

# Revised East Montpelier Cemetery Rules and Regulations

Ratified 25 May 2005

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**Revised East Montpelier Cemetery Rules and Regulations**  
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SECTION 1. DEFINITIONS

1. Cemetery. The term cemetery means any plot of ground used, or intended to be used for the burial or disposition permanently of the remains of the human dead in a grave, a mausoleum, a columbarium, a vault or other receptacle.
2. Lot. The term lot shall apply to a space of sufficient size to accommodate one adult interment.
3. Plot. The term plot shall apply to a space of sufficient size to accommodate two or more adult interments.
4. Cremation Plot. A plot designated for cremated remains of no more than four individuals.
5. Interment. The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment or burial.
6. Memorial. The term shall include a monument, marker, tablet, or headstone.
7. Monument. The term monument shall include a tombstone or memorial and its base, which shall extend above the surface of the ground.
8. Marker. The term marker means a memorial flush with the ground.
9. Plot Corner Marker. The term plot marker refers to an 8" x 6" x 6" granite post used by management to locate corners of the plot.
10. Deed of Ownership. The term deed shall apply to the original conveyance given by the town to the original purchaser.
11. Management. The term management shall mean the duly elected Cemetery Commissioners of East Montpelier.
12. Sexton. The Sexton is the individual duly appointed by the management for the purpose of caring for and administering the cemeteries.

SECTION 2. GENERAL RULES

1. As of July 1, 1996 only current residents of East Montpelier, natives of the town living elsewhere, or individuals whose families have historical roots in town may purchase cemetery plots. The Sexton shall make the determination as to the right of an individual to purchase a plot. The Sexton's decision may be appealed in writing to the Cemetery Commission whose decision shall be final.

2. The cemeteries will be open during the summer season from May 1 until November 1 or at the direction of management.
3. ~~Employees of the management are not permitted to do any work for plot owners except upon order of the Sexton and are required to be courteous to all visitors.~~
4. All fees and charges for services are payable to the Sexton as herein stated and patrons of the cemetery are requested not to pay any fee or gratuity to any cemetery employee other than the Sexton.
5. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots of lawns unless it is necessary to do so to gain access to one's own plot. The Cemetery Commissioners disclaim liability for any injuries sustained by anyone violating this rule.
6. Persons within the cemetery are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fences, or other structures within the cemetery grounds.
7. Vehicles must be kept under complete control at all times. Cars must not be left with the engine running, and the emergency brakes must be set when the driver is not in the vehicle.
8. The following are prohibited:
  - a. The driving of motor vehicles through the gates or in the cemetery at excessive speeds.
  - b. Driving any vehicle upon any grave, plot, or lawn or parking or leaving the same thereon.
  - c. Parking or leaving any vehicles on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, and if so parked or left, the management will remove the same.
  - d. Making a complete or partial reverse turn of any car or vehicle on any road or driveway within the cemetery.
9. Throwing rubbish, including discarded floral arrangements or wreaths, on any part of the grounds or adjacent property is prohibited.
10. The placing of boxes, toys, artificial flowers, ornaments, chairs, settees, vases or similar articles in the cemetery will not be permitted and if so placed, the management reserves the right to remove them.

11. It is of the utmost importance that there should be strict observance of the proprieties in the cemeteries. Hence, all persons within the cemeteries should avoid:
  - a. Conduct unbecoming a respected place.
  - b. Loud or boisterous talking or use of radios.
  - c. Idling or loafing on the grounds.
  - d. Placing signs and notices (except those placed by management), or advertisements of any kind within the cemeteries.
  - e. Bringing animals into the cemeteries.
  - f. Bringing firearms into the cemeteries except by a military escort.
12. It is the duty of management to see that the rules and regulations are complied with, to see that order is maintained, and to protect and promote the best interests of the cemeteries. To that end, management may make temporary additional rules that may be needed from time to time to meet emergencies that are not covered by these rules and regulations.
13. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The management, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these Rules and Regulations, without notice. Such temporary exception, suspension, or modification shall in no way be construed as affecting the general applications of such Rules and Regulations.
14. The management hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, or sentence at any time.

### SECTION 3. PLOTS AND PLOT OWNERS

1. Persons desiring to purchase plots should visit the cemetery where the Sexton will aid them in making a selection and provide them with cemetery rules and regulations and information about how to go about purchasing a plot.
2. Before any deed is given in a plot complete payment for the plot and perpetual care must be made to the Town of East Montpelier. See East Montpelier Cemetery Summary information sheet.
3. No plot shall be used for any other purpose than for the burial of the human dead.
4. No easement or right of interment is granted to any plot owner in any roads, drive, or walk within the cemeteries, but such road, drive, or walk may be used as a means of access to the cemetery as long as the management devotes it to that purpose.

5. The right to enlarge, replat or change the boundaries or grading of the cemeteries, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is hereby reserved.

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6. The management reserves to itself and to those lawfully entitled thereto a perpetual right of ingress or egress over plots for the purpose of passing to or from other plots.
7. Description of plots will be in accordance with the cemetery plats that are kept on file in the office of the Town Clerk.
8. The management will take all reasonable precautions to protect plot owners, and the property rights of plot owners, within the cemeteries from loss or damage; but the management disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, invasions, strikers, malicious mischief, explosions, riots, insurrections, unavoidable accidents, or order of any civil or military authority whether the damage be direct or collateral, other than as herein provided.
9. It is the duty of the plot owners to notify the Town Clerk of any change of address.
10. The Instrument of conveyance of these Rules and Regulations and any amendments thereto constitute the sole agreement between the Cemeteries and the plot owner. The statement of any employee or agent, unless confirmed in writing by the management, shall in no way bind management.

#### SECTION 4. CARE OF PLOTS

1. The general care of the Cemetery is the responsibility of the Sexton and includes the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the Sexton.
2. The general care assumed by the management shall in no case mean the maintenance, repair or replacement of any memorial, placed or erected upon plots, nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion or portions thereof.
3. An endowment fund shall be established whereby the Town of East Montpelier will hold and invest the principal sum deposited and the use the annual income therefrom to help defray the cost of the operation of the cemeteries. (Perpetual Care)

#### SECTION 5. CORRECTIONS OF ERRORS

The management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or the description, transfer or conveyance of any interment property either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the

remains of any person in such property, the management reserves, and shall have the right to remove or transfer such remains so interred so such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

## SECTION 6. DESCENT OF TITLES

The laws of the State of Vermont govern the descent of title to cemetery plots as well as other matters pertaining to assignments, conveyance, devises, trust deeds and inalienability. The management will assist any plot owners who desire information or advice pertaining to their plot.

## SECTION 7. INTERMENTS

1. The Cemetery will be open for interments from May 1 to November 1 daily with the exception of all Sundays and holidays.
2. All funerals on entering the Cemetery shall be under the charge of the Sexton.
3. 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 touch the body without consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.
4. Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the State health office.
5. All orders for interments in plots must be authorized by the owner of the plot or his legal representative.
6. Plot owners shall not allow interments in their plots in return for remuneration of any kind.
7. When an interment is made in a plot, the plot owner shall designate the location of such interment provided that the cemetery records show no burial has been made in the designated grave. Should the plot owner fail or neglect to make such designation, management reserves the right to select the location.
8. The management and the Sexton of the cemetery are the only persons who will be permitted to open graves with the following exceptions:
  - a. When the management is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the management.
  - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with management a signed authorization to release the body to the coroner or a lawful agent in the presence of the Sexton.

9. In order to maintain a high standard of care all burials must be made in vaults approved by the Sexton.
10. All charges for interment or services in connection therewith, shall be paid to the Sexton who will issue a receipt therefore upon request.
11. Arrangements for the payment of any and all fees due to the town must be made before interment will be made.
12. The right is reserved by the management to insist upon at least 48 hours notice prior to any interment and at least one week's notice prior to any disinterment or removal.
13. All interments, disinterments, and removals must be made at the time, and in the manner, and upon the charges fixed by the management.
14. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.
15. The management will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.
16. The management will not be liable for the interment permit not for the identity of the person sought to be interred.

#### SECTION 8. PLANTS AND SHRUBS

1. The management will undertake to maintain, the planting of trees and shrubs, to preserve and maintain landscape features.
2. There shall be no individual beds of flowers allowed on the grounds, except by special permission of the Sexton. There shall be no jars or glass containers used on the premises for holding of floral arrangements, nor shall any artificial flowers be allowed.
3. The management shall not be responsible for any kinds of plantings damaged by the elements, vandals, and thieves, or other causes beyond its control. The management shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as in the judgment of the management they become unsightly, dangerous, detrimental, or diseased.
4. The management shall not be liable for floral pieces, baskets, or frames in which or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.
5. The management reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind unless the management gives consent.
6. There shall be no shrubbery or similar plantings allowed.

## SECTION 9. ENFORCEMENT OF RULES

The management is hereby empowered to enforce all Rules and Regulations and to exclude from the cemetery any person violating the same. The management shall have charge of the grounds and buildings including conduct of funerals, traffic, employees, plot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

## SECTION 10. MEMORIALS AND MONUMENTS

1. Only one central memorial should be placed on a plot. The memorial should be set at least three (3") inches from the plot line.
2. For the best interest and protection of the plot owner, memorials, even for temporary use, of cement, artificial stone, composition, wood, tin, or iron shall not be permitted. Standard bronze grass markers will be allowed.
3. Out of respect, and for other obvious reasons, all work of any description should cease while a funeral or interment is being conducted nearby. It should also be required that trucks and workmen, including the Sexton, withdraw to a reasonable distance from the location of the funeral service.
4. The size of a family memorial should be governed according to the ratio of its face area (length multiplied by height) to the square foot area of the plot. The width of the monument (greatest horizontal dimension) should be governed by the width of the plot. It seems advisable that the face area should not exceed 15% of the square foot area of the plot and the width should not exceed 60% of the average width of the plot. The height of the monument is restricted by the square footage of the monument face. For many reasons it is often desirable to build a memorial less than maximum. All monuments must be set on a base. The base should be 48 inches (48") deep to help prevent frost heaves. On single grave plots, a one-piece memorial is recommended.
5. Individual grave markers flush to the ground are to be of sizes determined by the Sexton. Individual markers should be placed at the end of the grave farthest from the base of the monument.
6. Where monoliths, such as the Colonial head-stone type, are used at each grave instead of family monument, they should not exceed two feet in width, six inches in thickness, and three feet eight inches in height.
7. Where bevel/Hickey stones are used instead of a family monument, the top surface should not exceed 24 inches by 12 inches. The height should range from a maximum 12 inches in the back and 10 inches in the front to a minimum of 8 inches in the back and 6 inches in the front.
8. The corners of each plot must be marked with plot corner markers set at ground level. The Sexton shall procure and set the corner markers as soon as practical after sale of the plot.



9. To avoid errors it is required that a sketch drawn to scale (unless otherwise permitted) showing design and complete inscription in detail, with all dimensions, be submitted in duplicate (one for the cemetery and one for the monument retailer) and that approval in writing be secured from the management before the foundation for the memorial is installed.
10. To ensure that all memorials shall be in good taste, it is necessary that the management officials retain authority to reject any plan or design for a memorial, which, on account of size, design, or inscription is unsuitable to the plot on which it is to be placed. If the plan for the memorial is rejected, such rejection shall be made within ten days and explanation given. Upon request any rejected application may be resubmitted for review by the Cemetery Commission.
11. Should any monument become unsightly, dilapidated or a safety hazard to visitors; the management shall have the right at the expense of the plot owner to correct the condition or to remove the same.
12. All workmen employed by outside firms while within the cemetery are subject to regulations of the cemetery.
13. The application of any coloring material to the lettering or design on the monument must be in good taste and of a permanent nature. Should such a monument become unsightly, it can be removed in accordance with cemetery rule 11 above.

#### SECTION 11. CATE CEMETERY – SPECIAL REGULATIONS

1. Burials in the cemetery shall be limited to cremations.
2. The management from time to time may design new cremation plots in unused portions of the cemetery and make them available to local residents.
3. Plot purchasers must understand that the Cate Cemetery is an historical, rural cemetery with few burial sites remaining and that while the management will endeavor to keep the cemetery in respectful condition, they cannot guarantee a standard of maintenance equal to that provided in more heavily used and accessible town cemeteries.
4. No more than four burials may take place in each plot.
5. There shall be no more than one memorial stone per plot, but individual ground level markers are permitted.