

**BYLAWS-ELKTON CEMETERY COMMISSION**  
**ELKTON, VIRGINIA**  
{Revision September 12, 2017}

**SECTION I. PREFACE**

The Elk Run Cemetery Company, Inc. by Deed recorded in the Clerk's Office of Rockingham County, Virginia on April 16, 1985, conveyed to the Town of Elkton, Virginia ("the Town") all of the real estate constituting the Elk Run Cemetery subject to the following conditions:

- 1) It will manage the above described property as a community cemetery, the management of which shall be under the control of a commission appointed by the Town Council for that purpose.
- 2) That funds coming into its hands shall be managed for the purpose of perpetual care and accounted for in the Town's annual audit as a separate account.
- 3) The Town will have the right to be compensated for labor and materials used by it in the maintenance and care of the cemetery on the basis of the fair market value of said labor and materials."

**SECTION 2. AUTHORITY**

Pursuant to the Town of Elkton Charter § 6.1 and the Town Code § C-6.1: "The Town shall have the authority to provide, in or near the Town, lands to be used as burial places for the dead; to improve and care for the land and the approaches, and to charge for and regulate the use of the ground land; to cooperate with any nonprofit corporation in the improvement and care of burial places and approaches; and to provide for the perpetual upkeep and care of any plots or burial lots. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept and invested only for the perpetual upkeep and care of the said cemetery."

**SECTION 3. PURPOSE**

The Town of Elkton established the Elkton Cemetery Commission ("Commission") for the purpose of operating and managing the Elk Run Cemetery located in the Town of Elkton, Virginia, ("Cemetery"), which Cemetery is owned by the Town of Elkton.

**SECTION 4. OFFICES**

The Commission may have offices at such other places if requested by Commission members and approved by the Town.

**SECTION 5. REGULAR MEETINGS**

Regular meetings of the Commission shall be held in the Elkton Town Council Chambers located in the Elkton Area Community Center, 20593 Blue and Gold Drive, Elkton, VA 22827 at 6:00 p.m. on the 3<sup>rd</sup> Thursday of January, April, July and October of each year.

**SECTION 6. SPECIAL MEETINGS**

Special meetings of the Commission for any purpose or purposes may be called by the Chairperson or three members of the Commission.

**SECTION 7. MEMBERS**

The Elkton Cemetery Commission shall consist of seven (7) members appointed by the Elkton Town Council, and shall serve at the pleasure of the Council with no term limit. Commission members may be or not be citizens of the Town of Elkton. Elkton Town Council shall appoint one of its members to the Commission as a representative of the Council. The Council representative shall have the right to vote on all Commission matters. The term of the Council member shall coincide with the term of office to which he or she has been elected or appointed on the Town Council unless the Town Council appoints another member to serve as their representative. The Cemetery Commission may request that the Town Council appoint a new member to replace any current member who is absent from three (3) consecutive meetings without a valid excuse.

**SECTION 8. QUORUM**

Four (4) members of the Commission shall constitute a quorum for any meetings.

**SECTION 9. OFFICERS**

The Commission shall elect from its members a Chairperson and a Vice Chairperson to serve at the pleasure of the members. The Town will provide a secretary to the Commission.

**SECTION 10. DUTIES OF CHAIRPERSON AND VICE CHAIRPERSON**

The Chairperson shall preside over the meetings of the Commission and shall correspond and speak for the Commission with respect to its communications with the Town Council. The Vice Chairperson shall preside over the meetings of the Commission when the Chairperson is not available.

**SECTION 11. DUTIES OF THE SECRETARY**

The Secretary shall maintain written minutes of all meetings of the Commission and all other activity undertaken by the Commission. A copy of all approved minutes shall be submitted to the Town of Elkton Website Coordinator for entry on the Town's official website.

## **SECTION 12. DELEGATION OF OPERATIONAL AUTHORITY**

The authority to operate and manage the Cemetery is delegated to the Town Manager of the Town of Elkton and all actions heretofore taken by the Town Manager with respect to the operation and management of the Cemetery are hereby ratified. The Town Manager's authority and duties shall include, but shall not be limited to the following:

- (a) Maintenance of the Cemetery;
- (b) Improvement projects for the Cemetery;
- (c) Sale of Cemetery lots;
- (d) Billing for maintenance fees;
- (e) Acquisition of real property for the operation or expansion of the Cemetery;
- (f) Recordkeeping of burials and graves within the Cemetery;
- (g) Proper investment, and accounting of monies of the Commission under investment policies set by the Town Council;
- (h) Disbursement of monies of the Commission consistent with a budget recommended by the Commission and approved by the Town Council;
- (i) Preparation of a proposed annual budget for the Cemetery for consideration of the Commission prior to the Town Council's action on the Town's budget.
- G) Responding to inquiries from the Commission but not from one or more individual Commissioners; and
- (k) Preparation of recommendations to the Commission concerning changes to policies and rules applying to the Cemetery.

## **SECTION 13. USE OF TOWN RESOURCES AND CONTRACTORS**

The Town Manager may use the labor, equipment, supplies and other resources of the Town of Elkton and any contractor as the Town Manager deems appropriate. In the event that the Town's resources are so used, the Town shall be paid at an hourly rate for labor and equipment and at the actual cost to the Town for supplies or other inventories. Such charges may include prorate expense components. In the event contractors are used, they may be paid a fair market rate.

## **SECTION 14. ACQUISITION OF COMMISSION EQUIPMENT AND INVENTORIES**

The Town Manager may purchase or accept donations of equipment, supplies or other inventories useful for the operation of the Cemetery.

## **SECTION 15. EMPLOYEES OF THE COMMISSION**

The Town Manager may employ, discipline and discharge on behalf of the Commission full-time or part-time Cemetery employees and determine their compensation, benefits and duties.

## **SECTION 16. CEMETERY FUNDS**

The Town Manager shall ensure that all funds designated for the Cemetery are accounted for properly. All funds received for the operation and maintenance of the Cemetery shall be placed in two accounts: the Real Estate Fund and the Perpetual Care Fund.

On an annual basis, the Commission shall review pricing of lots and/or spaces and make recommendations to the Town Council for any price changes. The Commission shall review the allocations of funds to the Real Estate Fund and the Perpetual Care Fund annually and make any proposed recommendations for changes to the Town Council. The Town Council shall approve all price increases or decreases and allocation of funds to the Real Estate Fund and Perpetual Care Fund.

The Town of Elkton's Public Works Department shall be responsible to open and close graves as needed. The fees collected shall be placed in the Town's General Fund under a designated account number for tracking purposes and shall be used to fund maintenance at the Cemetery. On an annual basis, the Commission shall review the fee for opening and closing graves and make a recommendation to the Town Council for any price changes. The Town Council shall approve all fees.

The Commission may, by a majority vote of all Commission members, reallocate funds, including principle, interest and or dividends, from the Perpetual Care Fund to the Real Estate Fund as is deemed necessary to acquire additional contiguous real estate.

## **SECTION 17. RULES CONCERNING CEMETERY**

The Commission shall, from time to time, enact rules and regulations regarding the use, maintenance and upkeep of the Cemetery.

## **SECTION 18. TOWN COUNCIL APPROVED**

The delegation of authority to the Town Manager shall be effective upon the approval of such delegation by the Town Council and shall continue until either rescinded or modified by the Town Council.

## **SECTION 19. AMENDMENT**

The Commission reserves the right to recommend amending these Bylaws at any time by a majority vote of all Commissioners, but such amendments shall not affect any expenditures previously budgeted pursuant to these Bylaws and shall be effective when approved by the Town Council.

Before the Cemetery Commission of the Town of Elkton

I certify that the attached By-Laws-Elkton Cemetery Commission, Elkton, Virginia were amended by the Elkton Cemetery Commission upon a proper quorum, at its meetings held on \_\_\_\_\_ 2016.

\_\_\_\_\_  
Chairperson Lester O Seal

Attest:

\_\_\_\_\_  
Secretary Charlotte Shifflett

**RULES AND REGULATIONS**  
**ELK RUN CEMETERY**  
Effective January 1, 2016

The following Rules and Regulations shall control all use and maintenance of the Elk Run Cemetery located in Elkton, Virginia:

1. For the purpose of preserving the beauty and symmetry of the grounds, and of protecting lot owners from the vagaries of bad taste, the Elkton Cemetery Commission ("Commission") reserves the right to control the character of frames or other ornaments that may be constructed upon any lot; and when, in the opinion of the Commission, such structures are detrimental to the appearance or convenience of the grounds, the same may be removed at the cost of the lot owner. All lot owners shall obtain the prior written permission from the Commission before placing any frames, stones, markers, copings or other ornaments on the Cemetery lots. No stone, marker, coping or any other ornament of any sort may be placed on any lot unless set in concrete which projects at least four inches on all four sides of such copying or ornament. This Rule will be strictly enforced and the Commission claims the right to change any such frames, stones, markers, copings and ornaments to conform to this Rule at the expense of the lot owner if necessary
2. When workmen are engaged in erecting monuments, or doing any other building on the grounds, they must use great care in protecting the neighboring lots from injury, and upon finishing their work must, without delay, clean up all litter and dirt, and remove all machinery, lumber, and materials used by them, and when the workmen fail to comply with the above conditions, the Town Manager, under whose general supervision all such work is done, shall cause the grounds to be cleared of all dirt, etc. and recover the costs thereof from the owner of said lot or lots.
3. When an owner of a lot shall so neglect to keep the same in order and it shall detract from the general good appearance of the Cemetery, it shall be the duty of the Secretary to notify the owner of the condition of the lot and request that, in the name of the Commission, the lot be put in good order. Should such request not be complied with, the Commission shall have the right to make such repairs and do such work as may be deemed necessary to put the lot and/or space in good order, and charge the cost of same to the owner of said lot and/or spaces.
4. If the owner of a lot(s) would like to mow and care for their lot(s), this request should be placed in writing to the Cemetery Secretary along with a phone number and address where they may be contacted in a case of neglect to their lot(s). The parties involved should understand that the lots are still under the control of the Cemetery Commission. If at any time the lot(s) become overgrown, unsightly, or the main character and beauty of the grounds have been compromised, the lot owner will be notified and given two (2) weeks to correct the situation. The Commission will have the power to remove any and all items on the lot(s) to mow and trim to return the lot to the beauty and symmetry of the grounds.
5. When a lot or any portion thereof has been abandoned, the title to the unused portion shall revert to the Town of Elkton and it may be sold by the Town in a deed issued as though the lot had never been sold. It shall be the direct responsibility of the lot owner to keep the Commission advised of the full and complete address of the person to whom

communications regarding the said Cemetery lot should be mailed. Failure to do so can affect the title to said lot as stated in this section.

6. No interment shall be made without the consent of the owner or by the legal executor, or administrator of the owner's estate thereof, or such other individual who has the authority to consent under Virginia laws.
7. No trees, shrubs, flowers or vines shall be planted in any lot, nor shall any growing thing be removed without express consent of the Town Manager. Fresh flowers will be removed when faded, artificial flowers will be limited to two arrangements per grave from Christmas to the start of the mowing season at which time they will be removed. This Rule will be strictly enforced from the start of, and throughout the mowing season (May through October). Said Rule does not apply to arrangements placed so as not to interfere with mowing operations.
8. Vehicles must be kept strictly on the roadways.
9. Visitors will be required to keep on the walks, and shall not pull flowers or shrubs or injure the trees.
10. Children must be attended by grown persons who will be responsible for their behavior.
11. The placement of a vault is mandatory in the Elk Run Cemetery.
12. One cremation and one vault may be placed in a single lot or space. Two cremations may be placed per single lot or space.