

COLCHESTER CEMETERIES

RULES

Adopted the 12th day of November 2019

Authority and Reference of Vermont Cemetery Law

The Rules and Regulations for various Cemeteries located in the Town of Colchester have been drawn up and approved in accordance with Section 5305 of Chapter 121, Title 18 of the Laws of the State of Vermont.

The cemeteries that are the responsibility of the Town of Colchester, Vermont are: the Champlain Cemetery, the Munson Cemetery, the Old Methodist Church Cemetery, the Village Cemetery, the Fort Ethan Allen Cemetery, and the Malletts Bay Cemetery.

The responsibility for the care, maintenance, development, sale of grave plots, and administration has been assigned to the Town Manager's designated agents with assistance and advice from the Cemetery Advisory Committee in accordance with Town of Colchester Ordinance Chapter 4, Sec. 404(n) and 18 V.S.A. § 5362.

The Town of Colchester is charged to provide a well-maintained setting for the interment and commemoration of the deceased and for the comfort and inspiration of the bereaved and general public. The discretion and powers of the Town of Colchester hereafter invoked, shall, by extension, include any Authorized Agent acting with the advisement of the Colchester Cemetery Advisory Committee.

Section I. Definitions

Authorized Agent: The Authorized Agent for the Town of Colchester shall be either the Sexton or the Town Manager's designee.

Base: The above ground structure that is erected or placed upon the foundation and upon which the upper part of the monument or the die stone is placed.

Burial Vault: A one-piece unit with cover, usually made of concrete, and sized to receive a single casket in a grave.

Cemetery: A burial park for the disposition of human remains of the deceased.

Cemetery Advisory Committee: Seven citizens of Colchester appointed by the Selectboard as authorized by the Town of Colchester Charter. The Committee is responsible for assisting and

advising on the perpetual care and insuring that the Colchester Cemeteries are administered in a professional manner.

Cemetery Deed: A contract between the Town of Colchester and the holder of a Cemetery Deed. The Deed grants the right to interment in a specified Colchester Cemetery lot(s) and is contingent upon adherence to current Town of Colchester Cemetery Rules and Regulations. A Cemetery Deed of Burial Rights in no way implies ownership to land in the Colchester Cemeteries. Land in the Colchester Cemeteries is not sold.

Columbarium: A vault with niches for urns containing cremated remains.

Corner Marker: Granite or metal objects used to locate or mark the corners of a lot or group of lots.

Cremains: The remains of a deceased person after incineration in a crematory.

Cremains Lot : Cremains lots will be determined to be 5 (five) feet by 3 (three) feet, which may contain up to 2 (two) cremated remains. **Flat Memorial Marker:** A memorial which is flush with the ground.

Foundation: The underground concrete structure that supports the above ground monument.

Grave: A space to accommodate interment.

Interment: The act of burying the remains of the deceased in the earth.

Inurnment: The burial of the cremated remains of the deceased in an urn.

Lot: A numbered division within the Colchester Cemeteries as shown on the Map of the Cemetery.

Monument: A headstone, tablet and/or marker, including its belowground foundation.

Memorial Garden: That area of the Colchester Cemeteries reserved for the burial of cremated remains.

Perpetual Care: The maintenance of Cemetery lawns, shrubs, trees, fences, and access roads.

Sexton: Town of Colchester employee that is charged with the sale and administration of burial plots within the Town's six cemeteries.

Single Grave Lot: This will refer to a plot generally measuring 42 (forty-two) inches wide and 10 (ten) feet in length intended to be used for a single interment of a coffin containing the remains of a human body.

Urn Vault: A container made of durable non-biodegradable material with the maximum size of 12 (twelve) inches x 15 (fifteen) inches x 11 (eleven) inches and used for the storage of cremated remains. The urn vault may be used with or without an urn.

Section II. General Rules

- A. The cemeteries of the Town of Colchester shall be open from 7 o'clock a.m. until sunset. There shall be no unauthorized entering Town of Colchester cemeteries before or after the open hours.
- B. No heavy trucks shall be allowed inside the grounds of the cemeteries without the expressed permission of the Sexton in the Town Clerk's Office.
- C. No snowmobiles or All-Terrain Vehicles shall be operated within the cemeteries.
- D. No person shall dump, deposit, place or throw any garbage, glass, coals, ashes, paper, boxes, cans, dirt, waste or other trash in any cemetery except in proper receptacles where provided. Where receptacles are not provided, litter shall be carried away from the cemetery property by the person or persons responsible for its presence.
- E. Within the cemeteries' grounds and surrounding lands owned by the Town of Colchester, there will be no behavior or conduct as would prevent visitors, staff or burial service contractors from peaceful and safe use of the grounds. This behavior includes harassing, rudeness, profanity and actions that would cause damage or danger to self or others. No person may erect a tent or related shelter at any time to camp, sleep or park a vehicle overnight.
- F. No person other than the owner, appointed representative of the owner, or Authorized Agent of the Town of Colchester shall enter into any private lot to disturb plants such as flowers, or plants, or to remove any object from the lot.
- G. No person shall pick flowers, either wild or cultivated, in the cemeteries.
- H. No person, without prior expressed approval of the Town of Colchester, shall remove any shrub or tree in the cemeteries.
- I. No person shall vandalize, deface or remove any signage, fencing, monuments, gravestone markers or structures within the cemeteries.
- J. No artificial flowers shall be used to adorn or decorate the markers, gravestones and monuments of the cemeteries, between the dates of April 15th to October 15th. The Town of Colchester may remove such artificial flowers or decorations without notice to the owners of cemetery plots. Any artificial flowers that hinder the maintenance of the grounds at any time may be removed without notice to the lot owner.
- K. The Town of Colchester reserves the rights, under state law and local ordinances, to enforce these rules.

Section III. Enclosures

- A. No enclosures either by fence, hedge, or curbing shall be permitted around single grave lots or multiple grave lots.
- B. If any existing enclosure erected prior to the enactment of these Regulations becomes dilapidated, unsightly or a hindrance to the care and maintenance of the cemetery, the Town of Colchester's Authorized Agent is authorized to remove the same.
- C. No burial vaults or other structures above the ground shall be built without the express, written permission of the Sexton in the Town Clerk's Office.

Section IV. Stones, Monuments, Foundations, Markers, and Columbaria

- A. Before placing or erecting all stones, monuments, foundations and corner markers, a work order must be submitted and approved by the Sexton in the Town Clerk's Office.
- B. Not more than 1 (one) aboveground memorial is permitted. Flush markers may be located above the urn for cremated remains.
- C. In order to create and preserve a more park-like appearance in the cemeteries, stone markers that delineate the corners of a multi-grave cemetery lot shall not exceed the dimension of 6 (six) inches by 6 (six) inches and when set shall not be above the grade of the lot.
- D. Dimensions and size of gravestones, monuments or, columbaria:
 - Thickness of stone must be at least 3 (three) inches.
 - Size for a single grave lot shall not be more than 30 (thirty) inches wide.
 - Size for multiple grave lots shall not be more than 48 (forty-eight) inches.
- E. No monuments, headstones, or other markers shall be set without a proper foundation.
- F. In the event that a proper foundation was not laid prior to the erection of a stone, monument, or other markers, the Town of Colchester reserves the right to build such foundations at an owner's expense, or to temporarily remove such stone, monument, or marker until a proper foundation has been laid.
- G. All debris created by the laying of foundations and erecting any stone, monument, or marker shall be removed from the cemetery by the contractor hired by the deed holder.
- H. In the interests of safety, any foundation work or the placing of gravestones, monuments, or markers on a proper foundation shall be completed in one day. No foundation or stonework shall be performed on Sundays.

- I. Corner markers are required at the time of lot purchase and must be of permanent material such as granite or marble. Corner markers will have the last name initial on the top of the stones. Only flat grass markers are allowed in the rows between headstones from plot to plot.

Section V. Flowers and Plants

- A. Owners of plots shall be permitted to plant and maintain flowers.
- B. Any person, including persons employed by lot owners to plant flowers, shall remove from the cemetery all rubbish and debris caused by their work.
- C. The Town of Colchester shall have the right to remove any tree, shrub or other plant that is invasive or that inhibits the normal care and maintenance of the cemetery and/or interferes with adjoining lots.
- D. The planting of flowers shall be limited to a space no greater than 12 (twelve) inches in the front of the gravestone or other monument. There shall be no planting permitted alongside the gravestone or other monument.
- E. Cut flowers or eternal lights may be placed in front or to the side of a gravestone or monument in a suitable container. Dead flowers will be removed by the Town of Colchester's Authorized Agent. Eternal lights must be of firm construction to mitigate the effects of weather.
- F. Following an interment, the flowers and decorations from any funeral or memorial service may be laid out over the place of burial. The Town of Colchester's Authorized Agent will remove them whenever they have become unsightly.
- G. No glass enclosed wreaths or flowers shall be permitted on any cemetery ground.
- H. Should any object be placed on any grave which is deemed to be offensive or improper, the Town of Colchester's Authorized Agent shall have the right and the duty to remove any such object.

Section VI. Walks and Driveways

- A. No walkways of stone, concrete, or gravel may be laid other than at the direction of the Town of Colchester.
- B. Any damage done to a cemetery driveways, fence, tree, monument, or any other part of the cemetery by any person or business engaged by a private party to do work in the cemetery shall be returned to its original condition by the contractor or the expense of repairs shall be charged to the grave owner responsible for the work.

Section VII. Purchase or Transfer of Lots

- A. Full payment of fees is required at time of purchase for any grave or plot. No interment or burial shall be permitted in any grave or plot until the purchase is complete. The purchase price shall be paid to the Sexton in the Town Clerk's Office, who shall give a receipt for the same. The receipt shall entitle the purchaser to a deed from the Town Clerk which shall restrict the use of the grave or plot to the burial of human remains. All such deeds shall be registered with the Town Clerk of the Town of Colchester.
- B. The Town of Colchester has full right to fix the price for the purchase of any grave or cemetery lot, which shall be used for the cost of cemetery maintenance and improvements.
- C. No deed holder of a grave shall have the right to sell or convey the right to human burial to another person. In the event that deed holder wishes to sell or convey the right of burial to another person, the grave or graves will be repurchased at the original cost by the Sexton of the Town of Colchester and then sold at current cemetery pricing.
- D. Nothing in Part C shall be construed or understood as prohibiting the original purchaser of a grave or multiple grave plots from designating his or her heirs by last will and testament as the rightful deed holders. The Sexton will issue a new deed in the name of the new owner. Furthermore, in the event that the deceased deed holder should die intestate, the lawful heirs shall be entitled to receive a new deed upon proof provided to the Sexton of an Order from the Superior Court, Probate Division, appointing an administrator for the estate of the deceased.

Section VIII. Funerals

- A. All funerals, interments, and burials are subject to the control and direction of the Sexton in the Town Clerk's Office. The Sexton shall work with a deed holder's contractor to identify proper a burial plot location. Any burial errors made by a contractor in the location or encroachment of nearby plots will be remedied at the contractor's or deed holder's expense.
- B. Grave sites will be not be disturbed except for the burial of an additional cremains or full burial.
- C. No opening, either for a full casket burial or the interment of ashes, shall be made without first securing the authorization of the Sexton. This rule is intended to assure that any burial or other interments shall be made in the proper gravesite and that all questions as to the right to bury or inter have been settled. In this regard, the Sexton must receive all necessary papers and burial transfer permits in sufficient time to complete arrangements.
- D. No disinterment or removal of a body shall be allowed without an order in writing from a court of competent jurisdiction or otherwise consistent with 18 V.S.A. § 5369-5370.

- E. In the event that there is to be a full casket burial, the grave shall be prepared with a vault or lined with other permanent material that will eliminate the possibility of the grave sinking in the future.
- F. Any single grave lot that already contains a full casket burial may also receive the cremated remains of one other person.
- G. Any single grave lot may accept two cremains. A third cremains may be accepted in that lot for an additional fee. No single grave lot may receive more than three cremains.

Section IX. Appeals

- A. Decisions of the Town of Colchester, Authorized Agent may be appealed to the Colchester Selectboard within thirty (30) days of the date of the Decision. The Colchester Selectboard shall hold a warned appeal hearing at a regular or special meeting and shall issue a written decision within thirty (30) days of closing the hearing. A copy of the Selectboard's written decision shall be delivered at the same time to the Town of Colchester, Authorized Agent and the Chairperson of the Cemetery Advisory Committee.

Addendum

Costs of Graves:

Colchester Veteran	\$450.00	single grave
Colchester Resident	\$600.00	single grave
Non-Resident	\$1000.00	single grave
Extra Cremains	\$200.00	