

WESTVIEW CEMETERY
RULES AND REGULATIONS

June 30, 1988

Updates: February and August, 1995, May, 1996, October, 1997, July, 1998, November, 2002, July, 2005, June, 2009, August, 2010 November, 2010, March, 2012 and April, 2016

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June 30, 1988

(Updated February and August, 1995)

Revised through Ordinance May 14, 1996

Revised through Ordinance October 14, 1997

Revised through Ordinance July 14, 1998

Revised through Ordinance November 12, 2002

Revised through Ordinance July 12, 2005

Revised through Ordinance June 9, 2009

Revised through Ordinance August 10, 2010

Revised through Ordinance November 9, 2010

Revised through Ordinance March 13, 2012

I. Purchase of Lots

1. Each lot in the cemetery will, prior to its sale, be marked by the Town Engineer with a suitable marker placed on each lot corner as plotted on the Official Map of Westview Cemetery, dated December 27, 1949, as revised.
2. Any person wishing to purchase a lot in Westview Cemetery shall make application to the Town Manager, or the manager's designated representative, and such application shall be signed by the person in whose behalf the application is made, or his/her agent. The application shall specify the section and lot number, number of burial spaces, and shall state that, in consideration of the allotment of the cemetery space applied for, the applicant will abide by all rules and regulations, and any amendments thereto, enacted by the Town Council for the management and control of Westview Cemetery; and every allotment of space shall be deemed to be made subject to these rules and regulations and amendments thereto.

3. Grave spaces or lots:

Lot 15, Section I is designated as a lot for individual burial spaces for infants and children.

Lot 16, Section I and Lots 13, 14, and 28, Section J, shall be designated as lots for adult individual burial spaces.

In Section W the individual children's spaces are 8, 9, 10, 11, 12, 22, 23, 25 and 26; individual adult spaces are 1, 13, 14, 15, 16, 17, 18, 27, 28, 29, 30 and 31.

Lots in Sections Y, Z, BB, CC and SS (lots #1-19) shall be sold as a whole (8 grave spaces) and only one deed will be issued. Lots in section S2 may be sold in lots containing 2 or more spaces. Where this leaves one space, that space may be sold as an individual burial space.

In section SS, lots 20, 21, 25, 26, 27, 30, 31, 32, 36, 37, 40 may be sold for the burial of cremated remains only; each such lot shall contain 18 cremation spaces measuring 2'8" by 3'6". Lot 35 may be sold for the burial of cremated remains only; each such lot shall contain 12 cremation spaces measuring 2'8" by 3'6". Only flat markers are permitted to mark a cremation lot. In section SS lots 20A, 21A, 23, 23A, 24, 24A, 25A, 26A, 27A, 28, 28A, 29, 29A, 30A, 31A, 32A, 33, 33A, 34, 34A, 35A (spaces 2,3, and 4), 36A, 37A, 38, 38A, 39, 39A, 40A (spaces 3 and 4), 41 (spaces

3 and 4), 41A (spaces 3 and 4), 42 (spaces 3 and 4), 42A, 43A may be sold in lots containing 2 or more spaces. Where this leaves one space, that space may be sold as an individual burial space.

Lots in Section W, X and AA may be sold as one-half lots, each one-half containing two grave spaces; except Lots 11, 45, 74, 103, 132, 161, 190, 219 and 248, in Section AA, may be sold for the burial of cremated remains only, in eight allotments of three and one-half feet by four feet on the outside, and four allotments of three feet by four feet in the middle.

Any parts of lots in Section A through V except those lots designated as single grave lots may be sold according to the number of spaces they might contain.

Section DD will consist of alternating rows of upright monuments and flat markers. Lots in the flat marker rows may be sold in lots containing any number of spaces. Lots in upright monument rows may be sold in lots containing two or more spaces. Where this leaves one space, that space may be sold as an individual burial space.

In Section EE, lots may be sold for the burial of cremated remains only. Each lot shall contain 18 cremation spaces measuring 2'8" by 3'6". Only flat markers are permitted to mark a cremation lot.

4. Prices. The following prices shall be charged for lots in Westview Cemetery subject to change by Council:

For residents of the Town of Blacksburg (a resident being defined as an individual owning a business or owning or leasing real estate within the corporate limits of the Town of Blacksburg):

<u>Sections A through V</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 24 or 25 (8 spaces)	\$ 7,200.00	\$ 7,920.00
16 x 12 (4 spaces)	3,600.00	3,960.00
8 x 12 (2 spaces)	1,800.00	1,980.00
1 grave space	900.00	990.00
1 grave space (infant or child)	100.00	---

<u>Section SS (lots 1-19)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 21 (8 spaces)	7,200.00	7,920.00

<u>Sections W, X, AA, S2 and SS (lots 20 – 43A)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
8 x 10 (2 spaces)	1,800.00	1,980.00
16 x 10 (4 spaces)	3,600.00	3,960.00
Cremation space	300.00	330.00

<u>Sections Y, Z, BB & C</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 20 (8 spaces)	7,200.00	7,920.00

<u>Sections DD and EE)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
8 x 10 (2 spaces)	1,800.00	1,980.00
16 x 10 (4 spaces)	3,600.00	3,960.00
1 grave space	900.00	990.00
Cremation space	300.00	330.00

For out-of-town residents:

<u>Sections A through V</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 24 or 25 (8 spaces)	14,400.00	\$15,840.00
16 x 12 (4 spaces)	7,200.00	7,920.00
8 x 12 (2 spaces)	3,600.00	3,960.00
1 grave space	1,800.00	1,980.00
1 grave space (infant or child)	200.00	---

<u>Section SS (lots 1-19)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 21 (8 spaces)	\$14,400.00	\$ 15,840.00

<u>Sections W, X, AA, S2 and SS (lots 20 – 43A)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
8 x 10 (2 spaces)	3,600.00	3,960.00
16 x 10 (4 spaces)	7,200.00	7,920.00
Cremation space	600.00	660.00

<u>Sections Y, Z, BB & C</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
16 x 20 (8 spaces)	14,400.00	15,840.00

<u>Sections DD and EE)</u>	<u>Cash Price</u>	<u>Price to be Paid in Two Years</u>
8 x 10 (2 spaces)	3,600.00	3,960.00
16 x 10 (4 spaces)	7,200.00	7,920.00
1 grave space	1,800.00	1,980.00
Cremation space	600.00	660.00

5. Payments. Lots must be paid for within two years from date of application to purchase or before using the lot, whichever is sooner. Failure to meet this provision shall cause the lot or lots to revert to the Town.

II. **Ownership and Title of Lots**

1. 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 of bodies of human beings only. All lots are exempt from taxation and cannot be attached, levied on, or encumbered in any way. Only those persons whose names appear on the Deed records issued by the Town will be recognized as owners or part owners of cemetery lots. Title to

cemetery lots may be transferred by will upon receipt of a certified copy of such will showing the person to whom said lot was devised. When any cemetery lot owner dies intestate, the Town shall transfer ownership of said cemetery lot to his/her heirs at law, upon receipt of a list of such heirs by the administrator or the executor of the decedent's estate.

2. Deed. Upon payment of the purchase price for any cemetery lot, as set out herein or as may be amended by Council, the Town will cause to be issued a deed for said lot under its seal, and the record of such deed will be kept as a permanent record in the office of the Town Manager or the manager's designated representative. Such deed shall not be acknowledged and shall not be admitted to record in the Clerk's office of the Circuit Court of Montgomery County, Virginia.
3. Transfer of title by living owners. Upon payment to the Town of a \$25.00 transfer fee for each transfer, title to cemetery lots may be transferred by any living owner, upon application to the Town for such transfer. The application for transfer must contain a statement that the cemetery lot, or portion thereof, is being sold for a price no higher than the current selling price of a cemetery lot. Upon payment of the fee and upon proper application being filed by the new owner, the Town shall issue a deed in the name of the new owner and the deed of the former owner shall be cancelled. The transfer fee shall not apply to the initial sale of the lot by the Town to the owner or to a transfer of a lot by will or intestacy.

III. Interment Regulations

1. Interments shall be restricted to lot owners or members of the lot owner's family, unless such lot owner shall give permission in writing for burial of a person not a member of the said lot owner's immediate family. Owners of adult burial spaces (measuring 4 feet by 10 feet) in the cemetery may cause to be buried or allow burial, on one level, of (1) three individual cremated remains, with each grave being marked by a ground level marker; or of (2) four cremated remains, in side-by-side pairs, with one double marker at ground level for each pair. Only one cremated remains may be buried on small spaces specifically set aside for burial of cremated remains only.
2. Grave openings. All graves shall be dug under the direction and supervision of the Town Manager or the manager's designated representative, and no burial shall be permitted until a legal burial permit, in accordance with the provisions of the State Board of Health, has been presented. The Town Manager or the manager's designated representative shall keep a record of persons buried, date, and location of grave.

Charges. Charges for opening and filling graves, seeding and reseeding, will be as follows:

	<u>Weekday</u>	<u>Weekend or Holiday</u>
Cremation	\$ 300.00	\$ 400.00
Infant or child's grave	100.00	125.00
Adult grave	700.00	900.00

Graves for all adults must not be less than five feet deep and for children not less than three feet. Mounds shall not be raised on any grave above the general level of the lot.

The Town shall be given at least 24 hours notice for the opening and preparation of the grave prior to the interment.

3. Vault construction. No wooden receptacle nor any material of a type which will readily deteriorate shall be used as a vault.

IV. **Decorations and Landscaping**

1. The establishment of the grade of all lots shall be entrusted to the Town and no change shall be made in any grade so established.
2. No new plantings, fences or enclosures of any kind will be permitted on or around cemetery lots. No corner posts or corner markers of any kind are permitted on any lot except numbered corner posts furnished and set by the Town.
3. As soon as flowers, wreaths, emblems, etc. used at funerals or placed on graves at other times become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed by the Town. The Town reserves the right to remove glass jars, tin cans, or any other unsightly objects from cemetery lots.
4. The Town reserves the right to enter upon or cross any lot in the cemetery for the performance of any lawful function performed by the Town and assumes no liability for damage to any cemetery lot or locker in the performance of its normal operation.

V. **Monuments and Markers**

1. Definitions:
 - (a) Marker - a small individual memorial placed at either the head or foot of the grave, sometimes referred to as a head stone or tablet.
 - (b) Monument - a large memorial placed on a lot but not erected to indicate any individual grave.
2. Mausoleum. No mausoleum shall be permitted in Westview Cemetery, except the Town of Blacksburg may construct a mausoleum to meet the needs of the community.
3. No monument or marker may be placed in the cemetery unless and until the lot, space, or allotment on which it is to be erected has been paid for in full and a deed issued. All graves shall be marked within 120 days of burial with a permanent marker.
4. Foundations:
 - (a) The monument companies and/or funeral homes are to be responsible for foundations and digging the footers.
 - (b) The foundation for all monuments and markers shall be constructed of Class A concrete. The standard foundation for monuments will be a minimum of sixteen inches on solid earth.
5. No monument or marker can be set in the cemetery except by a person, firm, or corporation holding a permit issued by the Town to do work, and no permit issued by the Town will be given until satisfactory evidence is furnished that the applicant is qualified to perform the work for which employed. The Town may revoke a permit at any time for violation of the cemetery rules or other causes. All monument footers shall be installed by the Town.

6. The use of stone not of monumental quality to mark a lot or grave is expressly prohibited and the use of monumental stone unless cut or dressed as a monument or marker is prohibited.
7. Monuments.
 - (a) No monument shall be more than eight feet wide, nor more than two feet thick, nor shall it project above the grade of the lot more than four and one half feet.
 - (b) No monuments shall be placed on any lot in Sections W, X, and AA. Only markers flush with the ground are permitted in Sections W, X, AA, S2 (lots 14, 16, 18, 20, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 46, 48, 50, 52, 54, 56, 59, 61, 63, 65, 68, 70, 72, 74, 76), and SS (lots 20-43; not including lots designated "A").
 - (c) Only one monument is allowed on a lot where monuments are permitted. This applies to the lots as plotted on the Cemetery Map and does not allow monuments on a fraction of a lot or more than one lot. Monuments placed on lots in Section Y, Z, BB, CC SS (lots 1-19), and all sections in the older part of the cemetery without monuments at the time of the passage of these rules and regulations shall be placed in the center of the lot as plotted on the official Westview Cemetery Map.
8. Markers.
 - (a) Markers may be used in all sections of the cemetery and no grave shall be marked with more than one marker. One marker may be used to mark two or more graves. Markers must be placed at the end of the grave furthest from monuments or place assigned to the monuments. Markers in Sections W, X, AA, S2 and SS (lots 23, 24, 28, 29, 33, 34, 38, 39, 41, and 42) shall be placed along the northwest side of the lots.
 - (b) No marker shall be more than twelve inches in width, nor more than twenty-four inches in length nor more than four inches thick and shall be set so that the top is level or flush with the ground. Any marker above the ground level will be lowered at the owner's expense.

VI. Miscellaneous Restrictions

1. No person shall injure or deface any part of the cemetery enclosure or grounds or any burial lot or grave or any monument or tombstone, nor shall any person destroy or injure any tree, shrub, vine, plant, or flower therein. Neither the Town nor any officer, official, or employee of the Town shall be liable to any person on account of damage, destruction, or detriment caused by third parties or parties unknown to any property described in this subparagraph. Where the Town's action or inactions cause this damage, destruction, or detriment, persons may make a claim against the Town as provided in Section 2-303, Blacksburg Town Code, and the claim shall be processed and concluded under that authority.
2. No livestock, including dogs, cats, chickens, etc., shall be allowed in the cemetery.
3. No firearms or fireworks shall be discharged on cemetery grounds at any time except in the course of military funerals.

4. No plantings of any type will be permitted within the confines of the cemetery property without express permission from Town Council.

Source and authority: Ordinance 408, adopted August 24, 1976, as amended by ordinance adopted June 24, 1980; Ordinance 656, adopted June 25, 1985; Ordinance 824, adopted June 28, 1988; Ordinance 960, adopted October 15, 1991; Ordinance #1119, adopted May 14, 1996; Ordinance 1169, adopted October 14, 1997; Ordinance 1185, adopted July 14, 1998; Ordinance 1318, adopted November 12, 2002; Ordinance 1391 adopted July 12, 2005; Ordinance 1526 adopted June 9, 2009; Ordinance 1578 adopted August 10, 2010; Ordinance 1594 adopted November 9, 2010; Ordinance 1639 adopted March 13, 2012.