules adopted by Management.

5.9 The speed limit for vehicles is 10 miles per hour.

5.10 Vehicles are not permitted to turn around on cemetery roads, but must go around the section, and are not permitted to pass vehicles going in the same direction when both vehicles are moving.

5.11 The sounding of horns, sirens, or other signals within cemetery grounds is prohibited.

5.12 Any driver who operates his vehicle in such a manner as to cause injury or damage to cemetery property shall be required to pay for repairs.

(Excerpt from draft May 14, 2019 minutes of the Cemetery Advisory Board)

4. NEW BUSINESS:

b. Discussion on cemetery policy prohibiting dogs: J. Grover said that she would like for the cemeteries to be more like a park and therefore would like to allow dogs as long as they are picked up after. M. Newman agreed and added that there would need to be trashcans made available for people to toss what they have picked up from their pets. J. Martone said that currently the staff person at the cemeteries does not enforce the dog policy unless the dog is not on a leash. J. Grover suggested adding a doggie bag dispenser at the cemeteries. **J. Hardin moved to recommend amending the cemetery policy to allow leashed dogs on the condition that an owners pick up after his or her pet. M. Newman seconded, and the motion carried unanimously.**