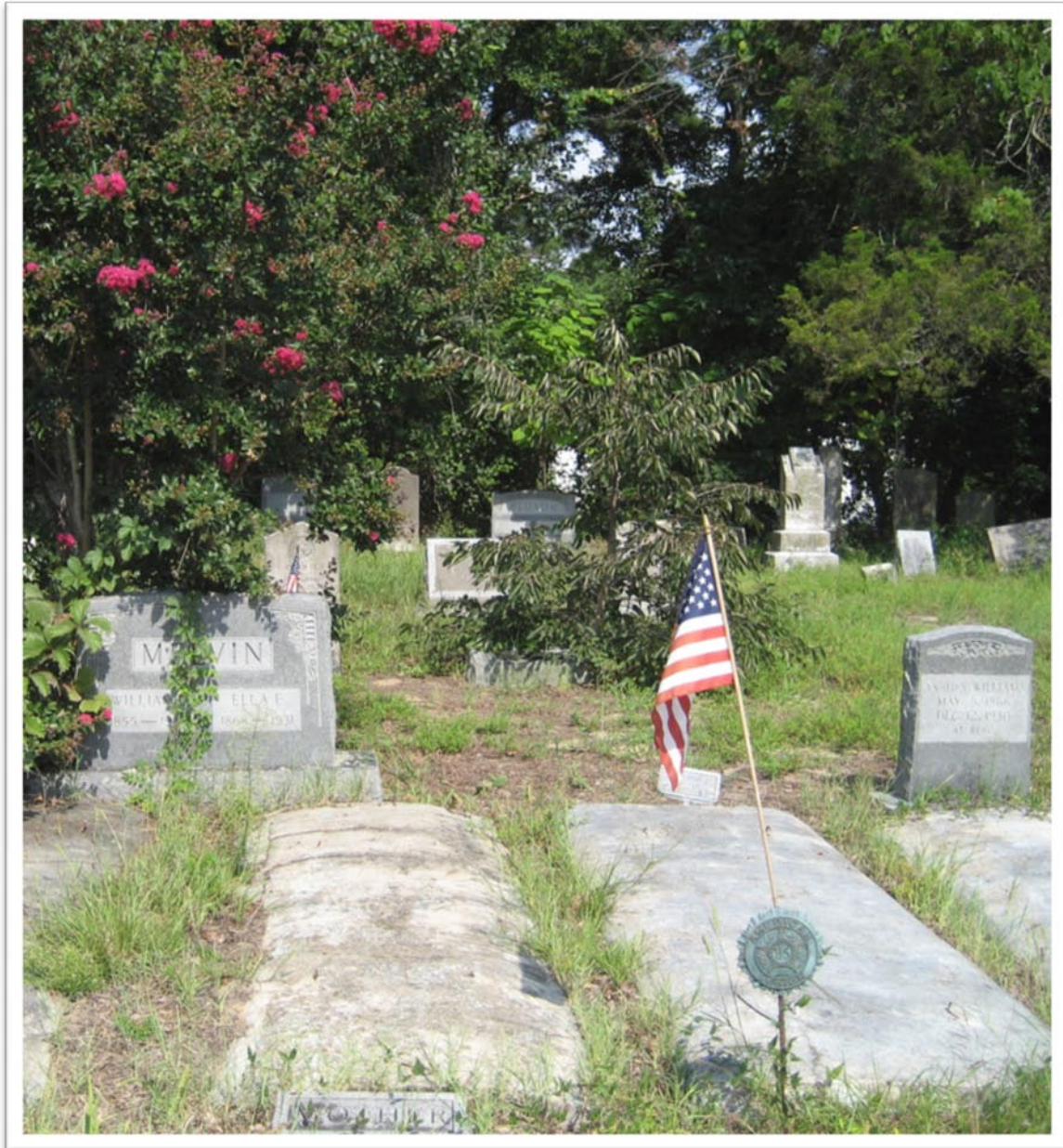




TOWN OF CHINCOTEAGUE CEMETERY PRESERVATION PLAN



Cemetery Preservation Plan for Chincoteague Island, Virginia

Cemetery Preservation Plan – a preservation plan identifies activities that help perpetuate and care for historic burial sites, including planning, maintenance, documentation and education.

Prepared by the Town Cemetery Committee:

Ellen Richardson, Chairwoman
Terry Howard, Councilman
Gary Turnquist

February 4, 2013

Mission Statement

The mission of the Town Cemetery Committee is to oversee the maintenance of the 25 Town Cemeteries, and to ensure the integrity of each burial area. To those ends:

Creating community clean up opportunities through scheduling a community wide Cemetery Clean up Week, and by asking for assistance from local organizations on a specific clean up task;

Inspecting each cemetery on a regular basis for damage caused by weather or vandalism;

Ensuring the integrity of each Cemetery from encroachment by neighboring property owners, and establishing that any activity within a cemetery be undertaken in accordance with state law and local code;

Maintenance shall include scheduling of grass mowing according to the dictates of the weather, and within the structure of a yearly budget of voluntary donations from the community.

Preface

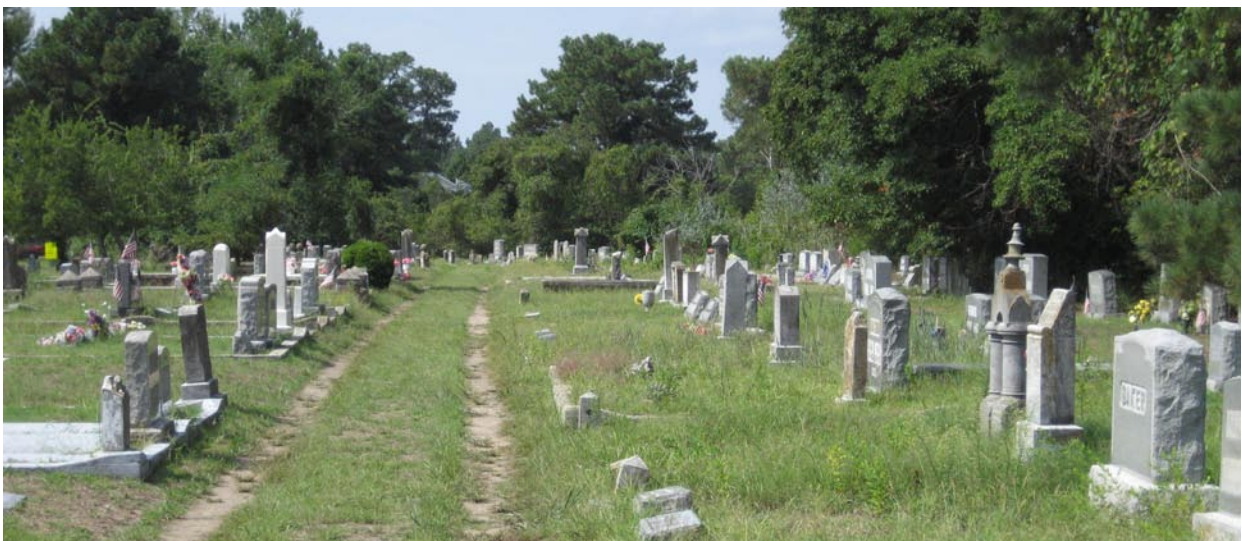
Historic cemeteries are important cultural, architectural and archaeological resources. They provide us with information on our community's history. Often a cemetery is the only remnant left from early settlements and families - as such it is a vital link with the past. They are an invaluable educational tool whether we seek to research genealogy, educate our youth or delve into local history. They provide quiet places to commemorate the deceased. Old cemeteries provide valuable information to those interested in their family histories, information that may not be available elsewhere. Sometimes they provide us with more than the bare facts of birth and death; they provide us with tender, tragic or humorous glimpses into the lives of earlier generations. They tell us about the struggle to survive childhood diseases, childbirth, wars and epidemics. But most of all they tell us about the recurring cycle of birth, life, and death and how we are all a part of that cycle.

"The thoughtful work and volunteer efforts of the Cemetery Committee are much appreciated by the community. Were it not for their efforts, it is likely that many final resting places would have been forgotten, overgrown or lost due to neglect."

Chincoteague Citizen
October 2011

The **Town of Chincoteague Cemetery Committee** is thankful for all donations and the volunteer efforts of our community organizations, churches, businesses, families and individuals who have contributed their time and resources toward the care of our community cemeteries. This is an important responsibility that we willingly share.

The preparation of a **Cemetery Preservation Plan** is the latest effort to identify a lasting solution for the long-term care and maintenance of Chincoteague Island's cemeteries and burial grounds. Much of this work is built upon the research and documentation of James W. Carpenter Sr. who published the book *From Tears to Memories – A comprehensive look at Chincoteague Island Cemeteries* in 2007. Our community is fortunate to also have exhaustive documentation of the gravestones, shared on the website www.IslandBones.com.



A Cemetery Preservation Plan for Chincoteague Island

By collecting available information and checking on what others have done to plan for the care of historic cemeteries, the Town of Chincoteague hopes to move forward with a plan for the perpetual care and maintenance of over 3,600 recorded gravesites in 25 cemeteries on Chincoteague Island. Several quick **planning checklists** show that we are making progress:

Cemetery Preservation Preparations

1. Determine the ownership of the cemetery
2. Research the cemetery
3. Copy important information to the cemetery: maps/plats, marker inscriptions, family contacts, etc.
4. Survey the cemetery
5. Enlist a volunteer or organization to clean up the cemetery
6. Meet with the owner/trustees at the cemetery to discuss preservation of the markers/cemetery and to agree upon the clean-up process and scope
7. Establish a continual maintenance program for the cemetery
8. Educate the public about the cemetery

Preservation of historic cemeteries and burial sites in their original place and form is the preferred treatment option. Good cemetery maintenance strategies should incorporate the gentlest, most low-impact measures possible, and should address issues of long-term care (including the financial commitment necessary). Temporary or hasty solutions will only postpone a recurring problem and may inadvertently cause additional problems. Virginia's Department of Historic Resources (DHR) advocates innovative strategies for the long-term maintenance of historic cemeteries that are compatible with the cemetery's traditional form.

Planning Steps for Cemetery Preservation

- a) Establish Ownership & Get Permission – The first step prior to beginning any cemetery preservation project is to establish the ownership of the cemetery.
- b) Safety – Cemeteries, particularly abandoned or deteriorated sites, can pose a number of safety concerns. Take precautionary steps when visiting cemeteries.
- c) Developing a Cemetery Preservation Plan – It is critical to develop a written plan of action before beginning any preservation work in a cemetery.
- d) Organization – Community support from local residents is critical to cemetery preservation efforts. The support and input from churches, local organizations and residents ensures long-term preservation of the cemetery.

Regular maintenance is the best preservation procedure. When abandonment and neglect have resulted in severe damage to fences, landscape features, vegetation, markers, or monuments, responsible repairs should be undertaken as quickly as possible. No matter the level of repair or preservation necessary, there are a few essential rules that should be followed in planning a course of action:

- Do no harm: use the gentlest and least intrusive methods available.
- Do nothing that cannot be undone.
- Design all work to retain and preserve the historic character of the cemetery.
- Repair, rather than replace, damaged historic features.
- Quick or easy fixes are not always the best options.
- Assume unmarked graves exist and avoid ground disturbing activities
- When in doubt, consult a professional
- Document all changes.

What is involved in helping maintain and protect a cemetery?

To maintain or protect a cemetery, individuals or organizations should keep the cemetery free of weeds, tall grass, and brush; pick up trash; and report vandalism. Cemetery preservation entails maintaining the markers and cemetery as is. Markers are only cleaned with distilled water, trash is picked up, and possible threats to the markers like tree limbs and underbrush are removed.

- ✓ Contact the owners and get permission to clean up.
- ✓ Clear away brush and weeds by hand from around the gravestones and markers. (use care with weed whackers and pesticides near the markers as each can damage stone)
- ✓ Clean markers using soft toothbrushes and distilled water. This method removes algae and dirt. (to remove graffiti, you need to hire a professional conservator)
- ✓ If markers are toppled, leaning, or broken, you need to hire a professional
- ✓ Pick up trash
- ✓ Ask neighbors or organizations to accept the responsibility of maintaining the cemetery

The Town of Chincoteague Cemetery Committee has traditionally organized volunteer efforts to complete one or two major ‘clean-ups’ per year. The Committee created a cleanup fund several years ago to defray the expense of having key Island cemeteries mowed when volunteer help could no longer be found. This fund has been used to provide timely mowing to several other cemeteries when the need arose.

The Cemetery Committee reviewed an inventory map of the 25 private cemeteries and documented who has maintained each one over the last several years. A priority ranking was established on the attached cemetery key to identify priorities for maintenance. In addition, a citizen proposal to create an Authority or Non-Profit Foundation has been considered as a means to assure a sustainable solution for long term cemetery care and preservation.

Proposed Next Steps

The Committee created a cleanup fund several years ago to defray the expense of having key Island cemeteries mowed when volunteer help could no longer be found. This fund has been used to provide timely mowing to several cemeteries when the need arose. A summary of donations and expenses from 2005 to 2012 (July to June fiscal year) is presented to highlight the increased cost of maintenance.

	Donations	Expenses	Fund Balance
2005	2495	1600	2900
2006	1175	1700	2375
2007	1425	1950	1850
2008	970	1525	1295
2009	1835	2300	830
2010	2665	700	2795
2011	2020	2725	2090
2012	2745	4325	510

Several ideas have been discussed including a request for donations similar to the one used for the Cemetery Cleanup Fundraiser in 2008, or a request for new individuals or groups to volunteer for maintenance of an ‘adopted cemetery’. The maps and priority ranking have been prepared by Town Staff with the idea that they may be used for fund raising, providing maintenance instructions, or competitive bidding.

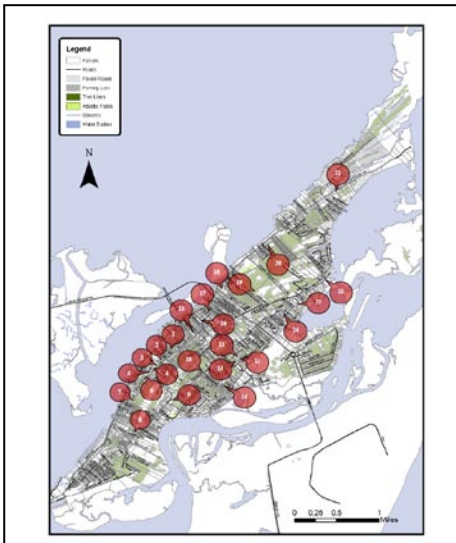
Long term strategies that have been considered by the Committee include:

- A. Request an amendment to the Town Charter to specifically allow the creation of an Authority or Commission for long term maintenance of private cemeteries on Chincoteague Island
- B. Prepare a Cemetery Preservation Plan, identify cemetery ownership, encourage the creation of a non-profit foundation to provide perpetual care
- C. Continue the current Cemetery Committee and promote the separate dedicated donation fund that is managed by the Town Finance Department
- D. Seek approval of Town Council to include cemetery maintenance and repair as a responsibility and budget line item for the Public Works Department.

Cemetery Committee Recommendation

To adopt a Cemetery Preservation Plan that will guide future efforts for perpetual care of community cemeteries, continue the current work of the Cemetery Committee with an expanded membership of two (2) additional people, actively promote voluntary donations to the separate dedicated cemetery ‘clean-up fund’ that is managed by the Town Finance Department, and include cemetery maintenance and repair as a responsibility for the Town of Chincoteague Public Works Department up to 40 hours per month for a trial period of 2 years.

Cemetery Inventory and Maintenance Priorities



Cemetery Key Map – An overall map showing the location of all 25 existing cemeteries on Chincoteague Island was prepared to provide a quick reference document.

KEY	NAME	GRAVESITES	PARCEL AREA (ACRES)	SQUARE FEET	MAINTAIN	PRIORITY
1	ANDREWS	63	0.22	304275	FAMILY	1
2	CHRIST UNION BAPTIST	31	0.45	614345	FAMILY/FRIENDS	3
3	ODD FELLOWS	55	0.40	542475	ISLAND BAPTIST	3
4	BURNING	212	0.37	50495	TOWN HIRSES	2
5	BEULAH	39	0.17	234350	UNION BAPTIST	3
6	GREENWOOD	794	1.23	1684370	TOWN HIRSES	2
7	ANDREWS & DABNEY	65	1.2	164250	CORR GUARD	3
8	DABNEY	66	0.38	520430	FAMILY	3
9	THORNTON	151	0.40	544330	FAMILY/FRIENDS	1
10	JONES	9	0.22	30475	---	1
11	MEDICINES & DABNEY MEMORIAL	1182	2.27	314430	TOWN HIRSES	2
12	REYNOLDS	38	0.07	95417	FAMILY	3
13	BIRCH FAMILY	8	0.42	574200	---	1
14	CLARK	15	0.24	32490	DANA CORWELL	3
15	CATHOLIC CHURCH (BEELEY)	14	0.08	10460	CATHOLIC CHURCH	3
16	TAYLOR (BIRCH)	6	0.1	13460	JOSEPH KEMBRAM	1
17	RED MEN (BEELEY)	628	0.91	124430	CORR UNITED METHODIST MEN	3
18	WHEATON/CLAYVILLE	10	0.12	16475	PUTTY LANE	3
19	HOLLY RIDGE	131	1.47	200460	BOON MEMORIAL	1
20	CAPTAIN CHANDLER	1	0.19	25945	CHUCK WARD	3
21	NEED	17	0.40	54430	---	1
22	HILL	17	0.15	20480	JOHN KAT THORNTON	3
23	CARTER	1	0.01	---	STEWART BAKER	3
24	BAPTIST CHURCH	1	3.53	---	CHURCH	3
TOTAL		3487	15.29	---	---	---

*Cemetery information based on *From Years to Memories - The Cemeteries of Chincoteague*, by James W. Carpenter, Sr., revised August 2008 Edition.

Priority 1 – Needs maintenance 385 sites 3.53 acres
 Priority 2 – Town hires out 2321 sites 3.85 acres
 Priority 3 – Someone is maintaining 981 sites 7.91 acres

Cemeteries Key – A summary was prepared to identify priorities for which cemeteries are currently being cared for and which need regular maintenance

9

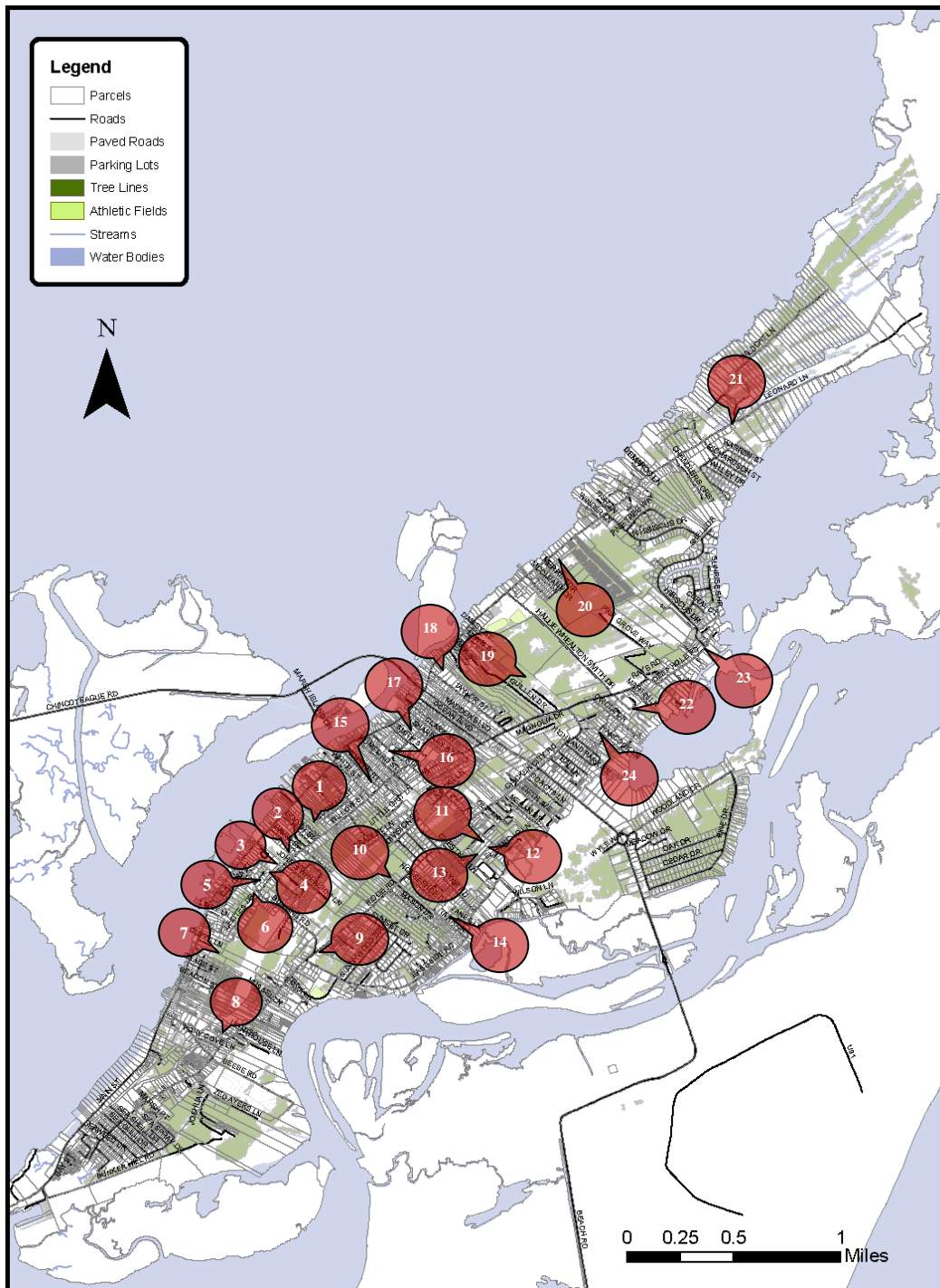
Chincoteague Cemetery Plan

Thornton

Tax Parcel 30A3-A-243 Edge Road

- 0.46 Acres
- Family
- 151 Buried
- 44 Unmarked
- 1865

Cemetery Information Sheet – Information for each cemetery site was collected, including: map location, aerial photo view, ground level photo view, street address, tax parcel I.D., size and acreage, number of gravesites and age of the oldest burial site.



1. AYDELOTTE (BOOTH)
2. CHRIST UNION BAPTIST
3. ODD FELLOWS
4. BUNTING
5. BEULAH
6. GREENWOOD
7. ANDREWS & DAISEY
8. DAISEY
9. THORNTON
10. JONES
11. MECHANICS
12. DAISEY MEMORIAL
13. REYNOLDS
14. BIRCH FAMILY
15. CLARK
16. CATHOLIC CHURCH (RISLEY)
17. TAYLOR (BIRCH)
18. RED MENS (REDMAN)
19. WHEALTON/CLAYVILLE
20. HOLLY RIDGE
21. CAPTAIN CHANDLER
22. REED
23. HILL
24. CARTER
25. BAPTIST CHURCH (under)

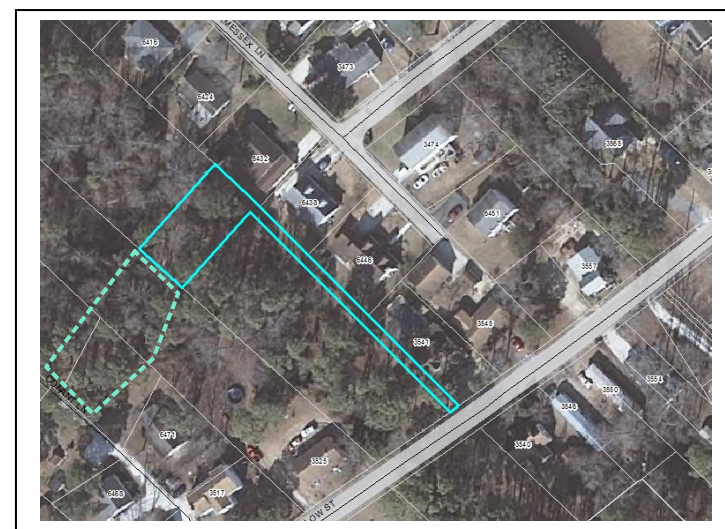
TOWN OF CHINCOTEAGUE CEMETERIES KEY

KEY	NAME	GRAVESITES	PARCEL AREA (acres)	DIMEN- SIONS (feet)	MAINTAIN	PRIORITY
1	AYDELOTTE	63	0.21	50x270	FAMILY	1
2	CHRIST UNION BAPTIST	31	0.41	143x146	FAMILY/FRIENDS	3
3	ODD FELLOWS	55	0.45	67x275	ISLAND BAPTIST MEN	3
4	BUNTING	212	0.37	65x95	TOWN HIRES	2
5	BEULAH	39	0.17	65x150	UNION BAPTIST MEN	3
6	GREENWOOD	734	1.21	159x170	TOWN HIRES	2
7	ANDREWS & DAISEY	65	1.2	80x250	COAST GUARD PETTY OFFICERS	3
8	DAISEY	66	0.38	100x110	FAMILY	3
9	THORNTON	151	0.46	115x130	FAMILY/FRIENDS	1
10	JONES	9	0.22	20x75	-	1
11 12	MECHANICS & DAISEY MEMORIAL	1182 193	2.27	75x520 100x500	TOWN HIRES	2
13	REYNOLDS	38	0.07	75x117	FAMILY	3
14	BIRCH FAMILY	8	0.42	35x200	-	1
15	CLARK	15	0.24	25x90	DANA CONKLIN	3
16	CATHOLIC CHURCH (RISELY)	14	0.08	60x60	CATHOLIC CHURCH	3
17	TAYLOR (BIRCH)	6	0.1	20x60	JOSEPH KEMBRAM	1
18	RED MENS (REDMAN)	628	0.91	95x150	TOWN HIRES	2
19	WHEALTON/ CLAYVILLE	10	0.12	40X75	SCHOOL BOARD	3
20	HOLLY RIDGE	131	1.67	60X840	DOUG MARSHAL	1
21	CAPTAIN CHANDLER	1	0.19	20X45	CHUCK WARD	3
22	REED	17	0.45	70X180	-	1
23	HILL	17	0.15	50X80	DONNY RAY THORNTON	3
24	CARTER	1	0.01		STEWART BAKER	3
25	BAPTIST CHURCH	1	3.53		CHURCH	3
	TOTAL	3687	15.29			

*Cemetery information based on **From Tears to Memories – The Cemeteries of Chincoteague**, by James W. Carpenter, Sr., revised August 2008 Edition.

Priority 1 – Needs maintenance
Priority 2 – Town hires out
Priority 3 – Someone is maintaining

385 sites 3.53 acres
2321 sites 3.85 acres
981 sites 7.91 acres



1

Chincoteague Cemetery Plan

Aydelotte/Booth/Whealton

Tax Parcel 30A3-A-214/ Willow Street

- 0.21 Acres
- Family
- 63 Buried
- 24 Unmarked
- 1871



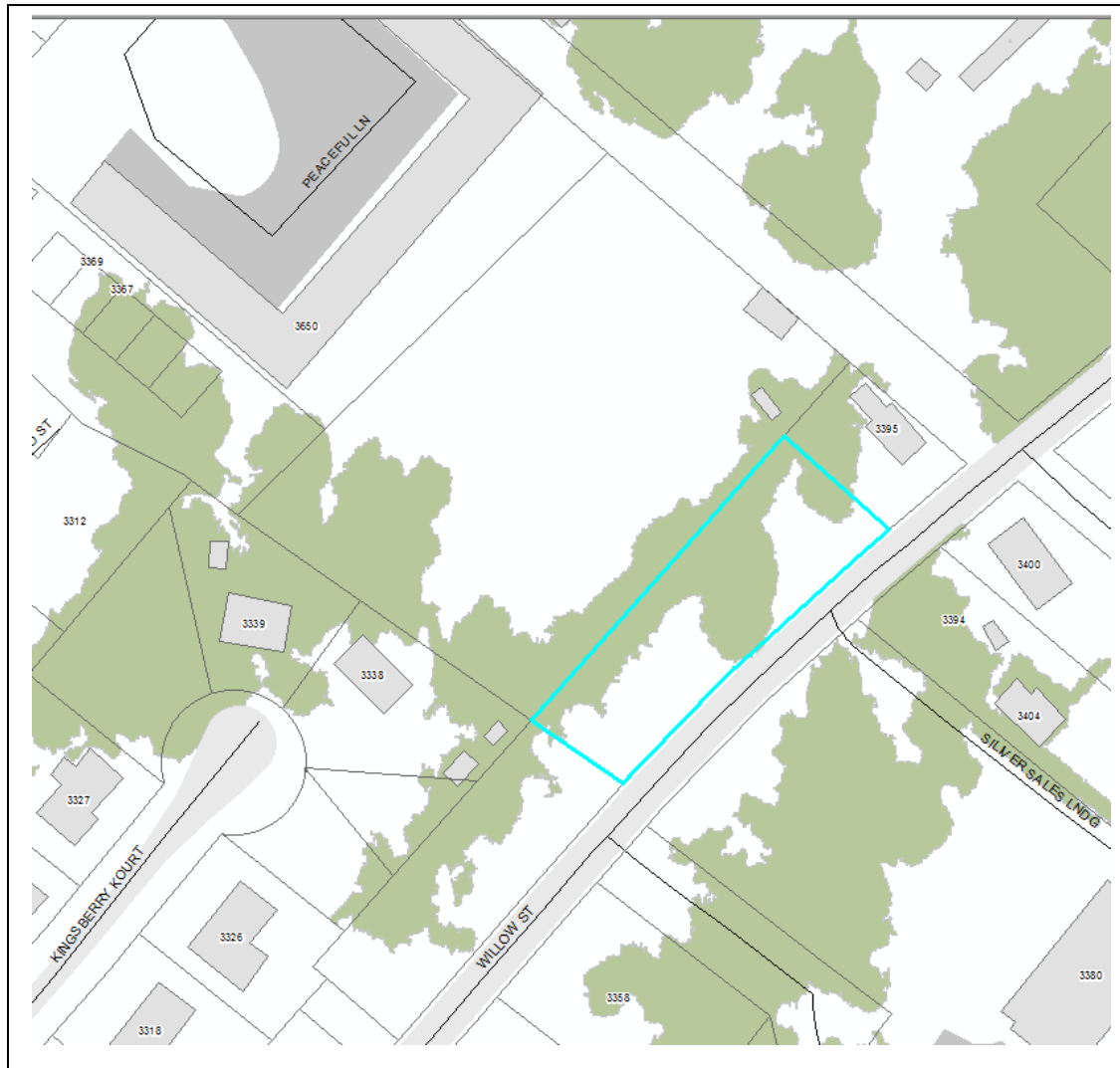
2

Chincoteague Cemetery Plan

Christ Union Baptist

Tax Parcel 30A3-A-167,168/ Willow Street

- 0.41 Acres
- African American
- 31 Buried
- 22 Unmarked
- 1870



3

Chincoteague Cemetery Plan

Odd Fellows

Tax Parcel 30A3-A-156/ Willow Street

- 0.45 Acres
- African American
- 55 Buried
- 34 Unmarked
- 1853



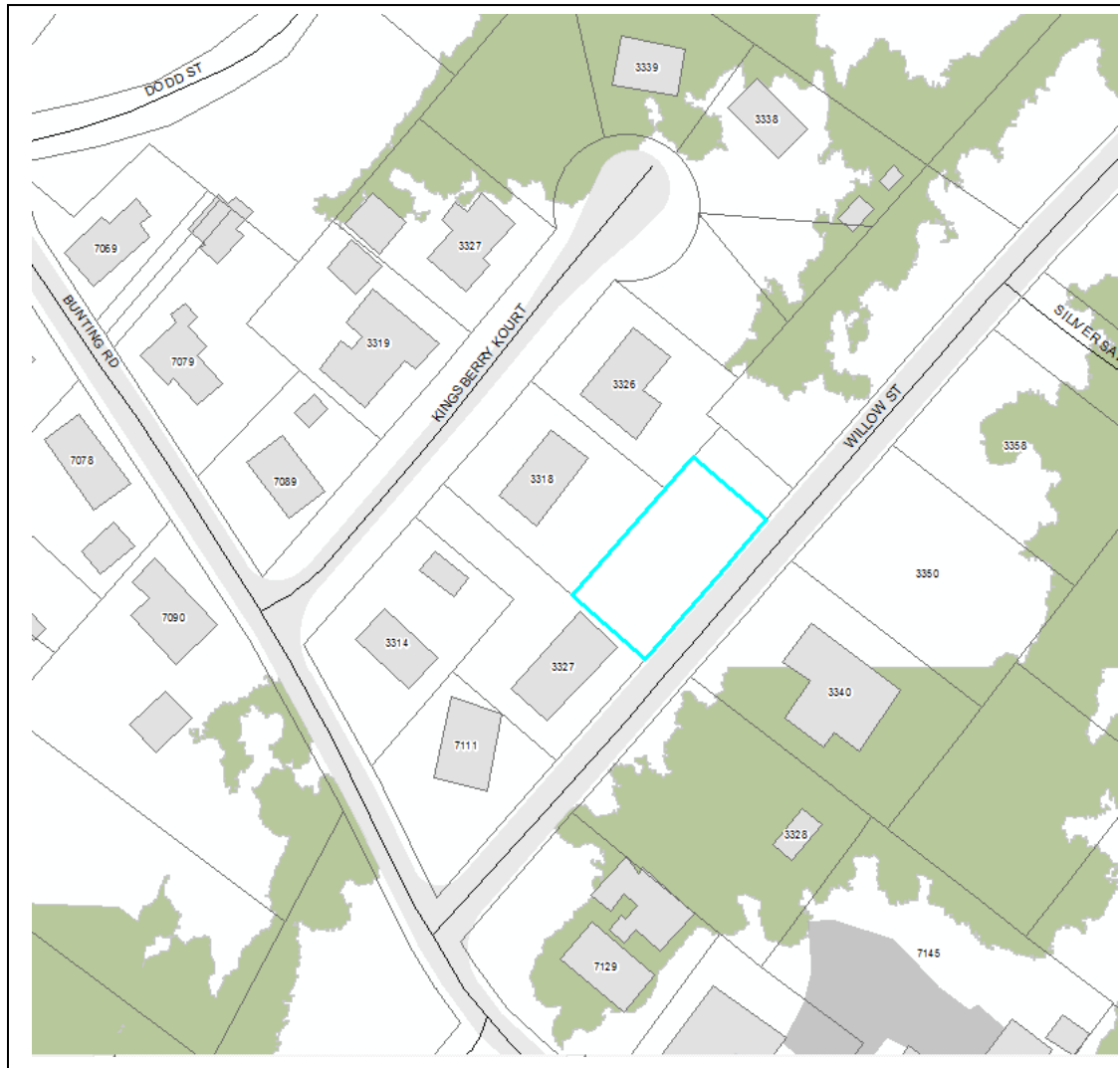
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Chincoteague Cemetery Plan

Bunting

Tax Parcel 30A3-A-155/ Willow Street

- 0.37 Acres
- Community
- 212 Buried
- 35 Unmarked
- 1854



5

Chincoteague Cemetery Plan

Beulah

Tax Parcel 30A3-A-154/ Willow Street

- 0.17 Acres
- Union Baptist Church
- 39 Buried
- 28 Unmarked
- 1865



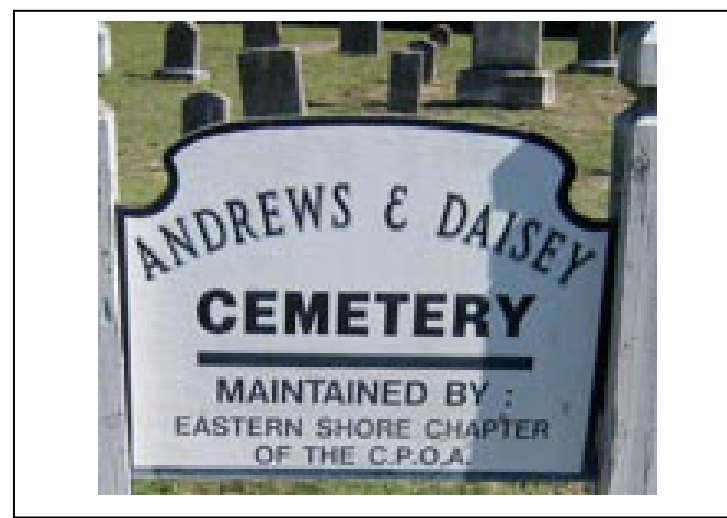
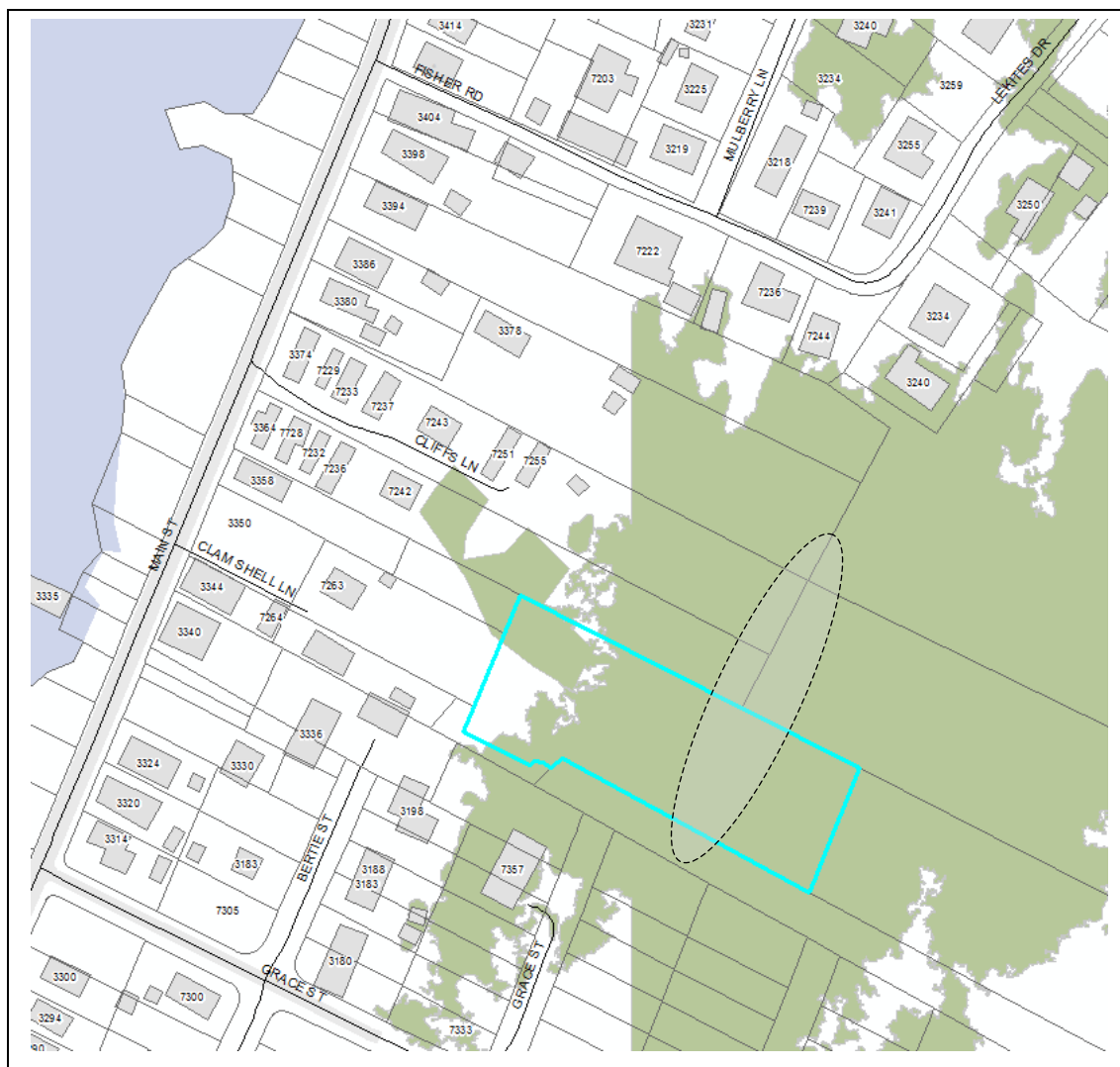
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Chincoteague Cemetery Plan

Greenwood

Tax Parcel 30A3-A-104/ Lekites and Bunting Road

- 1.21 Acres
- Community
- 734 Buried
- 174 Unmarked
- 1853



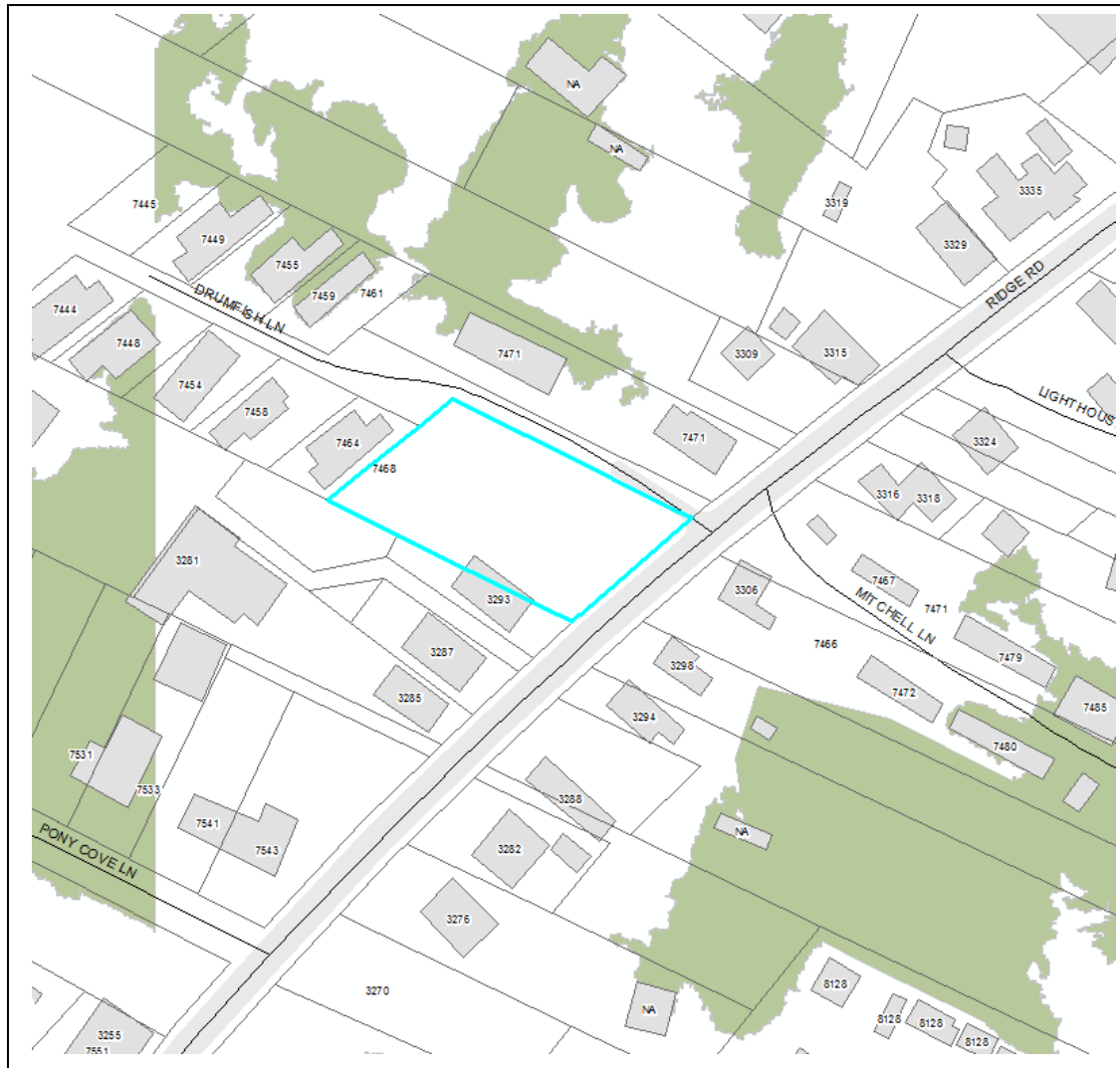
7

Chincoteague Cemetery Plan

Andrews & Daisey

Tax Parcel 30A3-A-90/ South Main Street

- 1.2 Acres
- Family
- 65 Buried
- 25 Unmarked
- 1871



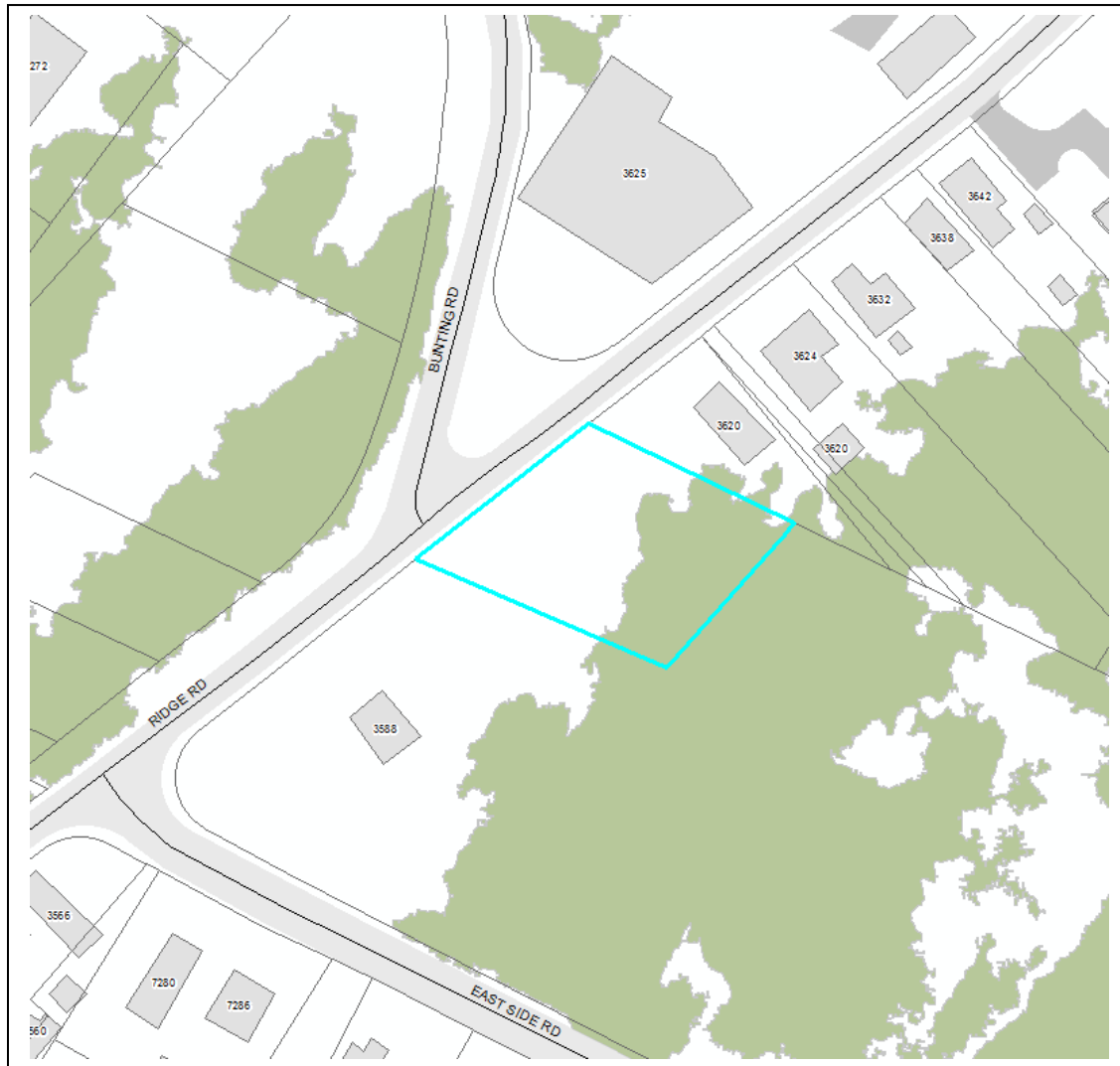
8

Chincoteague Cemetery Plan

Daisey

Tax Parcel 30A3-A-116/ Ridge Road

- 0.38 Acres
- Family
- 66 Buried
- 14 Unmarked
- 1899



9

Chincoteague Cemetery Plan

Thornton

Tax Parcel 30A3-A-243/ Ridge Road

- 0.46 Acres
- Family
- 151 Buried
- 44 Unmarked
- 1865



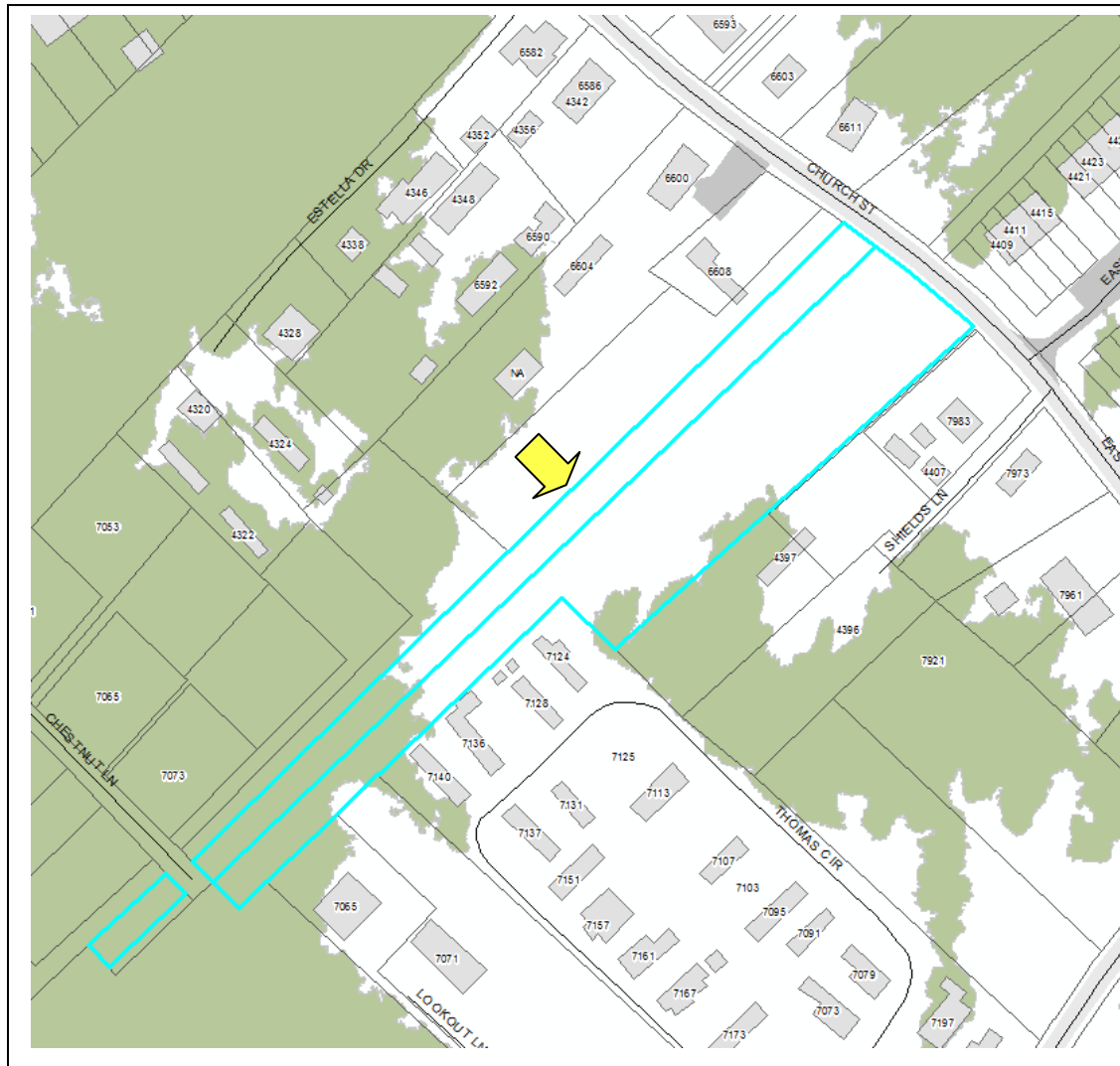
10

Chincoteague Cemetery Plan

Jones

Tax Parcel 30A4-10-3A/ Ridge Road

- 0.22 Acres
- Community
- 9 Buried
- 5 Unmarked
- 1881



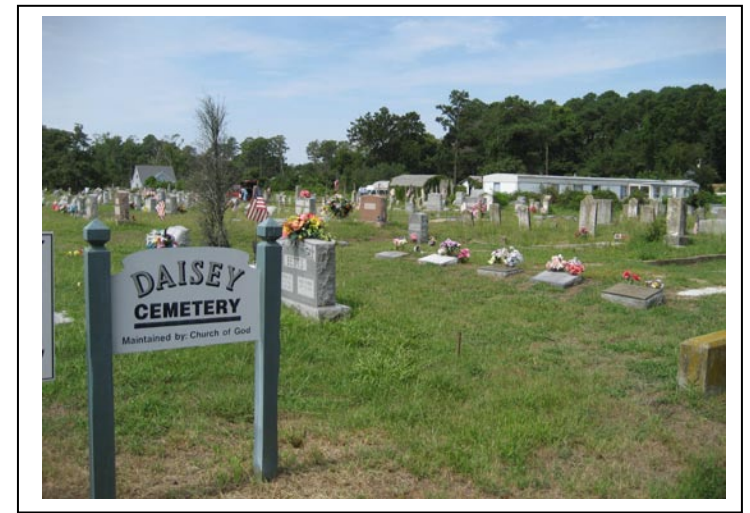
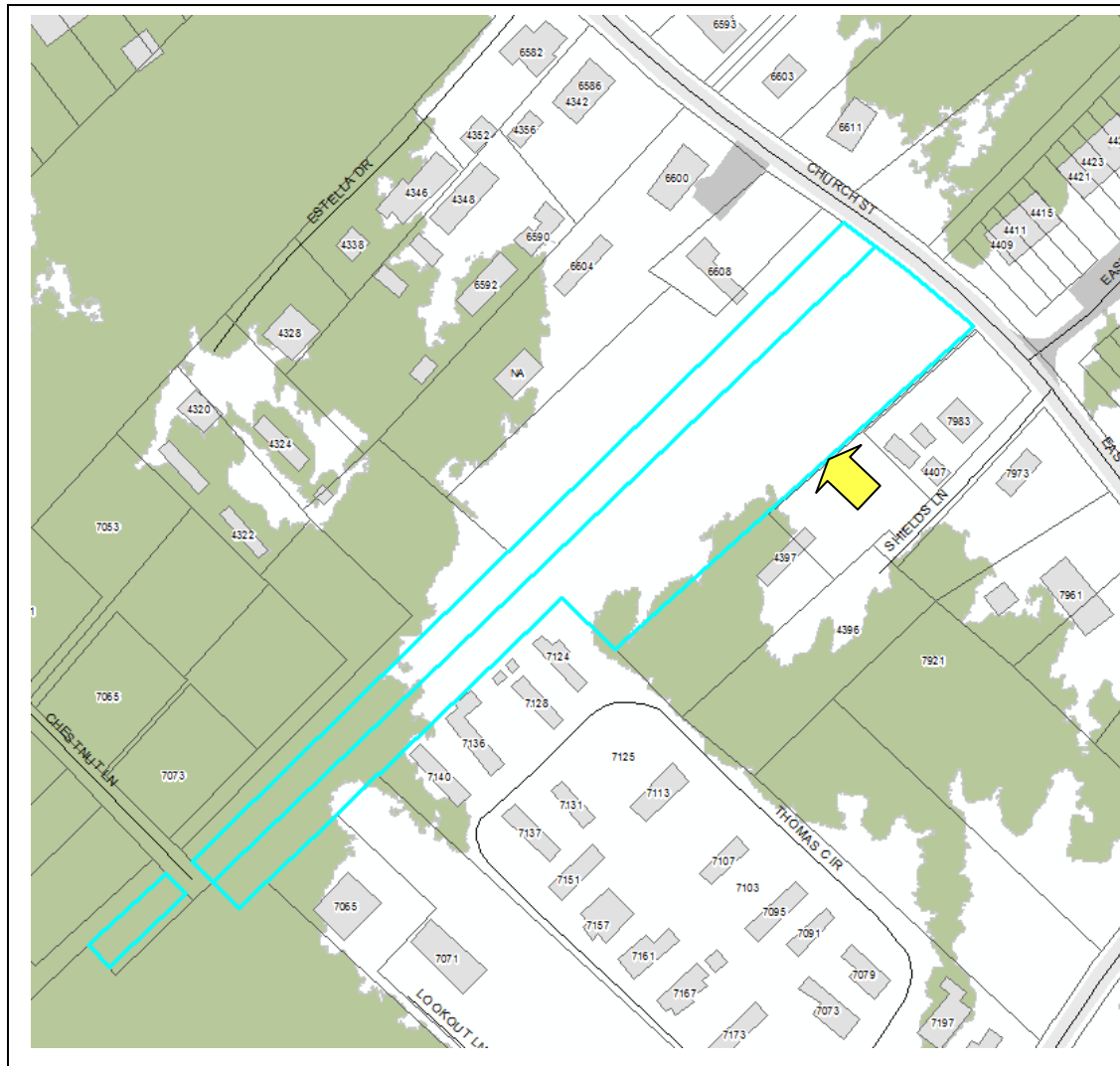
11

Chincoteague Cemetery Plan

Mechanics

Tax Parcel 30A4-A-146/ Church Street

- 2.27 Acres
- Community
- 1182 Buried
- 346 Unmarked
- 1871



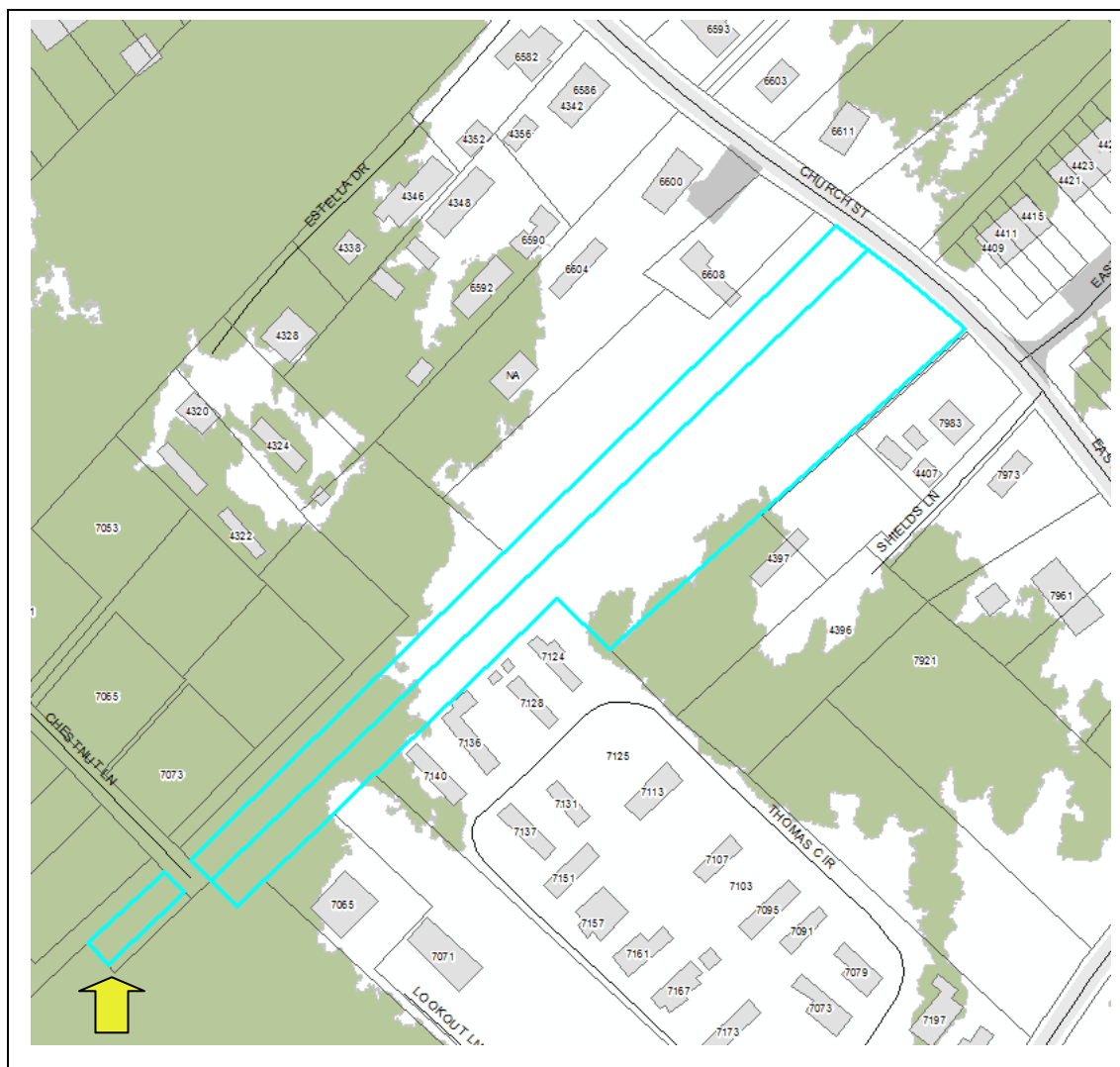
12

Chincoteague Cemetery Plan

Daisey Memorial

Tax Parcel 30A6-A-36A/ Church Street

- 2.27 Acres
- Community
- 193 Buried
- 14 Unmarked
- 1945



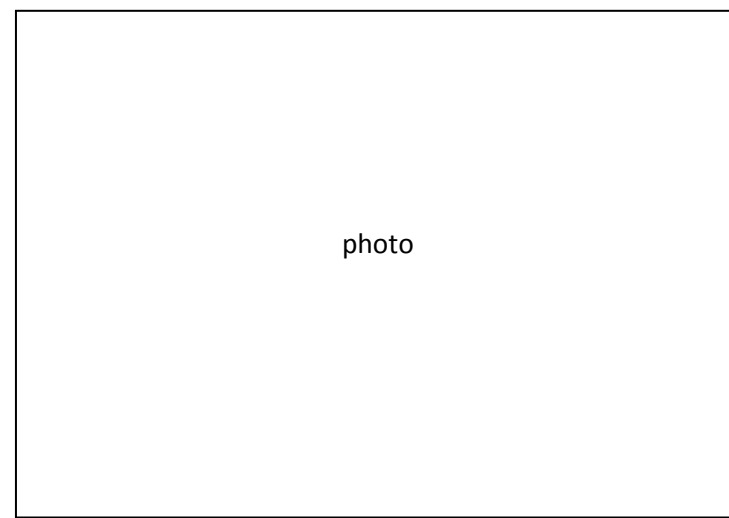
13

Chincoteague Cemetery Plan

Reynolds

Tax Parcel 30A4-A-144 / Chestnut Lane

- 0.07 Acres
- Community
- 38 Buried
- 4 Unmarked
- 1887



photo

14

Chincoteague Cemetery Plan

Birch Family

Tax Parcel 30A4-A-124/ Tarr Lane

- 0.42 Acres
- Family
- 8 Buried
- 3 Unmarked
- 1873



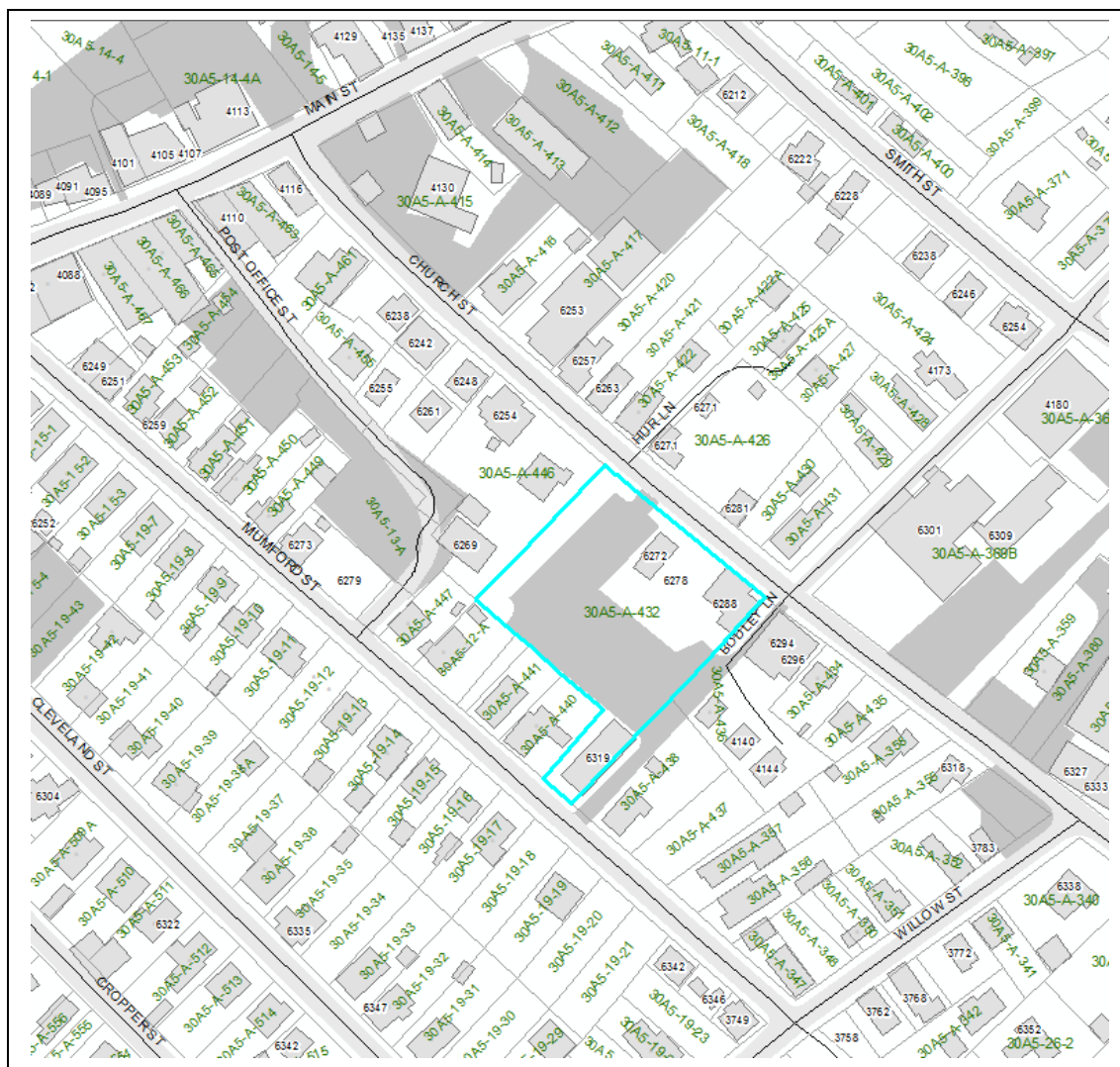
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Chincoteague Cemetery Plan

Clark

Tax Parcel 30A5-A-548 / Willow Street

- 0.24 Acres
- Community
- 15 Buried
- 7 Unmarked
- 1880



16

Chincoteague Cemetery Plan

Catholic Church (Risley)

Tax Parcel / Street

- Acres
- Community
- 15 Buried
- 7 Unmarked
- 1864



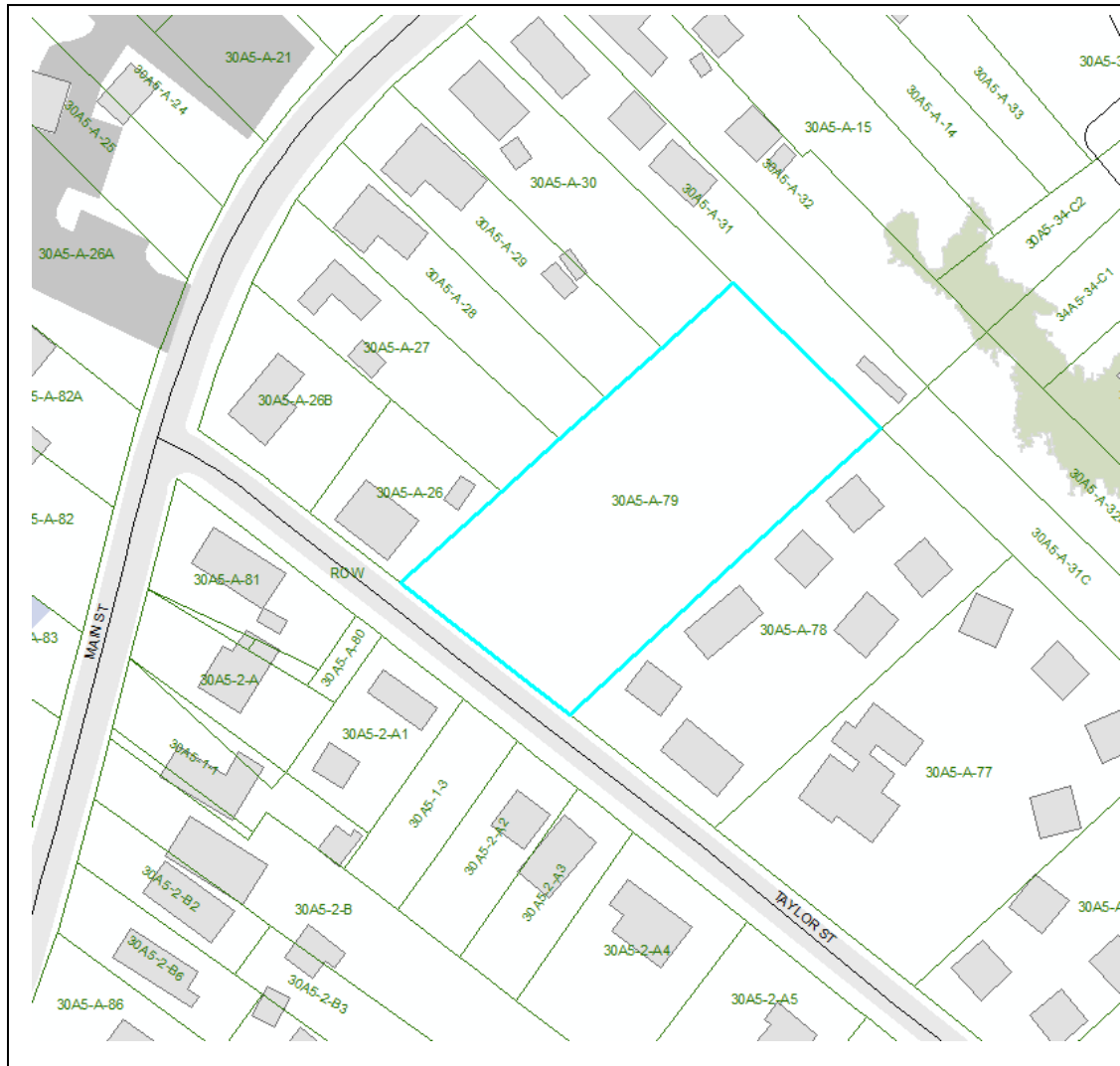
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Chincoteague Cemetery Plan

Taylor (Birch)

Tax Parcel 30A5-A-374/ Smith Street

- 0.1 Acres (4,355 sf)
- Family
- 6 Buried
- 4 Unmarked
- 1890



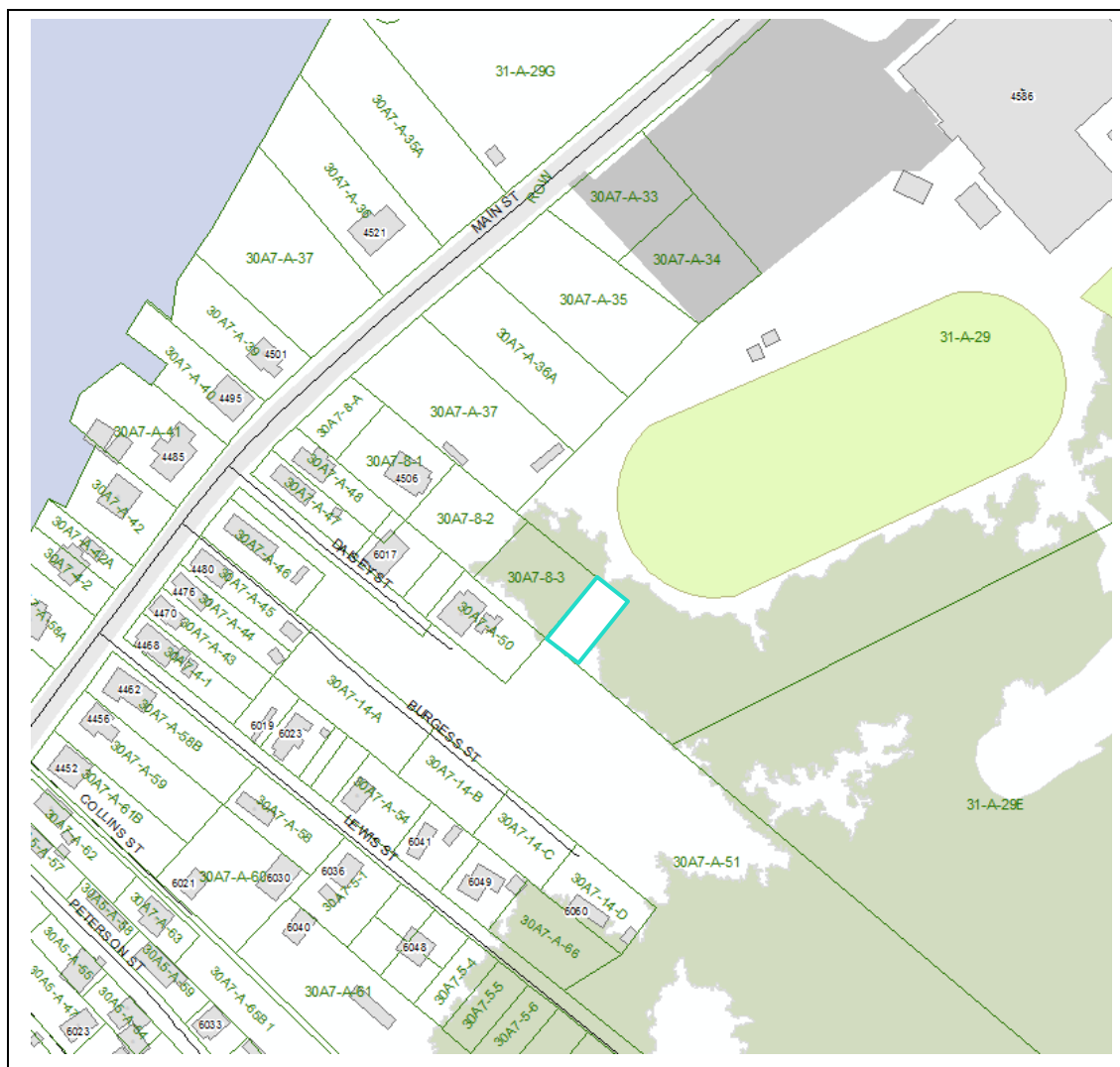
18

Chincoteague Cemetery Plan

Red Mens (Redman)

Tax Parcel 30A5-A-79 / Taylor Street

- 0.91 Acres
- Community
- 628 Buried
- 173 Unmarked
- 1853



Chincoteague Cemetery Plan

(19)

Whealton/Clayville

Tax Parcel 31-A-29 / Daisey Street

- 0.12 Acres (5,000sf)
- Family
- 10 Buried
- 2 Unmarked
- 1872



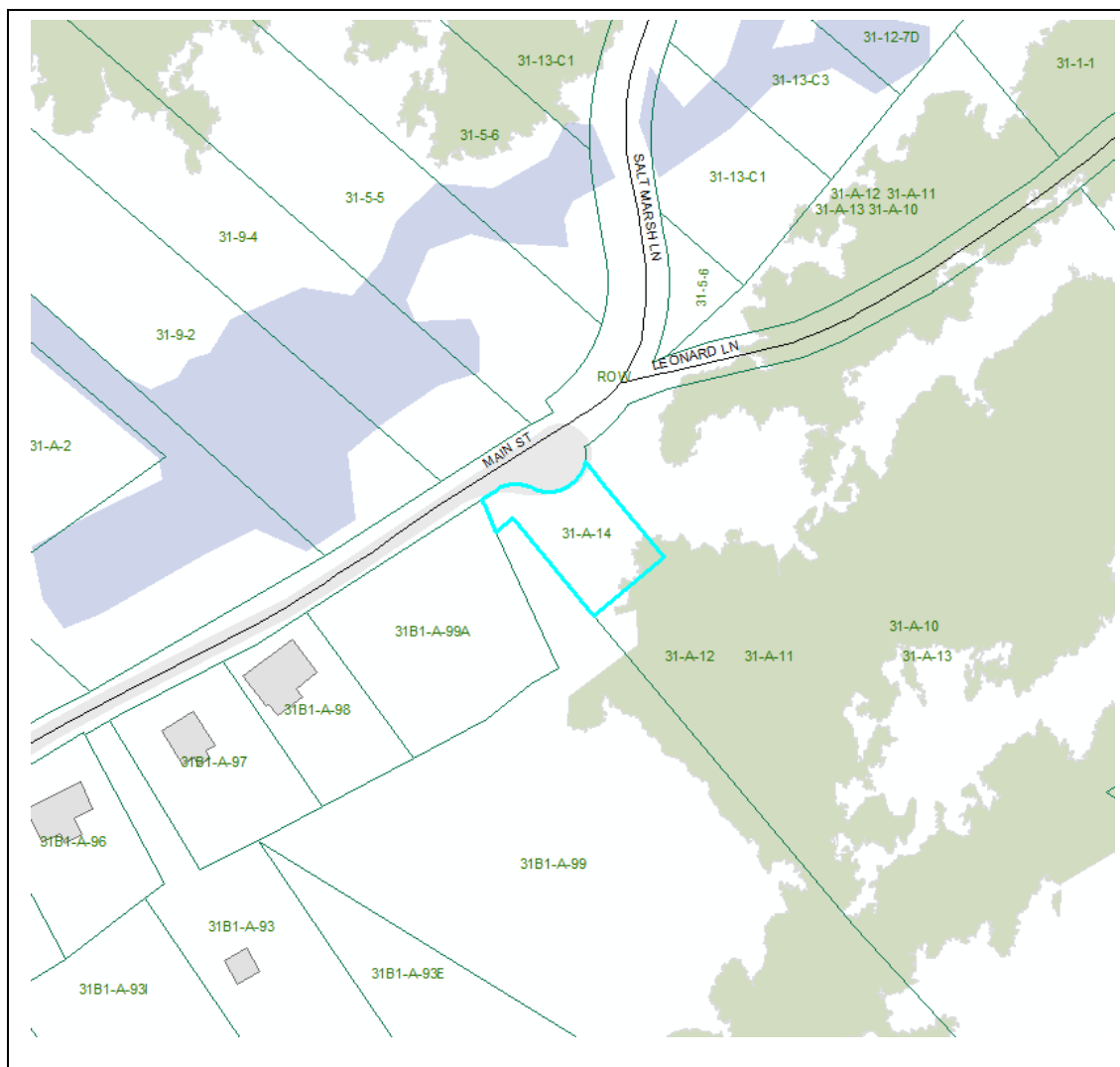
20

Chincoteague Cemetery Plan

Holly Ridge

Tax Parcel 30A7-A-6 / North Main Street

- 1.67 Acres
- Community
- 131 Buried
- 74 Unmarked
- 1854



(21)

Chincoteague Cemetery Plan

Captain Chandler

Tax Parcel 31-A-14 / North Main Street

- 0.19 Acres
- Individual
- 1 Buried
- 0 Unmarked
- 1877



22

Chincoteague Cemetery Plan

Reed

Tax Parcel 31-A-31A / Pinewood Way

- 0.45 Acres
- Family
- 17 Buried
- 12 Unmarked
- 1876



23

Chincoteague Cemetery Plan

Hill

Tax Parcel 31B-A-50 / Deep Hole Road

- 0.15 Acres
- Family
- 28 Buried
- 8 Unmarked
- 1871



photo

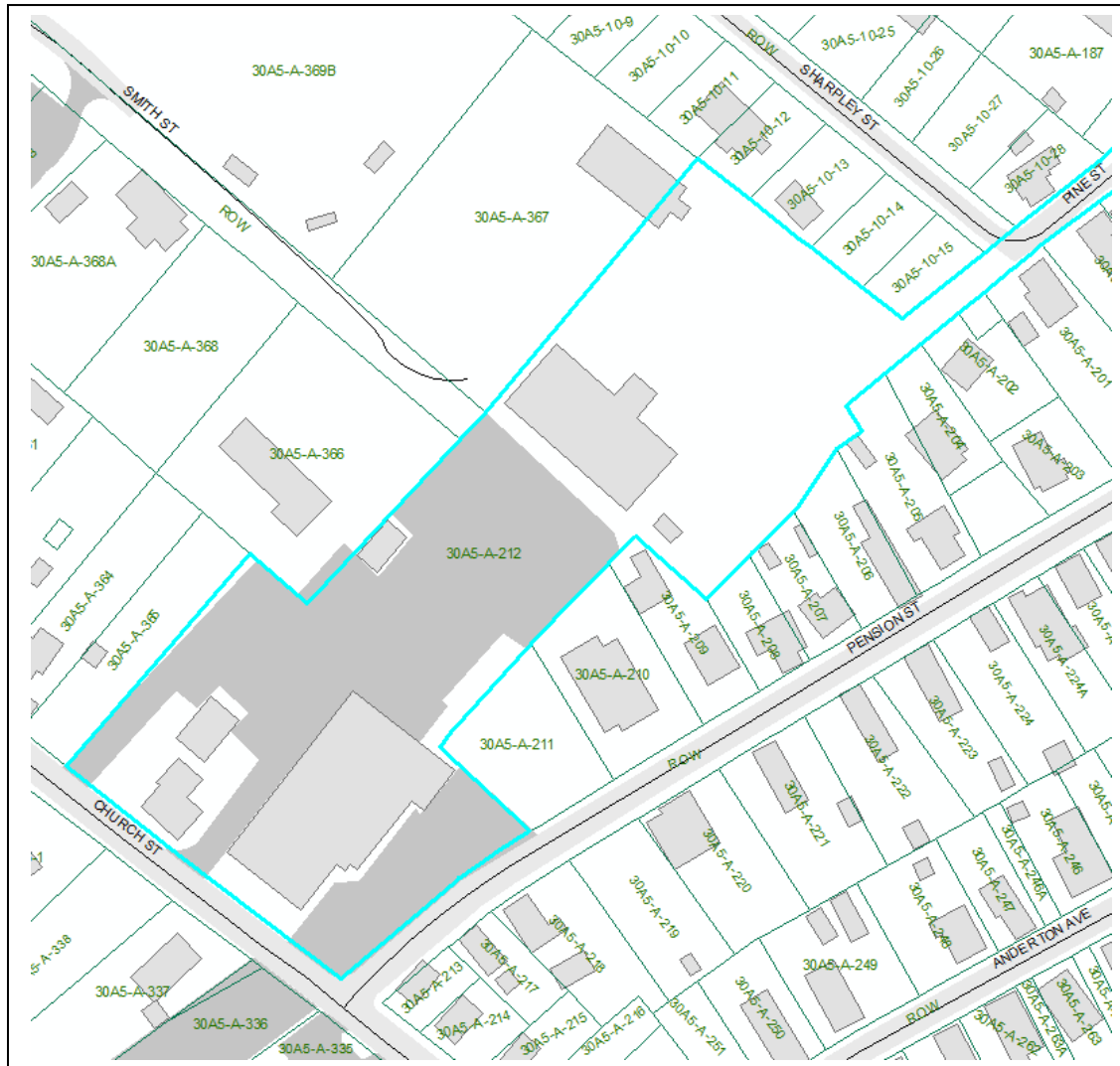
24

Chincoteague Cemetery Plan

Carter

Tax Parcel 30A6-A-107 / Serenity Drive

- 0.01 Acres (400sf)
- Individual
- 1 Buried
- 0 Unmarked
- 1907



25

Chincoteague Cemetery Plan

Union Baptist Church

Tax Parcel 30A5-A-212 / Church Street

- 3.53 Acres
- Community
- 1 Buried
- 0 Unmarked
-

Attachments

[Legal Statutes](#)

[Sample Instructions](#)

[Virginia FAQ](#)

[Outreach](#)

(Selections from the Town Code and State Code regarding Cemeteries)

THE CODE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

PART I

CHARTER

Charter	CHT:1
Ch. 1. Incorporation and Boundaries	CHT:3
Ch. 2. Powers of Town	CHT:5
Ch. 3. Town Plan	CHT:19
Ch. 4. Zoning	CHT:21
Ch. 5. Administration and Government	CHT:22
Ch. 6. General Provisions	CHT:27

CHAPTER 2. POWERS OF TOWN

Sec. 1. Generally.

37. To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; to cooperate with any nonprofit corporation in the improvement and care of burial places and the approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

PART II

CODE

Chapter 22

ENVIRONMENT*

ARTICLE V. CEMETERIES

Sec. 22-151. Definitions.

Cemetery means any place presently utilized for the internment of human remains, whether publicly, privately, or charitably owned, including existing grave site(s) on private property and family burial grounds. For purposes of this article the term “cemetery” shall include the land adjacent to any physical grave site situated within an area extending fifteen feet from any part of the physical grave site, or the area designated by any fence or other boundary, natural or manmade, indicating the actual area designated by any fence or other boundary, natural or manmade, indicating the actual area set aside for cemetery purposes, whichever is the greater area.

Person, firm or entity means any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public cooperation, specifically including any person in charge of or supervising any property owned or possessed by any such person, firm or entity.

Sec. 22-152. Purposes and authority.

The stated purpose of this article is to regulate cemeteries within the Town of Chincoteague so as to insure that cemeteries and grave sites contained therein are not

disturbed nor used other than for the purposes of the internment of human remains, and that such remains will be afforded the perpetual dignity to which entitled.
This article is adopted pursuant to the authority contained in §15.2-1102 and §15.2-1111 of the Code of Virginia of 1950 as amended.

§ 15.2-1102. General grant of power; enumeration of powers not exclusive; limitations on exercise of power.

A municipal corporation shall have and may exercise all powers which it now has or which may hereafter be conferred upon or delegated to it under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the municipality, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(Code 1950, § 15-77.3; 1958, c. 328; 1962, c. 623, § 15.1-839; 1979, c. 297; 1997, c. [587](#).)

§ 15.2-1103. Charter provisions not affected; conflict between chapter and charter.

A municipal corporation, in addition to the powers granted by § [15.2-1102](#), shall have all the powers granted to it in its charter; and nothing contained in this article shall be construed to in anywise repeal, amend, impair or affect any provision of any existing charter or of any charter hereafter granted to a municipal corporation or any provision of any other applicable law, unless such amendment or repeal so provides. Whenever there appears to be a conflict between any provision of this article, or any amendment hereof, and that of any charter of a municipal corporation, the provisions of the charter shall be construed and held to take precedence over such conflicting or apparently conflicting provisions of this article or of any amendment hereof.

(Code 1950, § 15-77.4; 1958, c. 328; 1962, c. 623, § 15.1-840; 1997, c. [587](#).)

§ 15.2-1107. Departments, offices, boards, etc.

A municipal corporation may provide for the organization, conduct and operation of all departments, offices, boards, commissions and agencies of the municipal corporation, subject to such limitations as may be imposed by its charter or otherwise by law. A municipal corporation may establish, consolidate, abolish or change departments, offices, boards, commissions and agencies of the municipal corporation and prescribe the powers, duties and functions thereof, except where such departments, offices, boards, commissions and agencies or the powers, duties and functions thereof are specifically established or prescribed by its charter or otherwise by law.

(Code 1950, § 15-77.9; 1958, c. 328; 1962, c. 623, § 15.1-845; 1997, c. [587](#).)

§ 15.2-1111. Regulation of cemeteries and burials.

A municipal corporation may regulate and inspect cemeteries and burials therein, prescribe records to be kept by the owners thereof, and prohibit burials except in public cemeteries.

(Code 1950, § 15-77.24; 1958, c. 328; 1962, c. 623, § 15.1-860; 1997, c. [587](#).)

Sec. 22-153. Prohibited acts.

No person, firm, or entity shall disturb, alter, remove, excavate, destroy, injure, deface, or erect and/or maintain any improvement, or otherwise use, except as permitted herein, any cemetery as herein defined.

Sec. 22-154. Non prohibited acts.

The provisions hereof shall not prohibit the internment of any other human remains in any cemetery, if otherwise lawfully permitted, nor shall it prohibit any person, firm, or entity from removing brush, weeds, or debris or otherwise maintaining a cemetery, nor the erection and/or maintenance of customary markers, monuments, remembrances, or fencing.

Sec. 22-155. Inspection.

The town manager, or his designee shall have the authority during normal business hours to enter on to any cemetery, whether public, private, or charitable for the purpose of inspection and the insuring of compliance with the provisions hereof, provided however that the town manager, or designee, may inspect any such cemetery at any time if he or she has a reasonable suspicion that any provision of this article is being violated.

Sec. 22-156. Violation and penalties.

Any violation of this article shall constitute a misdemeanor and shall be punishable by confinement in jail for a period not to exceed 12 months and/or a fine of not more than \$500.00.

Sec. 22-157. Injunctive relief.

In addition to any criminal penalty for the violation of this article, the town manager is further authorized on behalf of the town to initiate and seek injunctive relief in the Circuit Court of Accomack County to prohibit any such unlawful acts as provided in this article.

APPENDIX A–ZONING

ARTICLE II. DEFINITIONS

Sec. 2.36. Cemetery.

Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. No cemetery shall be established on a parcel that is less than two acres in area. New cemeteries which adjoin an existing cemetery may not be required to comply with the two-acre requirement. However, a special use permit is required. No interment shall be permitted within ten feet of any lot line within a commercial district or 25 feet of any lot line within a residential district. Where the proposed cemetery will adjoin an existing cemetery, the required setback shall not apply to the common lot line adjoining such cemetery. All new cemeteries or extensions thereof shall be required to provide perpetual care for all new burial lots. Each burial lot shall be a minimum of five feet by ten feet in size. The establishment and/or extension of cemeteries is prohibited in residential R-1 and R-2. Any such establishments and/or extensions shall apply to all political divisions of the Code of Virginia. No such establishment and/or extensions shall be permitted except by a special use permit granted by the board of zoning appeals.
(Ord. of 8-2-1999)

SECTION C. R-3 MIXED USE RESIDENTIAL

SECTION D. R-4 RESORT RESIDENTIAL

SECTION E. A AGRICULTURAL DISTRICT*

SECTION A. C-1 NEIGHBORHOOD COMMERCIAL

SECTION B. C-2 OLD TOWN COMMERCIAL

SECTION C. C-3 CORRIDOR COMMERCIAL

SECTION D. C-4 RESORT COMMERCIAL

SECTION A. PSP PUBLIC/SEMI-PUBLIC

Sec. __ Special exceptions; special use permits; conditional use.

___ Cemetery.

CEMETERY MAINTENANCE GUIDELINES

Good cemetery maintenance strategies should incorporate the gentlest, most low-impact measures possible. Long-term maintenance of historic cemeteries should be compatible with the cemetery's traditional form. Regular maintenance is the best preservation procedure.

Establish Ownership & Get Permission, Safety, Consult the Cemetery Preservation Plan

The first step prior to beginning any cemetery preservation project is to establish the ownership of the cemetery. Cemeteries, particularly abandoned or deteriorated sites, can pose a number of safety concerns. Take precautionary steps when visiting cemeteries. It is critical to follow a written plan of action before beginning any preservation work in a cemetery.

Initial Cleanup

This cleanup will consist of activities such as removing dead limbs, picking up trash, cutting back grass and brush. If the site has been neglected for a long period, you will need to carefully remove growth by hand or with clippers. You should not use herbicides, pesticides or fertilizers on or near the grave stones. Identify and protect heirloom vegetation that was planted as a memorial to the deceased. Do not remove any pieces of stone. Care should be given to leave all markers, footstones, and fragments as they lie. You should not burn trash or brush near the cemetery. Remove debris to an appropriate location. Pick up trash and debris from the grounds on a regular basis and provide trash receptacles.

Routine Care of the Cemetery:

- Remove the trash and brush from the cemetery
- Small trees may only be removed (at ground level) with prior approval
- Repairs of any fencing must have prior approval
- Gravestones, field markers, etc. should not be disturbed (if fallen or broken, do not attempt to right or fix them)
- Remove long vines or runners carefully, so as not to disturb field stones or gravestones (snip off at ground level)
- No digging – do not do any digging in the cemetery.
- Power tools may be used with extra care
- Do not use a weed whacker near a marker or gravestone
- Weed killers may only be used with permission of the cemetery owner
- Cleaning of gravestones may be done with soft brushes and distilled water only (do not use any type of cleaning agent)
- Report any damage immediately to the cemetery administrator
- Delay maintenance activity in the event of a funeral or burial

*Remember, the cardinal rule in cemetery preservation is
“Do No Harm.”
The second rule is to make sure
that all work is reversible.*

Specific Instructions

Mowing

Frequency of cutting is, to a great extent, dependent upon weather and fertilization conditions. For the most part, the following mowing schedule can be used to keep the cemetery looking manicured:

- ❖ From the beginning of the season to mid June, every five days
- ❖ From mid June to mid or late August, every ten days
- ❖ From late August to the end of the cutting season, every five days



Whose responsibility is it to take care of old cemeteries?

Although Virginia law protects cemeteries, graveyards, and burial sites from disturbance and damage (§[18.2-127](#)), there is no law requiring that the owner of a cemetery maintain that cemetery. If you are an adjacent landowner, and feel that a neglected or unsightly cemetery on someone else's property lowers the value of your property, you may petition the city or county circuit court for relief (§[57-39.1](#)). If you would like to take care of a cemetery, but do not own the property, make sure that you discuss your ideas with the landowner and obtain his or her permission to be on private land. If you do not know who owns the property, you can access this information through your local planning department or circuit court clerk's office. You should also contact your city or county's Commonwealth's Attorney to make sure that you are aware of any local requirements or regulations with regard to cemetery treatment.

...if I want to help preserve old graveyards and isolated graves? Preservation of historic cemeteries and burial sites in their original place and form is the preferred treatment option. Good cemetery maintenance strategies should incorporate the gentlest, most low-impact measures possible, and should address issues of long-term care (including the financial commitment necessary). Temporary or hasty solutions will only postpone a recurring problem and may inadvertently cause additional problems. DHR advocates innovative strategies for the long-term maintenance of historic cemeteries that are compatible with the cemetery's traditional form. DHR staff can provide broad-based technical assistance regarding the preservation of historic cemeteries. This assistance includes recommended options for the treatment and preservation of cemeteries, and information regarding the historic context and traditional form of regional historic cemeteries.

...if I need a copy of the laws pertaining to cemeteries? Information regarding the [Code of Virginia](#), as well as local regulations, can be obtained by contacting your local government or visiting your local library. DHR's index to the Code of Virginia is located [here](#).

I have an old abandoned cemetery on my property. What are my legal rights and obligations? Do I have to maintain the cemetery or let family members come on my land?

As the owner of property that includes a cemetery, you are not obligated to do anything as long as you leave the cemetery alone. You may maintain the cemetery if you wish, or allow descendants or other parties to do so. Virginia law protects all cemeteries from willful and malicious damage, whether by the owner or by others (§[18.2-127](#)). Should you decide to remove and relocate the graves so that the area may be used for other purposes, you are required to file a bill in equity with the city or county circuit court for permission to do so (§[57-38.1](#)). This

petition will require a good faith effort to identify and contact the families or descendants of the persons interred in the cemetery, as well as publication of a notice of intent in a local newspaper. If the cemetery is unmarked, and you wish to have the remains recovered by professional archaeologists, you will also require a permit (download the [permit application](#)) from DHR (§[10.1-2305](#)). Unless otherwise ordered by the court, you will be responsible for all costs incurred during the relocation process.

There is no Virginia law that requires landowners to maintain cemeteries on their properties, although section §[57-39.1](#) of the Code of Virginia does provide an avenue for adjacent landowners to petition the courts for relief in the event that a cemetery is found to be neglected and unsightly, thus reducing adjacent property values. You are required to allow access to the cemetery for visitation by family members or descendants of the interred persons or by owners of any plots within the cemetery, and for the purpose of genealogical research (§[57-27.1](#)). You have the right to designate the frequency, hours, and duration of any access, and you are not required to create a special access route if one is not already present.



PROCLAMATION

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of November 10TH through 16TH, 2012, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 5th day of November, 2012.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager



TOWN OF CHINCOTEAGUE, INC.

OFFICE OF THE MAYOR

July 31, 2012

Dear Friends:

First let us say thank you to the organizations and individuals that have financially supported us through the years with their generous yearly donations to maintain four of our twenty five cemeteries. We have worked very hard as volunteers to clear all the cemeteries of overgrowth, and are working to repair all the stones and gravesites that we can.

The Town Cemetery Committee created a clean-up fund several years ago, to defray the expense of having four key Island cemeteries mowed (Greenwood, Bunting, Mechanics, Daisey), when volunteer help could no longer be found. We have also been able to use the fund to provide timely mowing to several other cemeteries when the need arose.

Our strategy is to encourage volunteer clean-up efforts twice per year, to encourage adoption of a cemetery for regular maintenance, and to spread our donation requests among as many Island civic and church groups as possible, asking for a reasonable donation from many so we may continue this important maintenance effort into the coming year.

The people buried in our many town cemeteries were family and friends, Baptists, Methodists, and Catholics, fraternal members and veterans. They were once, just like all of us. It is important as a community that we continue to maintain our cemeteries in a dignified manner, and that those who preceded us continue to have a respectable final resting place.

Your donation to the Cemetery Clean-Up Fund is greatly appreciated, and will be wisely used. If you are able to make a donation, it may be delivered, or mailed, to the Town Office, directed to the "Cemetery Clean-Up Fund". If you cannot make a donation, we hope that you will be able to help us this year through your volunteer work by adopting one of the five cemeteries that are not currently being maintained (please call for more information 757.336.6519).

Thank you and God Bless,

Jack Tarr, Mayor

Cc: Ellen Richardson
Terry Howard
Gary Turnquist