

CEMETERY COMMISSION BYLAWS - WOODFORD, VERMONT

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These Bylaws which replace prior Woodford Cemetery Rules and Regulations are in compliance with Vermont Statute Title 18: Health – *Chapter 121*: and other cemetery and burial law as noted. *Cemeteries 5301*: “Cemetery” means any plot of ground used, or intended to be used, for burial or disposition permanently of the remains of the human dead in a grave, mausoleum, a columbarium, a vault, or other receptacle.

Woodford Cemetery Commissioners are elected, (18 V.S.A. 5374 and 17 V.S.A. 2646.), and by majority vote (1 V.S.A. 172 and 18 V.S.A. 5385) will be responsible for the care and management of the Town Cemetery. They will be authorized to “exercise all the powers, rights and duties with respect to such care and management” (including endowments for individual lot care) rules of conduct (hours, permitted activities), interments, plantings and other changes to individual plots, specifications for memorial dimensions and materials and the sale of plots, 18 V.S.A 5378, and the select board will no longer be responsible for overseeing and managing the Town Cemetery 18 V.S.A. 5373.

The Cemetery Commission may authorize sales of burial lots conveyed subject to the deed restriction that it shall be subject to the rule and conditions for the sole and exclusive use of the Grantee and said Grantee’s spouse, or parents, or natural siblings, or children, and for no other person. All fees, charges and donations are payable to the Town treasurer through the Cemetery Commission Treasurer or a Cemetery Commissioner.

In order to assure that the ownership of burial lots in the Woodford Cemetery is equitably distributed and that large blocks of lots are not held by only a few families, the Cemetery Commission, reserves the right, in its discretion, to limit the number of burial lots which any buyer or family may purchase at any time.

The purchase price for each burial lot shall be \$400 including perpetual care. No burial lot may be opened until the entire cost for that burial lot is paid in full. Burial lot cost and costs for Cemetery-related services are established, put into effect, enforced, and subject to change by recommendation of the Cemetery Commission.

An itemized receipt will be given each buyer of a burial lot at the time of closure of the sale, but no deed will be delivered until space corner markers are installed and in place. All monies owed for burial lot purchase(s), fees, or other Cemetery-related services must be paid in full before any remains are accepted for burial in such indebted space, or specific service is rendered. All disbursements will be made only in written order of the Cemetery Commission

Each purchaser of a lot, upon transfer of the deed to said lot, must have such deed recorded in the Woodford Town clerk’s office within fifteen (15) days of said transfer. At the time of recording, the

purchaser will be responsible for payment in full of all recording fees and costs occasioned by said transfer.

No burial lots or rights incident thereto may be resold, assigned, or otherwise transferred to any but the Town of Woodford. In case a lot is no longer needed or wanted it must be sold back to the Town for the price paid at the time of original purchase. Any accrued interest would have diverted to the care of the cemetery. Therefore, that amount would be forfeited.

The plot owner, his or her relatives, and/or designated person(s) are permitted on any Cemetery plot. Any other person(s) thereon may be considered trespassing

If any monument, memorial, inscription, ornaments, souvenirs, or floral arrangements, whether natural or artificial, shall be determined to be offensive, improper or injurious to the appearance of the surrounding lots or grounds, the Commission reserves the right, and it shall be its duty, to enter upon such lot and cause the removal of the offensive or improper object or objects. The Commission shall not be responsible for frozen plants or herbage of any kind, or plantings damaged by the elements, thieves, vandals or any other causes beyond its control.

An order in writing to the Cemetery Commission is required from the owner or party in interest whenever a grave is to be opened or a structure or foundation built thereon. No one may bury a casket before presenting a legal deed to the lot to a member of the Cemetery Commission. An outside receptacle, in addition to the burial casket, is required for burials. The receptacle must be fabricated of sufficiently rigid materials so as to resist collapse caused by weight of the earth, moisture, snow, grave markers, and Cemetery Maintenance equipment. The materials of which such vaults or containers are fabricated will be left to the good sense and sound judgement of the responsible funeral director and other persons of interest. "However, Vermont law says no cemetery can create a regulation that interferes with religious burial practices. [Title 18, 5378] It is reasonable, though, for the cemetery to charge additional fees for the maintenance of a grave that may need to be tamped down over time if no vault is used."

Remains may be removed from graves only with written permission of the Commission, in compliance with the proper provisions of Municipal, County and State law.

All lots conveyed shall continue under the control of the Commission so far as to secure uniformity in the use, care and management thereof. The Commission reserves the right to have all work done in said Cemetery under its supervision and/or authority.

The open meeting law requires all meetings of a public body to be open to the public 1 V.S.A. 310 et seq. Routine day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered. 1 V.S.A. 312(g)

Commissioners must submit an annual report to the town auditors, who must audit it, file a report with the town clerk, and include it in the town annual report. 18 V.S.A. 5379-80.

“All cemetery lands, buildings and property, and the proceeds thereof ... which have been platted and devoted to or held exclusively for cemetery purposes are exempt from taxation. 18 V.S.A. 5317, 5376.

Burial lots which remain unoccupied, the whereabouts of the person having legal title being unknown, may revert to the town after 20 years according to a procedure set out in V.S.A. 5533-37.

The interment of two bodies in one grave will not be allowed except in case of mother and infant, twin children or cremation remains. Burials of double deep in one grave site is prohibited.

Four (4) cremation urns or containers will be allowed in one (1) grave provided they are no larger than 2' x 2' each.

The Cemetery Commission, in accordance with the law, reserves the right to make exceptions, suspend or modify any of these Bylaws/Rules and Regulations when, in their judgement, enforcement may impose unnecessary hardship in a particular case.

The Cemetery Commission reserves the right to correct any errors made by it in the interment, disinterment, or removal or in the description, transfer or conveyance of any interment property.

The Cemetery Commission and Town of Woodford shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Bylaws/ Rules and Regulations have not been complied with.

A copy of these Bylaws, Policies and Procedures will be issued to prospective purchasers of burial lots. By signature to a deed, purchaser agrees to accept responsibility for reading, understanding and adhering to all elements herein.

References: The Vermont Statutes on line Title 18: Health – Chapter 121: Cemeteries

Previous Woodford Cemetery Regulations

Vermont Secretary of State Publication: “Burial Law of Grave concern - explaining the various rules and requirements that apply to burials and cemeteries in Vermont.”

Vermont Secretary of State Publication: “Town Cemeteries”

VLCT Handbook for Vermont Town Officers - Cemetery Commissioner – Roles and Responsibilities -

VLCT Select Board Handbook

Stoddard Cemetery Commission Cemetery Regulations per Laws contained in Chapter 289 of NH.

Town of Readsboro - Rules and Regulations Amended and re-adopted on July 17, 2015.

Town of Shaftsbury – Shaftsbury Cemetery Committee Bylaws – Approved by the Shaftsbury Select Board on 6 July 2015.

Vermont Department of Health Agency of Human Services – Direct burial – religious burial practices