

TOWN OF WEST FAIRLEE, VT CEMETERY BYLAWS
Adopted by West Fairlee Cemetery Commission July 8, 2024

1. Declaration of Policy

The Town of West Fairlee's elected Cemetery Commission Commissioners adopt the following rules and regulations to establish the proper operation and use of the cemeteries in the Town of West Fairlee. West Fairlee recognizes that cemeteries are sacred grounds and desires to have them maintained in the best possible manner. The Town firmly believes that these rules and regulations are necessary for the protection of lot and grave owners and for the proper conduct and good order of the cemeteries.

2. Application of the Rules and Regulations

The Town of West Fairlee Cemetery Commission upon its motion, or recommendation of the Town Selectboard, for good cause shown, may modify, suspend, repeal, or amend the provisions of these rules and regulations in whole or in part at any time. The Cemetery Commission intends that if any portion of these rules and regulations are held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining section or parts.

3. General Regulations

The following shall be the general rules and regulations for the town cemeteries.

Cemeteries will be open from after the Spring thaw to the first hard snow, from one hour after sunrise to one (1) hour before sunset. From the first hard snow until the Spring thaw, the cemeteries are closed for burials and to vehicles.

Conduct in cemeteries. **No person shall:**

- a) Enter a cemetery except through an established gate or entranceway.
- b) Deposit rubbish or debris on cemetery grounds.
- c) Pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs, or other planted material.
- d) Use cemeteries as a playground, consume alcoholic beverages in a cemetery, or bring the same on the premises. Picnics are allowed as long as all trash is removed.
- e) Discharge firearms in any cemetery. The prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States.
- f) In any way injure or deface any monument, stone, fence, or other structure or property within any cemetery.
- g) Allow any animal off-leash. Dogs must be leashed at all times and owners must dispose of all refuse off-site. The Town provides neither bags nor waste removal.
- h) Allow a child under the age of twelve (12) years old in any cemetery unless accompanied by an adult.
- i) Hunt on cemetery property.

4. Traffic Regulations

- a) No persons shall operate or cause to operate any vehicle within a cemetery, except on roads designed for that purpose, and at a speed no more than five (5) miles per hour.
- b) No persons shall enter any cemetery with a loaded truck, except the groundskeepers unless advance permission has been received from the Cemetery Commission.
- c) No bicycles; motorcycles; snowmobiles; off-highway recreation vehicles; or horse-drawn carts, carriages, or wagons may be used for ceremonies unless permission is given by the Cemetery Commission. None of these are allowed on cemetery property at any other time.

5. Purchase of Plots:

a) Condition of Plot Purchase

Plots purchased in the cemeteries of the Town of West Fairlee shall be conveyed by special deed for burial purposes only and are subject at all times to the provisions of the town rules and regulations and applicable state laws.

- b) Purchase Procedure:** Persons wishing to purchase a cemetery plot should contact the West Fairlee Cemetery Commission. Contact information on the current trustees is available on the Town website at westfairleevt.gov/cemetery or they may contact the Town Clerk to find out who the current Cemetery Trustees are. The Cemetery Trustees will advise prospective purchasers as to what lots are available. Once the purchaser has reached a decision, the Cemetery Commission will place temporary corner markers to identify the selected plot. No plots shall be sold or burials permitted unless at least temporary corner markers are in place.

c) Plots sizes: three plot sizes are available

- 1) A full-sized grave space is 4' x 10' or 5' x 8' (40 square feet), suitable for one (1) casket burial or up to four (4) cremation urns.
- 2) A double plot, 8' x 10' (80 square feet), is suitable for two (2) casket burials or one (1) casket burial and up to four (4) cremation urns, or eight (8) cremation urns.
- 3) A half-sized plot, 4' X 5' (20 square feet), is suitable for up to two (2) cremation urns.

d) Record of Cemetery Plot Purchase and Burials

All burial transfer permits and cremation certificates MUST be given to a Cemetery Commissioner to be filed at the Town Hall for Vital Records as well as our cemetery records. Deeds are then returned to the purchaser after they are recorded in the land records at the Town Offices. There is a recording fee, paid by the purchaser, as the deed is a land record. The Cemetery Commission maintains the cemetery records for easy access when inquiries arise.

The recordkeeping of the cemeteries for the Town of West Fairlee is the responsibility of the Cemetery Commission (to receive copies of all sales, transfers, and burials within ten (10) days after being executed. This includes documents showing burial information.

e) Transfer of Plots

The owners of the cemetery plot, or their heirs, shall not grant, sell, or convey said plot to anyone other than the Town of West Fairlee. Resale of cemetery plots to the town shall be for the price as originally paid for same. The original care monies, all income, the original recording fees, the cornerstone purchase, and any installation fees are non-refundable.

f) The price of cemetery plots is determined by the Cemetery Commission and is subject to change.

6. Care and Maintenance

The care and maintenance of plots shall include the mowing and trimming of grass at reasonable intervals, the raking and cleaning of plots, the grading and seeding of plots, maintenance of cemetery fences and gates, and removal of any trees that pose a hazard.

7. Planting Trees or Shrubs is prohibited

No trees or shrubs shall be planted in any plot in any town cemetery unless first approved by the Cemetery Commission. Owners of a plot may place potted plants or plant annual plants, on their plot without seeking permission of the Cemetery Commission. However, please obtain permission from the Cemetery Commission before planting anything permanent on a grave/plot, such as perennial flowers. Remember that plants grow and spread. Do not plant any flowers or plants that are likely in time to encroach upon adjacent plots. The Cemetery Commission has the right to remove any plants or other objects from graves/plots as they deem necessary for the care and maintenance of the cemetery.

8. Grading and Care of Plots

All grading of plots shall be done by the Cemetery Commission or a party duly authorized by the Commission. No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. Only a licensed contractor authorized by the Cemetery Commission shall discharge any chemical or organic fertilizer, herbicide, or other substance on any plot.

9. Cemetery Decorations

The family is responsible for clearing all decorations from the cemetery plot, including flowers, artificial or natural, by the first hard snowfall and may be replaced after the Spring thaw of the following year. Cement pots are excluded.

10. Curbing and Fencing

No curbs or fences shall be permitted around any individual plot or group of plots that would impede the mowing and upkeep of the cemetery.

11. Monument and Markers

All memorial monuments and grave markers and their placement shall be first approved by the Cemetery Commission.

Memorial monuments are above-ground monuments set on a below-ground concrete foundation of 30 inches deep, or as determined by the monument company. Grave markers (also called plaques) may be stone or metal set flush with the ground. They should be set in a minimum of six (6) inches of hardpack or two (2) inches of concrete. Monuments or grave markers shall be at least six (6) inches inside all lot boundaries. There may be only one (1) monument per full-sized or half-sized cemetery plot and, at the most, two (2) monuments per double lot. There may be more than one (1) grave marker if there is more than one (1) burial in the plot.

All corner markers (cornerstones), grass markers, and markers shall be set flush with the lawn surface (so that no part shall protrude above the surface of the ground). These will be installed by the Cemetery Commission.

If the preceding rule is not observed, the Cemetery Commission shall notify the plot owner, in writing, concerning the deficiency and advise a date corrective action must be taken, after which time the marker in violation may be pulled pending correct placement. Any work done by the Cemetery Commission to correct the above deficiency will be billed at \$100 an hour.

12. Monument Foundation and Marker Setting

Foundations (sub-base) for monuments are the responsibility of the company installing the monument and shall be constructed of concrete. Please check with your monument company to see if this can be done by another authorized agent. Corner markers (cornerstones) are to be installed by the Cemetery Commission or by an authorized installer on their part.

13. Burials

No burial shall occur without a burial transit permit from the state where the death occurred. All conditions of laws and rules & regulations will be followed. Burials are permitted from April 15 to November 15, weather and other circumstances permitting. In instances that burial cannot be made, temporary interment shall be the responsibility of the funeral director.

The Cemetery Commission must be notified in advance of all interments.

Within a month of a cremation burial, those responsible for the burial shall provide the Cemetery Commission with a diagram of the burial plot, showing the location of the cremation urn so that subsequent cremation burials do not disturb previous ones.

Scattering of cremated remains within the cemetery is prohibited.

14. Permanent Outside Containers

In all full interments at the Krook Meadow Cemetery, the remains shall be enclosed in a permanent outside container (vault) and installed four (4) feet to the top of the vault underground. The owner of the plot or their agent shall provide the container. The following are considered permanent outside containers: concrete boxes with cover,

copper or steel vaults, ceramic cremation urns, or any material made to withstand the elements of burial. A permanent outside container is not required at any of the other town cemeteries.

Cremated remains do not require a permanent outside container, but must be buried a minimum of eighteen (18) inches to the top of the urn underground.

15. Preparation of Grave

This shall be the responsibility of the funeral director to handle the funeral in accordance with the groundskeepers/Cemetery Commission.

16. Town Not Responsible

Neither the Town of West Fairlee nor the West Fairlee Cemetery Commission/Commissioners shall be responsible for errors in the location of graves on plots arising from persons making arrangements. In all cases, orders for grave openings shall be communicated in writing to the Cemetery Commission.

17. Outside Burial

In matters of burials coming into the town from outside agencies, unless the exact plot and grave location are ordered with sufficient identification to the satisfaction of the Cemetery Commission, the body will remain with the outside agency pending proper arrangements at the family's expense.

18. Charitable Donations

All charitable donations made to the Cemetery Commission must go through a Cemetery Commissioner to be properly recorded and acknowledged.

Any violations of these Cemetery Rules and Regulations will be reported to the Town of West Fairlee Cemetery Commission and appropriate action will be taken, including possible fees and fines.

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