

**BYLAWS-ELKTON CEMETERY COMMISSION  
ELKTON, VIRGINIA**

**September 2009 Revision**

**SECTION 1. OFFICES**

The principal office shall be the Town Treasurer's Office. The Commission may have offices at such other places as shall be determined by the members.

**SECTION 2. ANNUAL MEETING**

The annual meeting of the Commission shall be held in the principle office of the Commission at 7:30pm on the first Monday in February of each year or at such other place as the officers designate by proper notice to the members.

**SECTION 3. SPECIAL MEETINGS**

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

**SECTION 4. MEMBERS**

The Elkton Cemetery Commission shall consist of seven members appointed by the Elkton Town Council, and shall serve at the pleasure of the Council. Said members may be or not be citizens of the Town of Elkton.

**SECTION 5. QUORUM**

Three members of the Commission shall constitute a quorum.

**SECTION 6. OFFICERS**

The Commission shall elect from its members a Chairman (or chairwoman) and a Secretary to serve at the pleasures of the members

**SECTION 7. DUTIES OF 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.

**SECTION 8. DUTIES OF THE SECRETARY**

The Secretary shall maintain written minutes of all meetings of the Commission and all other activity undertaken by the Commission.

## **SECTION 9. DELEGATION OF OPERATIONAL AUTHORITY**

The authority to operate and manage the cemetery is hereby delegated to the Town Manager of the Town of Elkton and all actions heretofore taken by him 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 complete annual report of operations for the information of the Commission prior to each of its meetings, including a financial report showing actual receipts and expenditures versus budgeted items and any proposed significant capital projects;
- (j) Preparation of a proposed annual budget for consideration of the Commission prior to each of its annual meetings;
- (k) Responding to inquiries from the Commission but not from one or more individual commissioners; and
- (l) Preparation of recommendations to the Commission concerning changes to policies and rules applying to the cemetery.

## **SECTION 10. USE OF TOWN RESOURCES AND CONTRACTORS**

In the performance of his delegated authority the Town Manager may use the labor, equipment, supplies and other resources of the Town of Elkton and any contractor as he 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 a piece of bulk rate for supplies or other inventories. Such charges may include prorata expense components. In the event contractors are used they may be paid a fair market rate.

## **SECTION 11. 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 12. EMPLOYEES OF THE COMMISSION**

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

### **SECTION 13. PRESERVATION OF SPECIAL FUNDS**

The Town Manager shall ensure that all monetary funds designated for perpetual care of the cemetery are maintained in separate investment accounts or financial products and the principal thereof shall not be used for operational purposes. The Town Manager shall ensure that all monetary funds designated for real estate acquisition purposes are maintained in separate investment accounts or financial products and both interest, dividends and principal thereof shall be used only for the purchase and development of real property for the cemetery and the expenses related thereto. 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.

(Amended 09 08 2009)

### **SECTION 14. RULES CONCERNING CEMETERY**

- (a) For the purpose of preserving the beauty and symmetry of the grounds, and of protecting lot owners from the vagaries of bad taste, the 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 Commission. 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 coping or ornament. This bylaw will be strictly enforced and the Commission claims the right to change any such markers, copings and ornaments to conform to this rule at the expense of the lot owner if necessary.
- (b) 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 own of said lots or lots.
- (c) 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 his lot to request him, in the name of the Commission, to put it in good order. Should such request be not complied with, the Commission shall have the right to make such repairs and do such work as may be necessary to put the lot *and/or space* in good order, and charge the cost of same to the owner of said lot *or spaces*..
  - (1) 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 Director along with a phone number and address where you may be contacted in a case of neglect to your 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.

(Amended Jan 2009)

- (d) The Commission may annually access the owner of each lot with a sum applied to the general improvement of the grounds. The term lot, as used in this section, shall be constructed to include all the grounds lying contiguous and owned and used as a whole, even though it contains more than one lot as laid down on the plat of the grounds.
- (e) When a lot has been purchased, and the purchaser has not paid for said lot, the Commission shall have the right to remove the remains of those who have been buried therein to some suitable place to be provided for this purpose, and after such removal the Commission shall have the right to resell said lot. After such removal the title to said lot shall revert to the Town of Elkton and it may be sold by them in a deed issued therefore as though the lot had never been sold. When a lot or any portion thereof has been abandoned, the title to the unused portion shall revert to the Town of Elkton. 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. If the owner of such lot shall fail to pay the assessment thereon for a period of ten years, the same shall be deemed to be abandoned within the meaning of this section.
- (f) No interment shall be made without the consent of the owner thereof.
- (g) 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. Vehicles must be kept strictly on the roadways. Visitors will be required to keep on the walks, and not pull flowers or shrubs or injure the trees. Children, not attended by grown persons who will be responsible for their behavior, will not be admitted.
- (h) The placement of a vault is mandatory in the Elk Run Cemetery.  
(Amended Jun 2007)
- (i) One cremation and one vault may be placed in a single space. Two cremations may be placed per single space.  
(Amended Jun 2007)

## **SECTION 15. AMENDMENT**

The Commission reserves the right to amend 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.

**SECTION 16. 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 Commission or approval thereof is withdrawn by the Town Council.

Before the Cemetery Commission of the Town of Elkton, Virginia

I certify that the attached By-Laws-Elkton Cemetery Commission, Elkton, Virginia were amended by the Elkton Cemetery Commission upon a proper quorum, at it's meeting held on

Jun 2007 \_\_\_\_\_

Jan 2009 \_\_\_\_\_

Sept 8, 2009 \_\_\_\_\_

\_\_\_\_\_  
Secretary

Attest:

\_\_\_\_\_  
Chairman