

SINKING SPRING CEMETERY RULES AND REGULATIONS

The following rules and regulations shall apply to all future burials in Sinking Spring Cemetery and all of its sections, including the original section of Sinking Spring Cemetery, as well as the Scott-Campbell Addition and the Penn Addition.

Pursuant to Resolution of the Trustees of Sinking Spring Presbyterian Church, dated April 19, 1944, all burial sites located in the original section of Sinking Spring Cemetery have previously been appropriated and as a result no one further shall be buried in that section, except within a noted/identifiable family square to which an individual in accordance with appropriate state law can prove entitlement to.

I. Interment Regulations

A. INTERMENTS - The Town of Abingdon shall accept the notarized statement of one (1) next of kin of a decedent for the purpose of authorizing the burial of that decedent or of his or her cremains in a square or lot in the cemetery, which statement shall include an affirmation that there exists a right for the burial in such square or lot, unless said Town is, at the time of the receipt of such notarized statement, on written notice that there exists a dispute between the next of kin over such burial; and, in case of such dispute, said Town shall have no obligation to allow the burial until there is an agreement of all next of kin or until there is a Court order adjudicating the issue. For the purpose thereof, "next of kin" means any of the following persons, regardless of relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains or cremains upon his or her death pursuant to Section 54.1-2825 of the 1950 Code of Virginia, as amended, the legal spouse, child over eighteen (18) years of age, custodial parent, non-custodial parent, siblings over eighteen (18) years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over eighteen (18) years of age, or any other relative in the descending order of blood relationship.

B. GRAVE OPENINGS. All openings shall be subject to the prior approval of the Town or its designated representative. All gravesites shall be located by and dug under the direction and supervision of the Town Manager or his designated representative. The Town Manager or his designee shall keep a record of all future persons buried, date and location of grave. The Town shall be given at least 24 hours notice before the opening and preparation of the grave prior to interment.

C. VAULT. All burials, except for cremains, shall require a vault, either steel or concrete.

D. HUMAN REMAINS. All burials shall be restricted to the remains or cremains of human beings.

II. Ownership and Title of Lots

A. OWNERSHIP RIGHTS. The term ownership of a cemetery lot shall be construed to mean the right to use a lot or part thereof for burial purposes of the remains or cremains of bodies or human beings only. All lots are exempt from taxation and cannot be attached, levied on or encumbered in any way by the Town of Abingdon.

B. TRANSFER OF TITLE AFTER DEATH. When any person dies owning a cemetery lot, which has not been used for such person's burial, the Town shall transfer ownership of such cemetery lot to such deceased person's proper successor or successors upon presentations to the Town of proper documentation for the transfer, such as a copy of a duly probated will or a duly recorded List of Heirs.

C. TRANSFER OF TITLE BY LIVING OWNERS. Title to cemetery lots may be transferred by any living owner upon application to the Town for such transfer. Upon proper application being filed by the new owner, the Town shall issue a certificate in the name of the new owner and the certificate of the former owner is cancelled.

III. Decorations and Landscaping

A. As soon as flowers, wreaths, emblems, etc. used at funerals or placed on graves at other times become faded, they will be removed and no responsibility for their protection or maintenance is assumed by the Town. .

B. No planting of trees of any type will be permitted within the confines of the cemetery property without express permission from the Town Manager or his designee.

IV. Future Monuments and Markers

A. DEFINITIONS:

1. *Marker* - a small individual memorial that is intended to be inscribed being 12" x 24" or larger, placed at either the head or foot of the grave and sometimes referred to as a headstone or tablet.

2. *Monument* - A large memorial placed on a lot to indicate one or more graves.

B. No monument or marker can be set in the cemetery except by a person, firm, or corporation without written permission issued by the Town to do work and such permission will not be issued by the Town until satisfactory evidence is furnished that the applicant is qualified to perform the work for which employed. The Town may revoke permission at any time for violation of the cemetery rules or other causes.

C. The use of stone not of monument quality to mark a lot or grave is expressly prohibited.

The base and die of all monuments must be of the same material. The base must be of sufficient depth to fit the established grade. All joints to monument work must be leaded or be made with use of an appropriate compound. Portland cement preparations may not be used for this purpose.

Foundations for monuments and markers shall be installed by the monument dealer and shall be of good concrete, at least two and one half (2.5) feet deep for a monument and one and one half (1.5) feet deep for a marker. The foundation must be at least as wide and long as the base stone resting upon it. Foundations shall be finished true and level and two (2) inches below the surface of the ground where lowest. All stone work shall have the surface next to the foundation cut sufficiently true and level to allow every part to be in contact with the foundation. The use of sprawls, chips, or underpinnings between the stone and foundation, or the irregularities or other defective workmanship in the base stone will not be allowed. Whenever a foundation spans a grave opening, reinforcing steel shall be placed in the concrete as is deemed necessary by the Town Manager or his designee.

The monument dealer will set all stones under the supervision of the Town Manager or his designee. Persons working in the cemetery are prohibited from attaching ropes, chains, or cables to trees, shrubs or other objects without permission

Monument dealers and/or workers who do not observe the regulations and properties of the cemetery will be prohibited from working in the cemetery. The Town will not assume any responsibility or liability for accidents or damage to monuments resulting from the ordinary hazards of cemetery work. However, the Town will use reasonable care in engaging competent and experienced workmen and in seeing that they do their work with customary carefulness.

V. Miscellaneous

A. No person shall injure or deface any part of the cemetery enclosure or grounds or any burial lot or grave or any monument or marker. Nor shall any person destroy or injure any tree, shrub, vine, plant, or flower therein.

B. No firearms or fireworks shall be discharged on cemetery grounds at any time except in the course of military funerals.

C. These rules and regulations may be amended or modified from time to time by the Town Council.

VI. Responsibility, Enforcement, Exceptions

A. The Town will take all reasonable precautions to protect lot owners and the property rights of lot owners from loss or damage, but to the extent allowed by law the Town distinctly disclaims all responsibility for loss and damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or other of any military or civil authority, whether the damage be direct or indirect.

B. Special cases may arise in which the literal enforcement of a rule would impose unnecessary hardship. The Town Manager reserves the right to make exceptions, suspensions or modifications of any of these rules and regulations without notice, when in the judgment of the Manager, such actions appear necessary. Such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such rules and regulations.

