



Rules and Regulations Governing City-Owned Cemeteries

By the Danville City Council
Adopted July 19, 2011
Resolution No. 2011-07.04



INDEX



SECTION I	Definitions	3
SECTION II	General Supervision.....	5
SECTION III	Interments and Disinterments Generally	5
SECTION IV	Disinterments and Removals	9
SECTION V	Service Charges.....	9
SECTION VI	Burial Rights of Plot Owners	10
SECTION VII	Transfers or Assignments	11
SECTION VIII	Control of Work by City.....	12
SECTION IX	Chapel.....	13
SECTION X	Decoration of Plots	13
SECTION XI	Roadways and Replatting.....	14
SECTION XII	Conduct of Persons Within the Cemetery	14
SECTION XIII	Fees and Commissions.....	18
SECTION XIV	Protection Against Loss	18
SECTION XV	Change in Address of Lot Owners.....	18
SECTION XVI	Perpetual Care	18
SECTION XVII	Rules for Memorial Work.....	21

These Rules and Regulations were adopted by the Council of the City of Danville on July 19, 2011, pursuant to Resolution Number 2011-07.04.

INTRODUCTION

For the mutual protection of all purchasers of lots or plots in City owned cemeteries, identified as Highland Burial Park, Mountain View Cemetery, Schoolfield Cemetery, Green Hill Cemetery, Grove Street Cemetery, Freedmans Cemetery, Oak Hill Cemetery, and Leemont Cemetery, the following rules and regulations shall govern the ownership, use and control of all of said lots or plots, as well as any amendment which may hereafter be adopted by the Council of the City of Danville, and the reference of these rules and regulations in the Certificate of Ownership or in the Option Agreement, or in the recorded plat shall have the same force and effect as if these rules and amendments were set out therein in full.



SECTION I Definitions



RULE 1. CEMETERY – The term “Cemetery” is hereby defined to include a burial park for earth interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one, or more than one, thereof.

RULE 2. PLOT – The term “Plot” shall apply to a space of sufficient size to accommodate one adult interment, approximately 4 x 10 feet.

RULE 3. LOT – The term “Lot” shall apply to numbered divisions as shown on the Record Plat, which consists of four (4) or more plots.

RULE 4. INTERMENT - The term “Interment” shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.

RULE 5. MEMORIAL - The term “Memorial” shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn or crypt and niche plates.

RULE 6. MONUMENT – The term “Monument” shall include a tombstone or memorial of granite, or other material, which shall extend above the surface of the ground.

RULE 7. MARKER – The term “Marker” means a memorial flush with the ground.

RULE 8. LOT MARKER - The term “Lot Marker” means a concrete or other suitable material used by the City to locate corners of the lot or plot.

RULE 9. CERTIFICATE OF OWNERSHIP - The term “Certificate of Ownership” shall apply to the original conveyance given by the City of Danville to the original purchaser.

RULE 10. OWNER’S DECLARATION OF RESERVATION - The term “Owner’s Declaration of Reservation” shall apply to the document executed by the owner in the presence of the management, designating and specifying the person or persons entitled to burial in the lot or plot for which a Certificate of Ownership is held.

RULE 11. CITY COUNCIL OF DANVILLE, VIRGINIA – Whenever in these rules the word “City” is used, it shall apply to and mean the City of Danville, a municipal corporation of Virginia. Whenever the word “Council” is used herein, same shall mean and apply to the City Council. Whenever the word “Management” is used herein, it shall mean and apply to the City Manager or the properly designated agents and employees of the City of Danville.

RULE 12. HOLIDAYS – The word “Holidays” shall be held to mean any and all days observed by the employees of the City of Danville and authorized by the Council.

RULE 13. CITY RESIDENT – A City resident shall mean any registered voter or anyone who is eligible to vote.

RULE 14. ORDINANCE – The terms and provisions of Ordinance Number 2011-07.11, adopted by the Council of the City of Danville on July 19, 2011, including any subsequent amendments thereto, are by reference made a part of these Rules and Regulations.



SECTION II General Supervision



RULE 1. ADMISSION TO CEMETERY

The City of Danville, a municipal corporation of Virginia, reserves the right to compel all persons driving motor vehicles into City owned cemeteries to bring their machines to a full stop at the entrance, and further reserves the right to refuse admission to the cemetery grounds, and to refuse the use of any of the cemetery facilities at any time to any person or persons which the City may deem objectionable.

RULE 2. SUPERINTENDENT IN CHARGE OF FUNERAL

All funeral processions, on entering the Cemetery grounds, shall be under the control and supervision of the Cemetery Superintendent or his assistants. However, this rule shall not alter the responsibility of the funeral director in being present and conducting the burial services as provided by the laws of the State of Virginia and the rules and regulations governing the Cemetery.

RULE 3. CASKET NOT TO BE DISTURBED

Once a casket containing a body is within the confines of the Cemetery, no funeral director, or his embalmer, assistant, employee or agent, 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.



SECTION III Interments and Disinterments Generally



RULE 1. SUBJECT TO LAW

In addition to these rules and regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted authorities of the City, County, and State.

RULE 2. TIME AND CHARGES

All interments, disinterments, reinterments, removals, equipment, and services must be made at the time and in the manner and upon such charges as set by the City Council of Danville as confirmed by, scheduled and approved by Cemetery Superintendent.

RULE 3. SUNDAYS AND HOLIDAYS

Interments will be permitted on Saturdays, Sundays, and Holidays, except Christmas Day; however, in such cases, an extra charge will be made to open the grave. Such charge, as set by the City Council, will be in lieu of the standard charge on normal workdays, Monday through Friday. No disinterments or removals shall be permitted on Saturdays, Sundays, or Holidays; Holidays being defined as New Year's Day, Martin Luther King Jr. Day, Easter Monday, Memorial Day, Fourth of July, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas Day. In the event the Holiday falls on a Saturday, then the Holiday shall be moved back one day. In the event the Holiday falls on Sunday, it shall be moved forward one day. The City may refuse to make an interment until a more expedient time if the remains arrive at the Cemetery gate after 5:00 p.m.

RULE 4. NOTICE

The Management shall be notified by the funeral director at least twenty-four (24) hours prior to any cremation or interment, and at least one (1) week prior to any disinterment or removal and all times and prices shall be confirmed with the Cemetery Superintendent. When the Management receives less than a twenty-four (24) hour notice, an additional fee, as set by City Council, will be applied to the opening charge. The City reserves the right to reject any and all notices less than twenty-four (24) hours.

RULE 5. APPLICATION FOR INTERMENT

The Management reserves the right in the absence of the Owner's Declaration of Reservation to refuse cremation, or interment in any plot, and to refuse to open any burial space for any purpose, except on written application by the plot owner of record made out on blanks provided by the Management and duly filed in the office of the Management.

RULE 6. BOXES OR VAULTS

Every earth interment shall be made enclosed in, a steel vault, a concrete vault, or concrete box provided by the funeral director, and shall be of a type approved by the Management and must be installed by the funeral director, with a minimum earth cover of twelve (12) inches, under the supervision of the Cemetery Management. A vault permit fee, as set by City Council, shall be collected for each vault installation.

RULE 7. LOCATION OF INTERMENT SPACE

When instructions regarding the location of an interment space in a lot cannot be obtained and/or are indefinite, or when for any reason the interment space cannot be opened where specified, the Cemetery Superintendent may, at his discretion, open it in such location of the lot as he deems best and proper, so as not to delay the funeral; and the City of Danville shall not be liable in damages for any error made.

RULE 8. ORDERS GIVEN BY TELEPHONE

The City shall not be held responsible for any order given by telephone, or for any mistake occurring from want of precise and proper instructions as to the particular space, size and location in a lot where interment is desired.

RULE 9. ERRORS MAY BE CORRECTED

The City of Danville shall have the right to correct any error that may be made by it either in making interment, disinterment, or removal, or in the description, transfer or conveyance of any interment property either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management, or in the sole discretion of the City of Danville, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in a different location, the Management shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Management shall also have the right to correct any errors made by placing an improper inscription, including an incorrect name or date, either on the memorial or on the container for cremated remains.

RULE 10. DELAYS IN INTERMENTS CAUSED BY PROTESTS

The City of Danville shall in no way be liable for any delays in the interment of a body where a protest against the interment has been made, or where the rules and regulations have not been complied with; and further, said City shall have the right, under such circumstances, to place body in the receiving vault until full rights have been determined. The Management shall be under no duty to recognize any protests of interments unless they are in writing and filed in the office of the Management.

RULE 11. NOT RESPONSIBLE FOR EMBALMING OR IDENTITY

The Management shall not be liable for the interment permit for the identity of the person sought to be interred or cremated; nor shall the Management be liable in any way for the embalming of the body.

RULE 12. NO INTERMENT PERMITTED UNLESS PROPERTY PAID FOR

- (a) No interment, except as otherwise provided shall be permitted on or memorial placed in or on any lot or plot in City-owned cemeteries where the purchase price therefore has not been paid in full.
- (b) At time of need, one plot may be purchased; upon written request, the City will hold adjoining plot or plots (three or less) for ninety days to allow families to make financial arrangements. If, at the completion of ninety days, arrangements have not been completed and the adjoining plot or plots have not been paid for in full, the City may dispose of the adjoining plot or plots as provided for.
- (c) Should a person or family elect to purchase only one plot at time of need and desire the City to hold additional plots for the ninety-day period, such person or persons shall execute a written agreement for such option on contracts provided by the City for such purpose.

RULE 13. INTERMENT OF MORE THAN ONE BODY

No more than one body, or the remains of more than one body, shall be interred in one grave, vault, crypt or niche, except in the case of a mother and newborn baby, unless such grave, vault, niche, or crypt has been purchased with the written agreement that more than one body, or the remains of more than one body, may be interred, or by written consent of the Management, and provided proper identification is made of such interment or interments on one regulation crypt, niche, memorial or marker.

RULE 14. INTERMENT IN CHURCH OR LODGE PLOT

Where a lot is owned by a church, lodge, business, or other society, interments shall be limited to the actual members of the organizations, and/or husbands and wives, and to immediate members of families of members, unless otherwise provided in the Certificate of Ownership.



RULE 15. EQUIPMENT

The use of tents, artificial grass, lowering devices, chairs, and other equipment owned by the City in connection with the operation of City-owned cemeteries shall be an additional charge with the funeral director when making interments, disinterments and removals. The charge for the use of such equipment shall be set by City Council.

When the funeral director elects to furnish his own equipment, under no circumstances will any firm name or advertising be permitted on the equipment used in the cemeteries and the funeral director shall remove his equipment from the cemetery within seventy-two hours of the time it was erected. The City of Danville will not be responsible for any equipment erected in any City-owned cemetery, other than that owned by the City of Danville.

RULE 16. BURIAL OF INDIGENTS

- (a) The City may designate certain areas or plots in a City-owned cemetery or cemeteries as it deems appropriate, and if available for the burial of indigents. When such plot is used for the interment of an indigent, there will not be a charge for the plot so used.
- (b) The only persons qualifying for the use of such plots shall be City residents at the time of their death and those for whom the Danville Division of Social Services agrees to provide funds for the standard charge for the opening and closing of a grave.
- (c) Burials of indigents shall not be allowed on Saturdays, Sundays, or Holidays.

 SECTION IV 
Disinterments and Removals

RULE 1. REMOVAL FOR PROFIT PROHIBITED

Removal by the heirs of a body or cremated remains so that lot or plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot or lot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

RULE 2. MAY OBTAIN LARGER PLOT

A body or cremated remains may be removed from its original lot or plot to a larger or better lot or plot in the cemetery, where there has been an exchange or purchase for that purpose.

RULE 3. CARE IN REMOVAL

The Management shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket, burial case, vault, or urn incurred in making the removal.



SECTION V Service Charges



RULE 1. PAYMENT OF SERVICE CHARGES

The charges for the services in connection with an interment must be paid at the time of the issuance of the order for interment or disinterment and/or removal.



SECTION VI Burial Rights of Plot Owners



RULE 1. RIGHT OF INTERMENT UNDER OWNER'S DECLARATION OF RESERVATION

At the time of purchase of a lot or plot, or at any time thereafter during the purchaser's or transferee's lifetime, and in accordance with these rules and regulations, the owner, or owners of any such lot or plot may present his or her or their Certificate of Ownership and execute in the Office of the Management a Declaration of Reservation, therein specifically designating the persons entitled to be buried in any or all of the plots in said lot, or vesting the right of designation for unreserved plots in a named person. No other person may be buried in any plot designated by the owner, or owners, in the Declaration of Reservation except by an Amended Declaration of Reservation, executed by the owner, or owners, in the office of the Management.

The owner, or owners, of any lot may in the Declaration of Reservation limit the persons entitled to be buried in said lot to those persons designated in the Declaration of Reservation.

In the event the owner, or owners, fail to designate burial rights as to each plot in said lot, or fail to limit burials in said plot to those designated in the Declaration of Reservation, then, as to the plots not designated, the right of burial shall be as provided in Section VI, Rule 2, Paragraph (b) hereof.

Upon application by any person for interment of a body in a given plot, the burden of proof as to the identity of the person to be interred rests upon the applicant; and no liability shall rest upon or be chargeable to the City in case of a false statement in said application; but the City will make diligent effort to see that only persons entitled to be buried in a given plot are so interred.

RULE 2. RIGHT OF INTERMENT IN ABSENCE OF OWNER'S, SURVIVING SPOUSE OR CHILDREN OF OWNER'S, DECLARATION OF RESERVATION OR TRANSFER OF A LOT

In the absence of a Declaration of Reservation or transfer of a lot by the registered owner, the owner's surviving spouse or the children of the owner and surviving spouse, the right of interment shall be in the following order:

- (a) One plot, niche or crypt shall be forever reserved for the owner and one for the owner's surviving spouse, if any.
- (b) The remaining plots in said lot shall be held in trust by the City for burial of the following persons in the order of their death and a request for burial, to wit:
 - (1) The children of the owner, or owners, and their respective spouses.
 - (2) Lineal descendants of the owner, or owners, and their respective spouses.
 - (3) Parents of the owner, or owners.

RULE 3. VESTED RIGHTS OF LOT OWNERS

The burial rights in all lots and plots conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the Certificate of Ownership, in accordance with these rules and regulations; provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which shall continue as long as he or she shall remain the husband or wife of the plot owner or shall be his or her wife or husband at the time of such plot owner's demise. No conveyance or transfer shall divest the husband or wife of an owner of his or her vested right of interment without the joinder therein executed by the spouse in the office of the Management.

RULE 4. INALIENABILITY OF CEMETERY LOTS

All lots, the use of which has been conveyed in a Certificate of Ownership, are indivisible.

Whenever an interment of the remains of a member, or of a relative of a member of the family of the record owner, or of the record owner, is made in a lot, the lot thereby becomes inalienable and shall be held as the family plot of the owner, except as otherwise provided by Owner's Declaration of Reservation.

 SECTION VII 
Transfers or Assignments

RULE 1. CEMETERY LOTS AND/OR PLOTS NOT TO BE BEQUEATHED

No Cemetery lot or plot may be bequeathed or devised by will as is other property or real estate, nor shall same descend according to the laws of descent and distribution.

RULE 2. CONSENT OF THE CITY OF DANVILLE

No transfer or assignment of any lot or plot, or interest therein, shall be valid without the consent in writing of the Cemetery Superintendent and such transfer or assignment must be executed in the office of the Cemetery Superintendent and upon forms provided by the City of Danville. The original Certificate of Ownership must be presented at the time application for transfer is made.

The City of Danville shall consent to transfer lots for the following persons in the order listed below:

- (1) Original lot owner or owners
- (2) Surviving spouse of owner
- (3) The children of the owner or owners

RULE 3. TRANSFER OF OPTION PROHIBITED

The City of Danville will refuse to consent to a transfer of any option to purchase, where a balance of the purchase price is still owing to the City.

RULE 4. TRANSFER CHARGES

All transfer of ownership in lots or plots shall be subject to a charge, as prescribed and approved by the Council, when transfer is recorded.

RULE 5.

Where that person or persons, named in the Certificate of Ownership, is/are deceased, and the legal heir, or should there be none, the duly appointed executor, shall have the right of disposing of remaining plots, provided same is done in accordance with Rules and Regulations of the City of Danville.

 SECTION VIII 
Control of Work by City

RULE 1. WORK TO BE DONE BY CITY OF DANVILLE

All grading, landscape work and improvements of any kind; all care on lots; all planting, trimming, cutting and removal of trees, shrubs, and herbage; all openings and closings of plots, and all interments, disinterments and removals shall be made by the City of Danville.

RULE 2. MANAGEMENT MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All improvements or alterations of lots and plots in the Cemetery shall be under the direction of, and subject to, the consent, satisfaction and approval of the Management, and should same be made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner, or, in any event, at any time, in his judgment, they become unsightly.

RULE 3. SALE OF EXCESS DIRT

The sale of excess dirt will be at the discretion of the Management, at a price as set by City Council. Loading will be at Management's discretion, convenience, and schedule. Only appropriate dump trucks will be loaded and a waiver of responsibility will be required prior to loading.

 SECTION IX 
Chapel

RULE 1. SUPERINTENDENT TO HAVE CHARGE OF CHAPEL

All arrangements of flowers must be made under the supervision and control of the Superintendent and/or his assistant.



SECTION X Decoration of Plots



RULE 1. FLORAL REGULATIONS

No flower receptacles may be placed on any plot or lot or in the mausoleum and/or columbarium, unless of metal of approved size and design, and, in the case of burial in a lot or plot, same shall be set wholly beneath the level of the lawn. The Management shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind, from the Cemetery as soon as, in the judgment of the Cemetery Superintendent, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standard maintained. The City of Danville shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the Cemetery. The Management shall not be responsible for frozen plants, or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control. The City of Danville City Council reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The Management reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind, unless the Superintendent gives his consent.

RULE 2. CERTAIN ORNAMENTS PROHIBITED

The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles upon plots shall not be permitted, and if so placed, the Management reserves the right to remove same.



RULE 3. URNS, ETC. SUBJECT TO APPROVAL

All fittings, adornments, urns, inscriptions, and/or arrangements of the crypts or niches shall be, and hereby declared to be, subject to the approval and control of, and acceptance or rejection by the City.

 SECTION XI 
Roadways and Replatting

RULE 1. RIGHT TO REPLAT, REGRADE AND USE PROPERTY

The right to enlarge, reduce, 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 regrade roads, drives and/or walks, or any parts thereof, is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines and/or gutters for sprinkling system, drainage, lakes, etc. is also expressly reserved, as well as is the right to use Cemetery property not sold to individual lot owners for Cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The City of Danville reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

 SECTION XII 
Conduct of Persons within the Cemetery

RULE 1. MUST USE WALKS

Persons within the Cemetery grounds shall use only the avenues, walks, alleys and roads, and any person injured while walking on the grass, except that being the only way to reach his plot, or while on any portion of the Cemetery other than the avenues, walks, alleys or roads, shall in no way hold the City of Danville liable for any injuries sustained.

RULE 2. TRESPASSERS ON CEMETERY PLOTS

Only the plot owner, relatives, or those persons engaged in Historical Research, shall be permitted on the Cemetery plot. If any person, without the consent of the City of Danville, or lot owner, go or enter, upon the premises, property, driveways or walks of any cemetery owned by the City of Danville, other than to visit the burial lot or grave of some member of his family, he shall be guilty of a Class 4 misdemeanor.

RULE 3. INURIES TO CEMETERIES, BURIAL GROUNDS

If any person:

- (1) willfully and maliciously destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within any cemetery;
- (2) willfully or maliciously destroy, remove, cut, break, or injure any tree, shrub, or plant within any cemetery or lot of any memorial or monumental association;
- (3) willfully or maliciously destroy, mutilate, injure, or remove and carry away any flowers, wreaths, vases, or other ornaments placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard, or other place of burial; or
- (4) willfully obstruct proper ingress and egress to and from any cemetery or lot belonging to any memorial or monumental association, he shall be guilty of a Class 1 misdemeanor.

This section shall not apply to any work which is done by the authorities of a church or congregation, the City of Danville, or authorized by same, in the maintenance of or improvement of any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault.

RULE 4. MINORS

Minors shall not be permitted within the Cemetery or its buildings unless accompanied by proper persons to take care of them.

RULE 5. REFRESHMENTS

No person shall be permitted to bring food or refreshments within the Cemetery.

RULE 6. LOUNGING ON GROUNDS

Persons shall not be permitted to sit or to lounge on any of the grounds, graves, or monuments in the Cemetery or in any of the buildings.

RULE 7. LOUD TALKING

No loud talking shall be permitted on the Cemetery grounds within hearing distance of funeral services.

RULE 8. RUBBISH

The throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings is prohibited. Receptacles for waste material are located at convenient places.

RULE 9. AUTOMOBILES

Automobiles shall not be driven through the grounds at a greater speed than fifteen miles per hour, and must always be kept on the right hand side of the Cemetery roadway. Automobiles are not allowed to park, or to come to a full stop in front of an open grave, unless such automobiles are in attendance at a funeral. Cemetery drives are not to be used as a driving range in the teaching of vehicle operation.

RULE 10. BICYCLES AND MOTORCYCLES

No bicycles or motorcycles shall be admitted to the Cemetery except such as may be in attendance at funerals or on business.

RULE 11. PEDDLING OR SOLICITING

Peddling of any kind or soliciting the sale of any commodity, other than by the City of Danville is positively prohibited within the confines of the Cemetery.

RULE 12. FIREARMS

No firearms shall be permitted within the Cemetery except on special permit from the Management or must be in compliance with the Commonwealth of Virginia laws.

RULE 13. NOTICES AND ADVERTISEMENTS

No signs, notices or advertisements of any kind shall be allowed in the Cemetery unless placed by the Management.

RULE 14. DOGS

Pets or animals shall not be allowed on the Cemetery grounds or in any of the buildings.

RULE 15. TIME GROUNDS AND OFFICE OPEN

- (a) The Cemeteries shall be open during the following times for the purposes as indicated:
- (1) Conduct of Services – From 8:00 a.m. to 6:00 p.m. Monday through Friday, excluding Holidays. On Saturdays, Sundays, and Holidays as specifically authorized in advance by the Management.
 - (2) Visiting of Plots or Lots – From sunup to sunset (dark).
 - (3) Cemetery Offices – From 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding Holidays. On Saturdays, Sundays, and Holidays as specifically authorized in advance by the Management.

RULE 16. IMPROPRIETIES

It is of the utmost importance that there should be strict decorum observed at all times within the Cemetery grounds, whether embraced in these rules or not, as no improprieties shall be allowed, and the City shall have power to prevent improper assemblages.

RULE 17. MANAGEMENT TO ENFORCE RULES

The Management is hereby empowered to enforce all rules and regulations, and to exclude from City-owned Cemeteries any person violating the same. The Superintendent shall have charge of the grounds and buildings, including the conducting of funerals, weddings, traffic, employees, plot owners and visitors, and, at all times, shall have supervision and control of all persons in the Cemetery.

RULE 18. PENALTY

Unless otherwise provided, any person convicted of violating any of the Rules and Regulations of this section shall be guilty of a Class 4 misdemeanor.

 SECTION XIII 
Fees and Commissions

RULE 1. FEES AND COMMISSIONS MAY NOT BE ACCEPTED BY EMPLOYEES

No person, while employed by the City of Danville, shall receive any fee, or commission for any service furnished in City-owned Cemeteries either directly or indirectly, under penalty of immediate dismissal.

 SECTION XIV 
Protection Against Loss

RULE 1. WHEN CITY OF DANVILLE IS NOT RESPONSIBLE

The City shall take reasonable precaution to protect plot owners and the burial rights of plot owners within the Cemetery from loss or damage; but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than a herein provided.

 SECTION XV 
Change in Address of Lot Owners

RULE 1. LOT OWNERS MUST NOTIFY MANAGEMENT

It shall be the duty of the lot owner to notify the Management of any change in his post office address. Notice sent to a lot owner at the last address on file in the office of the Cemetery shall be considered sufficient and proper legal notification.

 SECTION XVI 
Perpetual Care

RULE 1. PERPETUAL CARE OF LOTS

The term “perpetual care” used in reference to lots, shall be held to mean the cutting of the grass upon said plots at reasonable intervals, the raking and cleaning of the lots, the pruning of the shrubs and trees that may be placed by the City of Danville, meaning and intending the general preservation of the lots, grounds, walks, roadways, boundaries, and structures, to the end that said grounds shall remain and be reasonable cared for as Cemetery grounds forever.

RULE 2. PERPETUAL CARE OF CITY OWNED MAUSOLEUM AND/OR COLUMBARIUM

Whenever and wherever the term “perpetual care” is used in reference to the mausoleum and/or columbarium, it shall be held to mean the cleaning and sweeping of the building at reasonable intervals, the replacement of broken glass, the keeping of the roof in repair, proper provision of locks and doors to prevent the entrance of prowlers or undesirable persons, meaning and intending the repair necessitated by ordinary wear.

RULE 3. PERPETUAL CARE EXCEPTION

The term “perpetual care” shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or plots, the planting of flowers or ornamental plants, the maintenance or doing of any special or unusual work in the Cemetery, mausoleum and/or columbarium; nor does it mean the reconstruction of any bronze work on any section or plot, or any portion or portions thereof in the Cemetery, mausoleum and/or columbarium, crematory, or other buildings or structures, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

RULE 4. INVESTMENT OF PERPETUAL CARE FUNDS

The money received for perpetual care shall be held in trust and invested as provided by law. The City Council reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company or corporation qualified to act as trustee for such funds.

RULE 5. EXPENDITURE LIMITED TO INCOME

Perpetual care, whether applied to lots, graves, mausoleum and/or columbarium space, or to any space within the confines of the Cemetery, shall be limited absolutely to the income received from the investment of the perpetual care fund – no part of the principal being expended – anything herein stated to the contrary notwithstanding.

RULE 6. FUNDS MAY BE DEPOSITED WITH OTHERS OF LIKE CHARACTER

It is understood and agreed between the purchaser and the City of Danville that all of the perpetual care funds shall be deposited in the official depository designated by the City Council to the end that the income from such accumulated perpetual care fund shall be used in the general improvement and

perpetual care as above defined; but in no case shall obligation of the Management be construed as a contract to care for any individual property or space other than as above defined; and the perpetual care of the Cemetery, mausoleum and/or columbarium may be limited to such care as can be provided with the net income received from the investment of such funds.

RULE 7. COUNCIL TO DIRECT EXPENDITURES

The income from the perpetual care fund shall be expended by the City Council in such a manner as will, in its judgment, be more advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the State applicable to the expenditures of such funds. The City Council is hereby given the full power and authority to determine upon what property, for what purpose, and in what manner the income from said fund shall be expended, and it shall expend said income in such a manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the Cemetery grounds, mausoleum and/or columbarium, and it may also expend said income for attorneys' fees and other costs necessary to preservation of the legal rights of the City of Danville in the operation of said Cemetery.

RULE 8. AMOUNT OF DEPOSIT FOR GROUND PLOTS

From the purchase price of any lot or plot, there shall be set aside for the perpetual care fund not less than that designated by Council. The City of Danville is prohibited from donating, giving or executing Certificate of Ownership for any lot or plot in any City-owned Cemetery to any person or persons, firms, corporations, or organizations, without the payment of the full amount of purchase price, unless otherwise provided.

RULE 9. RECORD OF DEPOSITS

The record books of this Cemetery, and the receipts issued by the City of Danville, shall show the amount of perpetual care fund that has been collected and set aside in each case.

RULE 10.

The City shall not be named as party to a will, or as an executor, for the purpose of administering funds, for care and maintenance of any lot or plot beyond that required by perpetual care, or for placing of flowers at designated times, and in the event it is named for such purposes, the City will not accept such responsibility.

 SECTION XVII 
Rules for Memorial Work

RULE 1. MONUMENTS, STONES AND ENCLOSURES

- (a) Monuments and Stones – There shall be no restrictions as to placement or inscriptions of monuments and stones in the old sections of the cemeteries so long as they do not interfere with the use and enjoyment of adjoining lots by their respective purchasers. In all sections of City-owned Cemeteries developed between the year 1955 and 1982, only bronze tablets or stone markers shall be allowed and they must be set level with the ground at the head or foot of each grave, except in the case of a monument, which shall be set in the center of the lot. All foundations must be placed by the suppliers. Unless otherwise specified, the head of a grave shall be away from the drive or path; and in such cases where the grave is immediately adjacent to a path or drive, the marker shall be placed at the head of the grave only.
- (b) Location of Monuments – Plans prepared by Carlisle C. Butler, Landscape Architect of Highland Burial Park Annex and approved by City Council will in all cases govern the location of monuments, stones and markers in Highland Burial Park Annex. All sections developed after 1981 in all cemeteries, all monuments shall have a four (4) inch concrete base extending from the monument, on all sides, flush with ground level, with a minimum depth of twelve (12) inches and/or as approved by Cemetery Superintendent.
- (c) Mausoleums – Mausoleums are permitted in all City-owned Cemeteries except sections developed after 1955.
- (d) Enclosures – All types of enclosures are prohibited.

RULE 2. BRONZE MARKERS

All bronze markers are to be purchased by the owner and placed by the supplier. No marker shall be placed without the written approval of the City of Danville, and any marker will be removed which does not comply with the standard rules and regulations of the cemetery. Markers shall be set on a concrete base by the supplier and approved by Cemetery Superintendent.

RULE 3. BRONZE MEMORIALS

To preserve uniformity, style, grade, and workmanship of bronze memorials, all such memorials shall be of the manufacture of such bronze material as is approved by the City and of such standard design and material prescribed by the City, excellence of quality, workmanship and design being considered.

RULE 4. NO METAL OTHER THAN BRONZE

No metal other than standard bronze as prescribed by the Management will be permitted in any memorial structure, mausoleum and/or columbarium.

RULE 5. MEMORIALS

- (a) No monument or organization marker shall be allowed on any lot or area less than one-hundred-sixty (160) square feet in Section 13 of Highland Burial Park, Section 5 of Mountain View Cemetery, or in any new sections to be developed. This applies to all new sections developed after 1955. With the exception of where an 8' x 10' lot is purchased, (this is only eighty (80) square feet or a two grave lot) in any of the new sections developed after 1955. The monument must go in alignment with all existing monuments and approved by Management.
- (b) Where two unrelated families or organizations own a lot containing the required one-hundred-sixty (160) square feet, one monument or organization marker shall be allowed in the center of the lot, with separate names, provided a written, notarized agreement bearing the signatures of the two parties involved is received by the City of Danville, prior to the request for a permit.

RULE 6. STANDARD SPECIFICATIONS

The following standard specifications are directed to the notice of manufacturers of bronze grave markers intended for placement in the cemetery. All markers or tablets are subject to the approval of the Management prior to placement, and acceptance or rejection shall be based upon the specifications contained herein:

- (1) All memorials, markers, and monuments shall be set on a concrete base provided by the supplier and approved by Management.
- (2) Sizes and Dimensions –
 - (a) Outside dimensions include flange
 - 1. Memorial: Width – not less than thirteen (13) and not more than twenty-four

(24) inches.

Length – not less than forty-two (42) and not more than sixty (60) inches.

2. Individual Markers: Width – not less than twelve (12) and not more than eighteen (18) inches.

Length – twenty-four (24) inches.

3. Baby Memorials: Width – not less than six (6) inches and not more than ten (10) inches.

Length – not less than twelve (12) and not more than twenty (20) inches.

4. Double Markers: Width – not less than twelve (12) and not more than eighteen (18) inches.

Length – not less than three (3) and not more than five (5) feet.

(b) Sloping Flange

1. Width – two (2) inches on both large and small markers

2. Height of flange of edges – not less than three-eighths ($3/8$) inches.

3. Thickness of metal – not less than three-sixteenths ($3/16$) inches.

(c) Attachment Bolts

1. Six (6) bronze attachment bolts on back face of each marker.

2. Diameter – not less than five-sixteenths ($5/16$) inches.

3. Exposed length – not less than three (3) inches.

4. Must be deformed for concrete setting.

5. Bolts may be cast integrally or attached by screw, threading not less than three-eighth ($3/8$) inches, in case lugs are on back face of casting.

(3) Materials

(a) Standard of quality – Bulletin No. 172-A of the U.S. Bureau of Standards on the subject of statuary bronze.

1. Proportions of materials as follows: 88% copper, 10% tin, 2% zinc a variation not exceeding 3% is permissible on each above material providing a minimum of 2% zinc must be used; all virgin metals must be used and mixed to a uniform alloy at proper temperature.

2. No other alloys of metals or combinations of materials acceptable.

(4) Designs

- (a) Standard designs are on display in the Cemetery.
- (b) Other than standard designs subject to approval before placement.

(5) Craftsmanship

(a) General Requirements

- 1. Markers shall be free from sand holes, pits and/or other imperfections, which mar the appearance of and/or impair the usefulness and stability of the finished markers.
- 2. All ornaments shall be clean and sharp, and all edges true and accurate to the standard dimensions defined herein.

(b) Lettering

- 1. Shall be carefully spaced and accurately set in line, both vertically and horizontally.
- 2. Names, dates, inscriptions and emblems shall be arranged so as to result in an artistic and neat appearing plate.
- 3. Style of lettering should be preferably round-faced classic, V-shaped classic, or flat-faced classic. Other styles of lettering subject to approval.

(6) Finish

(a) General Requirements

- 1. Castings shall be free from scale, sand pinholes and pits.
- 2. All ornamentation, face of letters and background shall be hand-chased, hand-tooled and burnished appropriately for a memorial tablet.
- 3. Matching of approved color and texture, as per sample marker, shall be done by an approved oxidize process.
- 4. No colored lacquer or lacquer-carrying-pigment shall be used.

(7) Stone Monuments - Sizes and Dimensions

- (a) Base width – not less than twelve (12) and not more than eighteen (18) inches.
Base length – not less than forty-two (42) and not more than sixty (60) inches.
- (b) Monument or Die shall not exceed width or length of base.
- (c) Total Height or Base and Die shall not exceed four (4) feet.
- (d) A four (4) inch wide by minimum two (2) inch depth concrete border shall be installed around the base of all monuments, flush with ground level, with a minimum depth of twelve (12) inches and/or approved by the Cemetery Superintendent.

(8) Individual and Double Stone Markers are permitted subject to standards, specifications and sizes contained herein:

Individual Markers: Width – not less than twelve (12) inches and not more than eighteen (18) inches.

 Length – twenty-four (24) inches.

Double Markers: Width – not less than twelve (12) inches and not more than eighteen (18) inches.

 Length – not less than three (3) feet and not more than five (5) feet.

RULE 7. INSTALLATION OF VETERAN'S MARKERS

As work schedules allow, the City shall install at no expense to the family, markers, which are provided by the Veterans Administration.

RULE 8. PERMITS FOR INSTALLATION

- (a) A permit shall be secured from the Director of Public Works for the installation of all monuments, memorials, markers, and stones. The request for a permit shall be in writing and shall be submitted no less than one (1) week prior to time of desired installation.
- (b) A fee as prescribed and approved by the Council shall be charged for this service, which charge must be paid to the City prior to the installation of such monuments, memorials, markers, and stones.
- (c) No fee or permit shall be made or required for markers provided by the Veterans Administration.