

CEMETERY RULES & REGULATIONS

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PURPOSE

The Virgin Islands Department of Public Works (DPW) Guideline for Public Cemeteries replaces all previous DPW cemetery manuals. The purpose of this manual is to guide the operation of all U.S. Virgin Islands public cemeteries. The guidance and procedures contained herein are consistent with the Virgin Islands Code, Title 19, Chapter 59B, Subchapter 1, Section 2002

This is a living document subject to future changes as deemed necessary by the department.

VIRGIN ISLANDS CODE, TITLE 19, CHAPTER 59B, SUBCHAPTER 1, SECTION 2002

The Commissioner of Public Works shall have jurisdiction over all public cemeteries and shall appoint Department of Public Works personnel to supervise, manage, and maintain all such cemeteries. The Commissioner shall cause to be installed in all public cemeteries an electrical lighting system. Telephones shall be installed in all public cemeteries for the use of supervisory and maintenance personnel.

The Commissioner of Public Works shall, by regulations approved by the Governor, not inconsistent with any laws, provide for the establishment, maintenance, and improvement of public cemeteries in the Virgin Islands and the procedure governing their operation. Such regulations shall govern the—

- 1) laying out of grave plots, and the digging and making up of graves;
- 2) interment in graves and vaults;
- 3) maintenance of graves;
- 4) fees, charges, and means of defraying expenses for grave plots, burials, and maintenance of graves;
- 5) keeping of records of burials and maps of graves and grave plots; and
- 6) such other matters as may be incident to the operation and maintenance of cemeteries.

(a) There is established in the Treasury of the Virgin Islands a special fund designated the "Public Cemetery Revolving Fund" and a separate and distinct fund administered by the Commissioner of Finance. The Fund consists of all monies collected from fees paid for the burial of persons in the territory's public cemeteries.

(b) Money in the Fund is disbursed at the request of the Commissioner of the Department of Public Works and must be used for the purchasing of burial placards, tomb construction, operation, and maintenance of the public cemeteries by the Department of Public Works.

DEFINITIONS

- A. A **burial vault** is a sealed container that houses a casket in a cemetery.
- B. A **cemetery** is a place where dead bodies and cremated remains are buried. A public cemetery is open to the community, while a private cemetery is used only by a small segment of the community or a family.
- C. A **columbarium** is a structure or building containing niches in which urns containing the cremated remains of a deceased person are placed.
- D. **Cremation** is the reduction of the body of a deceased human to its essential elements by incineration and processing.
- E. **Commissioner** means the Commissioner of the Department of Public Works.
- F. **Crypt** refers to a mausoleum space used or intended to be used to entomb human remains.
- G. **Entombment** is the placement of human remains in a crypt.
- H. **Foundation** is the sub-grade base on which a memorial or family mausoleum is erected.
- I. A **Funeral** is a ceremony to bury or cremate the dead
- J. **Grave** refers to space in a cemetery used or intended to be used for the interment of human remains. Such terms as "lot" and "plot" mean the same. Such terms include and apply to one or more than one adjoining grave.
- K. **Human remains, or remains**, are the bodies of deceased persons and include the bodies in any stage of decomposition and cremated remains.
- L. **Interment** is the earthen disposition of human remains, including cremated remains, in a grave.
- M. **Inurnment** is the act of burying cremated remains in an urn in a mausoleum, columbarium, or niche.
- N. A **mausoleum** is a structure or building substantially exposed above ground intended to be used for the entombment of the remains of a deceased person.
- O. A **memorial** is a monument, tombstone, headstone, grave marker, or tablet for one or more deceased persons. This includes marble, granite, bronze, and/or concrete.
- P. **Niche** refers to a space in a columbarium used, or intended to be used, for the inurnment of cremated human remains.
- Q. An **urn** is a rounded vase used to store the ashes of a cremated person.

PUBLIC CEMETERY LOCATIONS

DPW currently manages nine (9) cemeteries in the territory. These cemeteries are administered to preserve the historic character, uniqueness, and solemn nature of the Virgin Islands' culture.

- 1) Cruz Bay Cemetery – St. John (Limited)
- 2) Calabash Boom Cemetery – St. John (Active)
- 3) Frederiksted Cemetery – St. Croix (Limited)
- 4) Christiansted Cemetery – St. Croix (Limited)
- 5) Kingshill Cemetery – St. Croix (Active)
- 6) Eastern Cemetery – St. Thomas (Active)
- 7) Western Cemetery 1 – St. Thomas (Limited)
- 8) Western Cemetery 2 – St. Thomas (Limited)
- 9) Western Cemetery 3 – St. Thomas (Limited)

- All DPW cemeteries are classified as "active" or "limited." Active cemeteries have availability for new inurnments and interments, while limited cemeteries only have space for inurnments and interments on top of previously interred individuals.

HOURS OF OPERATION

Public cemeteries are open daily from 8 a.m. to 5 p.m.

Burial hours are from 11 a.m. to 4 p.m., unless otherwise approved in writing. It is acknowledged that weekend and holiday burials are permitted, but subject to a higher rate as specified in the cemetery pricing.

Hours are subject to change.

TYPES OF BURIALS

- Cremation
- Crypt
- In-Ground Burial
- Dignitary Burial (Discretionary)
- Private/Church Burials

- **Sea Burial**

Remains of deceased persons may be taken by boat from any harbor in this territory or, if cremated, may be taken by boat or air for burial at sea at a point not less than ten miles from the nearest shoreline. Cremated remains shall be removed from their container before such remains are buried at sea.

- **Veteran Burial**

Performed with the Office of Veteran's Affairs (OVA). Any person seeking to be interred in the area designated for veteran burials must have written permission from the OVA before obtaining a burial permit from DPW.

BURIAL PLOT PERMIT

The Government of the U.S. Virgin Islands requires a burial plot permit for each interment in the territory, which must be presented to the Cemetery Authorities upon entering the cemetery. In the case of cremated remains, the cremation certificate must accompany the remains. All certificates will be made part of the permanent file.

BURIAL PLOT PERMIT FEES

BURIAL PLOT PERMIT FEES			
WEEKDAYS		WEEKEND/HOLIDAY	
Private Cemetery Burials	\$125	Private Cemetery Burials	\$250
Public Cemetery Burials	\$250	Public Cemetery Burials	\$500
Cremation Niche \$125			
Infant Burials (0 -12 months) \$125			
Crypt \$2750			
ACCEPTED METHODS OF PAYMENT			
Bank/Cashier's Check, Money Order, Cash, Credit Card			

DPW reserves the right to alter the amount due and time of payment for each interment, disinterment, and performance of any other service rendered by the Cemetery. All work in connection with such service shall be subject to the determination and supervision of said Cemetery Staff.

The outlined burial fees above cover the following:

- Preparation of burial plot
- Government Witness of Funeral
- Administrative documentation

VETERANS BURIAL FEES

Veterans are buried free of charge on weekdays in the Veterans Section of any public cemetery; a \$250 fee applies for weekend burials. Full charges apply if buried in the open section. Family members may be buried in the Veterans crypt at full cost.

BURIAL APPROVAL PROCESS

All burial planning in the territory must include the Department of Public Works, and all burials must be witnessed by DPW personnel.

ST. THOMAS/ST. JOHN DISTRICT

1) Burial Plot Permit Application

Individuals wanting to schedule an interment must submit a burial plot application at the DPW Cemetery Office or online at dpw.vi.gov to complete arrangements.

2) Scheduling Meeting

Once the application is submitted online, a meeting with a DPW cemetery representative is scheduled. If the applicant is unable to submit an online application, they must visit the Cemetery Office in person. This meeting allows the Cemetery staff to verify the interment space being utilized, explain available options and procedures necessary during the interment process, and give the family an opportunity for discussion. Once payment is made, the burial plot permit will be issued, and the burial date will be scheduled.

3) Funeral Home

Once the burial plot application is finalized, the individual(s) may then complete arrangements/scheduling with their choice of funeral homes.

ST. CROIX DISTRICT

1) Funeral Home

Applicants must visit their chosen funeral home to start the burial process. All funeral homes on St. Croix work with DPW to coordinate burials on the island.

2) Burial Plot Permit Application

Individuals wanting to schedule an interment must still submit a burial plot application through the funeral home or on their own. Payment must be made to DPW before any scheduled interments.

RIGHTS TO LOTS AND VAULTS

A burial plot owner's rights are **contractual** and must follow the guidelines outlined in the DPW Cemetery Rules & Regulations. A person who "purchases" a lot in a public cemetery **does not** own the lot. The fee paid for the burial plot permit only acquires a right of burial therein, which has been variously designated as an easement, license, or privilege. Simply put, the applicant does not own or have ownership rights to any land within the public cemeteries. Instead, the applicant has an **easement** or license to use the land to keep their loved one's remains there.

The Department of Public Works reserves the right to utilize cemetery spaces as needed for future burials.

INTERMENT/DISINTERMENT GUIDELINES

Interment Authorization

Authorization for interment must be made via the DPW Burial Application form by the legal next of kin or legally recognized agent. By signing the Interment Application, you have certified that you have the legal right to inter the decedent. DPW is not liable in the event you have misstated your rights.

Publication

Publication of the day and time of an interment before completing arrangements with the Cemetery Office and without cemetery authorization is not permitted.

Payment in Full

No burials or entombments may be made, memorials may not be erected or placed, inscriptions may not be placed, burial vaults may not be installed, and any other right shall not be passed on until all fees are paid in full.

Advance Purchase

DPW does not allow applicants to pay for a lot before the intended person's death date.

Exclusive Charge

All funerals occurring within V.I. Public Cemeteries shall be under the exclusive charge and the sole direction of the DPW Cemetery Staff.

Identification

All caskets and urns must contain the individual's name permanently affixed or contained within. All tombs must have a headstone or other type of identifier attached.

Burial Limitations/Multiple Interments

Not more than one body or the remains of more than one body shall be placed in the same casket/urn or the same interment space unless said grave has been designated in a written agreement with DPW during the application process as being intended for the interment of the remains of more than one person.

If approval is given, an equitable charge will be made to cover the cost of additional labor, administration, and permanent record keeping. The fee for any second interment may be obtained at the Cemetery Office and must be paid before the interment.

Hours of Interment

The Cemetery Staff shall have the right to designate the hour and manner in which interment and disinterment will or will not be permitted.

Number of Burials

The Department cannot accommodate more than two burials per cemetery daily.

Burial Vault Height

Burial vaults cannot be stacked more than three (3) levels high.

Funeral Flowers

Flowers may be arranged at the interment site but must be delivered at the funeral. DPW staff may remove floral designs deemed offensive to good taste.

Music

Music at grave sites should be liturgically appropriate and is permitted only if it is not disruptive to other services or intrusive to the peace of visiting patrons nearby.

Open Casket

The casket may not be opened at any time within the cemetery without the expressed permission, and in the presence of the Cemetery Authorities and the deceased's legal representative. In the absence of a court order, the Cemetery Authorities reserve the right to refuse permission to open the casket or to touch the body without the consent, and in the presence of the legal representative of the deceased.

Casket Failure

If the integrity of a casket in a mausoleum or crypt structure fails to function correctly, DPW shall notify the Funeral Director and the family. The family will be responsible for replacing the casket at their own cost.

Scattering of Remains

The scattering of cremated remains within the Cemetery is strictly forbidden. They must be contained in an urn and placed in a niche.

Records

DPW maintains a record of interments that may be accessed upon request. A charge of \$10 will be assessed for inquiries that pertain to genealogy searches.

PUBLIC CEMETERY RULES

DPW invites individuals to use public cemeteries to enjoy peaceful solitude with deceased loved ones as long as they do not interfere with the daily operations of the cemeteries. The department may exclude any vehicle or person it deems to violate these guidelines. Restrictions include, but are not limited to, the following:

- A. DPW reserves complete control over cemetery operations and land management on all public cemetery grounds.
- B. DPW will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandal(s) to any lot, plot, columbarium niche, monument, marker, or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the Corporation.
- C. DPW has the right to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery.
- D. No person shall damage, destroy, remove, write upon/deface, or injure any monument, fence, structure, or other property within the Cemetery(s) grounds.
- E. All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.
- F. Dogs and other pets are permitted on the cemetery grounds, provided they are always on leashes and under control.
- G. Children under twelve (12) years of age shall be accompanied by an adult who shall maintain close contact with them and be responsible for their actions while on cemetery grounds.
- H. No person shall make paths or shortcuts across any part of the cemetery or play games in the graveyard.
- I. No person shall operate a vehicle above 10 miles per hour within the cemetery.
- J. No person shall consume alcohol or recreational drugs on the cemetery grounds.

- K. Motor vehicles must remain on designated cemetery roads and refrain from turning or driving on cemetery boulevards, paths, or green spaces.
- L. Unauthorized motorized vehicles, such as off-road recreational vehicles, are strictly prohibited on cemetery grounds.
- M. All visitors are prohibited from removing flowers, plants, or other items from plots in the cemetery other than their plots. No person shall pick wild or cultivated flowers; break any tree branch, shrub, or plant from cemetery grounds.
- N. Cemetery visitors shall not litter on cemetery grounds at any time. The visitor must place garbage in a designated receptacle(s) if so provided or remove such material from the cemetery site and dispose of it accordingly.
- O. Visitors are welcome to light a candle or incense while visiting the gravesite, provided it is extinguished and properly disposed of before leaving the gravesite.
- P. Soliciting: No one shall be permitted to sell or solicit the sale of any service, commodity, or item within the cemetery without the prior written permission of the Cemetery Authorities.
- Q. Signs and Advertising: No signs, notices, or advertising of any kind shall be allowed within the cemetery or the cemetery buildings except those placed by the Cemetery Authorities.
- R. Weapons: Other than peace officers authorized to carry weapons, firearms, and all other weapons are not permitted in the cemetery except for military funerals, approved memorial services, or by duly constituted authorities.
- S. Prohibited Conduct: Loitering, boisterous, unruly, disruptive, or unseemly conduct, including loud music or other conduct not in keeping with the dignity of the Cemetery, is prohibited.
- T. Unauthorized or Improper Assemblages: It is of the utmost importance to strictly observe all of the cemetery's proprieties, whether embraced in these rules or not, as no improprieties shall be allowed. The Cemetery Authorities shall have the right and ability to prevent unauthorized or improper assemblages.
- U. Exhumations are prohibited unless requested by the Departments of Justice or Health.

STANDARDS OF CONSTRUCTION

All contractors wishing to conduct work in public cemeteries must have a valid business license and be registered with the Virgin Islands Department of Public Works as burial contractors.

Any unregistered entity found to be doing work in any public cemetery will be informed to “cease” and will be summarily disqualified from doing any future work as a registered contractor.

Interested individuals must contact the appropriate district's DPW Deputy Commissioner of Operations. Contractors must submit a copy of their current Virgin Islands Business license and proof of insurance.

GUIDELINES:

Contractors

All persons who perform private work on burial plots in public cemeteries must be employed by a company with a current business license for the type of work performed and valid insurance. All work must comply with the rules of the DPW Cemetery Guidelines and be ordered by the owner(s) or heir(s) of the burial rights or an authorized agent of the heir.

The owner(s) or heir(s) of the burial rights may perform general cleaning and upkeep of the structures and grounds on their cemetery lots. DPW employees performing their official duties on cemetery plots are excluded from these requirements.

Work Activities

Work activities on cemetery lots include, but are not limited to, the installation, construction, maintenance, or removal of vaults, structures, utilities, or vegetation. The Cemetery Office must approve all work activities before commencement.

Work Permits Required

No work of any description shall be done or placed upon a plot unless a permit has been obtained from the DPW Division of Cemeteries. This rule applies to the construction of tombs, the cutting of inscriptions, the setting of markers, and the addition or removal of any monument, marker, slab, coping, corner post, cradle, or any other structure on the lot. This rule applies to installing, maintaining, or removing trees, different vegetation, and other work activities.

No vegetative or construction debris, supplies, or materials shall be allowed to remain longer than three (3) days without the permission of the Director of Cemeteries.

Work Permit

A permit is valid for one (1) year and may be extended for an additional thirty (30) days upon approval of the Cemetery Office.

Statues and Sculptures

The Cemetery Office must approve any statues, sculptures, or figurines placed on a cemetery plot before installation. Photographs or drawings of such structures may be submitted for approval before purchase.

Any statue, sculpture, or figurine must be tasteful and suitable for display in a public cemetery.

Flagpoles and Flags

DPW prohibits the installation of new flagpoles in all sections. Small, temporary flags (not to exceed 12" x 18") are allowed and encouraged to be displayed on cemetery monuments and memorials, especially on federal and state holidays.

Work Hours

Construction in public cemeteries must be conducted Monday through Friday, 8 a.m. to 5 p.m. No work shall be completed on Saturdays, Sundays, or holidays without the approval of the Cemetery Office.

Work required for a burial service on a Saturday, Sunday, holiday, or the following day will be allowed.

Responsibilities of Contractors

Contractors are responsible for any damage incurred during work activities on public cemetery lots or within the cemetery's general areas.

Contractors will be held responsible for the actions of all persons they employ while on the cemetery grounds.

Contractors must immediately report to the Cemetery Office any damage to trees, shrubbery, turf, signs, coping, lot markers, monuments, utilities, or structures caused by their personnel, vehicles, or work activities in the cemetery.

Trash Disposal

Contractors shall remove from the cemetery and legally dispose of any surplus or waste materials generated daily and immediately upon completion. This includes any vegetative materials removed from cemetery lots. The Cemetery Office may require more frequent disposal of excessive waste or waste that may detract from a scheduled funeral or special event.

Active Burial Site

All work near a burial site must cease operations and remain quiet during funeral services.

Alcoholic Beverages

The consumption and sale of alcoholic beverages are not allowed in the cemeteries at any time.

CASKET BURIAL VAULT SPECIFICATIONS (MINIMUM):

Standard Size Vault

1. Vault to fit a standard-size metal casket:
Vault inside dimensions: 84 ½" L x 29" W x 23 ½" H
2. Molded with non-biodegradable polypropylene
3. Air sealed
4. Material able to withstand 5,000 lbs. per sq ft and over 4,000 lbs. of total load after burial
5. Non-porous and completely water resistant
6. Minimum 50-year warranty
7. Clip or plastic tie to secure shut

Oversize Vault

1. Vault to fit an oversized metal casket:
Vault inside dimensions: 90 ½" L x 38 ½" W x 28" H
2. Molded with non-biodegradable polypropylene
3. Air sealed
4. Material able to withstand 5,000 lbs. per sq ft and over 4,000 lbs. of total load after burial
5. Non-porous and completely water resistant
6. Minimum 50-year warranty
7. Clip or plastic tie to secure shut

Large Infant Vault

1. Vault to fit an infant casket
2. Molded with non-biodegradable polypropylene
3. Air Seal
4. Material able to withstand 5,000 lbs. per sq ft and over 4,000 lbs. of total load after burial
5. Non-porous and completely water resistant
6. Minimum 50-year warranty