

# Head of Christiana Cemetery Board Association

Mailing Address: 1104 West Church Road, Newark, DE

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Website: [www.hoccemetery.com](http://www.hoccemetery.com)

Cemetery's Physical Address: 1100 West Church Road, Newark, DE 19711

## Rules and Regulations, Head of Christiana Cemetery Board Association

*(Effective 11/11/2024)*

- 1.0 **Introduction:** The Head of Christiana Cemetery Board Association is a not-for-profit corporation located at 1104-1106 West Church Road, Newark, Delaware, with a primary function of managing and preserving the Head of Christiana Cemetery. It is managed and operated by a volunteer Board of Directors, which is guided by adopted By-Laws. Cemetery income is mostly derived from the sale of burial plots, fees, charitable donations, bequests, and investments. All expenditures are made for the operation and maintenance of the Cemetery. For the mutual protection and benefit of grave owners, the following Rules and Regulations have been adopted by the Head of Christiana Cemetery Board Association. All grave owners and visitors within the Cemetery and all graves sold shall be subject to said Rules and Regulations, and subject further to such other Rules and Regulations, amendments or alterations as shall be adopted from time to time by the Board of Directors.
- 2.0 **Contact:** Inquiries regarding purchase of lots, or burials may be achieved by contacting the Cemetery at [hoccemetery@gmail.com](mailto:hoccemetery@gmail.com), or 302-273-3682.
- 3.0 **Definitions:**
  - 3.1 The terms "Lot", "Plot", "Burial Place", or "Grave" shall be used interchangeably.
  - 3.2 The term "interment" shall mean the permanent disposition of the corporeal remains of a deceased person by burial.
  - 3.3 The term "memorial" shall include a monument or marker.
  - 3.4 The term "inurnment" shall mean the permanent disposition of the cremated remains of a deceased person by burial.
- 4.0 **Fees.** Fees for various items and services are detailed in the current "Fee Schedule", which is available at [www.hoccemetery.com](http://www.hoccemetery.com). Fees are subject to

change at the sole discretion of the Cemetery.

## **5.0 Lot and Lot Owners:**

- 5.1 Cemetery property is owned by the Cemetery Association. Real property is not sold. A lot “owner” receives the right of interment or inurnment in their purchased lot and the right to memorialize.
- 5.2 No lot will be sold in common ownership or joint ownership. The deed must stand in one name. Owners may designate who is permitted burial in the lot.
- 5.3 No grave shall be used for any purpose other than for the burial of the human dead.
- 5.4 The Cemetery reserves the right to refuse to permit the interment/inurnment of anyone who was not at the time of death the owner of the grave or a relative of the owner by blood or marriage or anyone not expressly permitted by the owner in writing.
- 5.5 The Cemetery 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, wildlife or order of any military or civil authority, whether the damage be direct or collateral
- 5.6 If a deeded lot can't be used for interment or inurnment because of natural obstacles, a past burial encroaching on the lot location or for any other reason, the Cemetery reserves the right to provide alternate lot locations and will issue a revised deed accordingly.

**6.0 Correction of Errors:** The Cemetery reserves and shall have, the right to correct any errors that maybe made by it either in making inurnments, interments, disinterments or removals, or in the description, transfer or conveyance of any interment property.

**7.0 Care of Graves:** The Cemetery will give such care as it can, the care to consist of cutting the grass and general preservation of the grounds. The general care assumed by the Cemetery shall in no case mean maintenance, repair or replacement of any vase, basket, memorial, flowers, or other objects placed upon a grave. The Cemetery is not responsible for damage to or repairs of memorials, unless such damage is caused by the gross negligence of Cemetery employees or contractors directly.

## **8.0 Purchase of a Lot or Cremation Niche:**

- 8.1 Cremation-burial lots are 4' X 4' and corporeal-burial lots are 4' x 8' and are numbered. Please see the price list posted on [www.hoccemetry.com](http://www.hoccemetry.com) for the allowed number and types of burials for each size lot. A deed will be issued by the Cemetery Association upon full payment and completion of the required information form. The deed will list Lot Number, Lot size, Owner's Name, date and price of purchase.
- 8.2 The Cemetery will not hold or reserve lots, and will not assign lots without full payment.
- 8.3 The Cemetery has burials dating back to the mid-18<sup>th</sup> century and has worked with due diligence to properly identify and record all existing burials and deed owners. However, there could be an occasion where a lot is incorrectly recorded as available, and a new deed issued for that lot. In such case, when the conflict is discovered, the new deed will be declared null and void and the deed owner will be offered a refund of the price of their lot at the time of purchase or a new deed for any other available lot of the same size.

## **9.0 Transfer Of Title**

- 9.1 Written consent from the Cemetery is required for any sale, transfer or assignment of lots. Proof of ownership must be provided and a \$100 fee paid for the transfer of deed.
- 9.2 The Cemetery may buy back unused lots at the original cost of those lots.
- 9.3 Title to graves descends by Will, Trust Agreement or Statutes of the State of Delaware.

## **10.0 Reentry for Unused Lots or Rights**

- 10.1 The Cemetery may reclaim and resell a lot if it remains empty after more than 60 years from the date of sale of the lot. At least 180 days before reentering a lot or right, the Cemetery shall publish a notice on the Cemetery's internet web site, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the lot or right will cease unless the owner or owner's heir responds by that

date. If the owner's address is unknown and cannot be obtained reasonably, it is sufficient to publish the notice once in a newspaper of general circulation in New Castle County, Delaware.

- 10.2 If the owner responds by the specified date, the Cemetery shall offer the owner all of the following:
- To continue the owner's interest in the lot;
  - To compensate the owner by paying the owner eighty per cent of the owner's original purchase price; or
  - To compensate the owner by providing the owner an alternative available lot, as applicable.
- 10.3 To establish reentry, the Cemetery Board shall pass a resolution stating that the owner has not responded by the specified date or has opted to receive other compensation, and that the board reclaims its interest in the lot or right.

## **11.0 Interment**

- 11.1 No “Interment” of a body will be made in a grave which is not fully paid.
- 11.2 No “Interment” of a body will be made without notification to the Cemetery and approval by the Cemetery. The original deed must be presented to the Cemetery. Please see the price list at [www.hoccemetry.com](http://www.hoccemetry.com) for the cost of replacing a lost deed.
- 11.3 The Funeral Director must present a signed burial permit to the Cemetery within 10 days after a burial takes place.
- 11.4 Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee or agent shall be permitted to open the casket, or to touch the body without the consent of the next of kin or of the legal representative of the deceased, or of an order signed by a court of competent jurisdiction.
- 11.5 No interment of two or more bodies shall be made in one grave except in the case of a parent and infant or two infants buried in one casket. Special care must be taken to properly mark the grave with the individuals’ names when 2 bodies such as a parent and infant or 2 infants are interred in the same grave.
- 11.6 All full (corporeal) burials shall be contained within a sealed casket and be incorporated within a cement burial vault. Natural burials (non-embalmed bodies) must be placed in sealed casket and cement burial vault. No less than 30” soil depth is required from the top of

the vault to ground level. Double deep burials are permitted so long as the second (latter) burial allows for 30” of soil coverage.

- 11.7 No exhumations shall take place without the proper approved State or Federal paperwork.

## **12.0 Inurnment**

- 12.1 No “Inurnment” of a body will be made in a grave or niche which is not fully paid.
- 12.2 No “Inurnment” of a body will be made without notification to the Cemetery and approval by the Cemetery. The original deed must be presented to the Cemetery. Please see the price list at [www.hoccemetry.com](http://www.hoccemetry.com) for the cost of replacing a lost deed.
- 12.3 The Funeral Director must present a signed burial or cremation permit to the Cemetery within 10 days after a burial takes place.
- 12.4 Cremation urns may be buried without a cremation vault if a durable stone, wood or metal urn or receptacle is sealed. The top of the urn must be covered with at least 30” of soil.
- 12.5 No more than two cremation inurnments are permitted in each 4’ x 4’. No more than four cremation inurnments are permitted in each 4’ x 8’ plot.
- 12.6 No scattering of ashes is permitted, except for designated areas.
- 12.7 As many as two inurnments are permitted in each Columbarium niche.

## **13.0 Cemetery Decorations:**

- 13.1 It is not permissible to plant anything on the lot. Potted plants are not permitted.
- 13.2 Natural decorations such as cut flowers and evergreen wreaths are permitted. Such decorations shall be in good taste and not constitute a danger.
- 13.3 The Cemetery management has the right to remove any or all decorations when deemed necessary. Natural decorations will typically be removed after 30 days and will not be retained.
- 13.4 Artificial flowers or artificial evergreen wreaths are permitted. Such decorations shall be in good taste, appropriately sized and not constitute a danger. Artificial decorations will be removed if they are in bad condition. Artificial lighting is not permitted.

## 14.0 Markers and Memorials

- 14.1 No memorials or markers may be placed on any grave that is not fully paid. A memorial or marker installation fee must also be fully paid. The fee amount is available at [www.hoccemetry.com](http://www.hoccemetry.com).
- 14.2 No memorials or markers may be placed on any grave until a Memorial Marker and Monument Installation Application is submitted to the Cemetery and approved by the Cemetery. The application is available at [www.hoccemetry.com](http://www.hoccemetry.com).
- 14.3 The Cemetery must be notified and approve the installation date for any Memorial markers or monuments.
- 14.4 All monuments and markers must meet the standards as defined in the Memorial Marker and Monument Installation Application form.
- 14.5 Memorials may be placed only in the designated areas.
- 14.6 No coping, curbing, fencing, hedging, borders or enclosures of any kind shall be allowed around any grave(s) and no walks of brick, cinders, tile, terra cotta, sand, cement, gravel or wood shall be allowed on any grave.
- 14.7 The Cemetery reserves the right to remove any memorial or market at the Monument Maker's expense if the memorial or market is not in compliance with Cemetery standards.
- 14.8 The Cemetery reserves the right to stop all work of any nature, whenever, in its opinion,
  - proper preparations have not been made;
  - or when tools and machinery are insufficient or defective;
  - or when work is being executed in such a manner as to threaten life or property;
  - or when the monument dealer has been guilty of misrepresentation;
  - or when any reasonable request on the part of the Cemetery is disregarded;
  - or when work is not being executed according to specifications;
  - or when any person employed on the work violates any rule of the Cemetery.
- 14.9 When any memorial work has been set in place, it shall not be removed without due process of law or written permission of the Cemetery.
- 14.10 If it is necessary to move a memorial to excavate a grave, an

additional fee shall be added to the grave opening/closing fee to allow the compensation necessary to reinstall the memorial to meet required installation standards. It is noted that this may become an issue when a full burial occurs in a plot which already has a memorial installed.

**15.0 On-Site Work:**

- 15.1 No equipment is to be left in the Cemetery overnight or when not in use without Cemetery approval.
- 15.2 Vehicles other than equipment needed to maintain grounds, excavate graves or install memorials shall only be driven on established roadways within the Cemetery.
- 15.3 The firm or person engaged to excavate and refill a grave or place a memorial/marker shall exercise care not to damage the Cemetery or existing memorials. In situations when it is necessary to run over or move memorials, the contractor will take the steps necessary to prevent damage.
- 15.4 Any damage that results from an excavator's activities shall be fully corrected at the excavator's expense. Remediation and repair work must be approved by the Cemetery. Furthermore, it is the responsibility of the excavator to restore the grave to ground level and if settlement occurs within the first year after burial, the excavator will add enough soil to reach ground level.
- 15.5 Funeral Directors or others who engage excavation contractors are responsible for proper notification of the contractor of the above requirements and are financially responsible in the event the contractor does not fully abide by these requirements.
- 15.6 All contractors are responsible for maintaining the cleanliness and orderliness of the Cemetery grounds during all work at the Cemetery.