



Town of Barre VERMONT

RULES AND REGULATIONS OF THE TOWN OF BARRE CEMETERIES

Wilson Cemetery (Quarry Hill Road)
Maplewood Cemetery (Farwell Street)
West Hill Cemetery (Perry Road)



After thorough review by the Cemetery Commission re-adopted with changes
November 19, 2014.

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RULES AND REGULATIONS OF THE TOWN OF BARRE CEMETERIES

For the mutual protection and benefit of lot owners, and each Cemetery as a unit, the following Rules and Regulations have been adopted as the Rules and Regulations of the Wilson, Maplewood and West Hill Cemeteries, and all lot owners and visitors within the Cemeteries, and all lots sold, shall be subject to said Rules and Regulations, amendments or alterations as shall be adopted by the Board of Cemetery Commissioners from time to time; and the reference to these Rules and Regulations in the Deed or Certificate of Ownership to a lot shall have the same force and effect as if set forth in full therein.

Let it be known that lot sales and burials of bodies and/or cremains are no longer authorized by the Commission within the West Hill Cemetery except by properly documented lot owners.

Section 1.00 Definition of Terms

1.01 The term "columbarium" shall mean a vault with niches used to hold a funerary urn containing human cremains.

1.02. The term "Commission" shall mean the Board of Cemetery Commissioners of the Town of Barre, Vermont, and the person or persons duly appointed by them for the administration of the Wilson, Maplewood, and West Hill Cemeteries, hereafter, singly or jointly, referred to as the Cemetery.

1.02 The term "dies" in Section 22.00, Permitted Materials and Sizes, refers to the headstone.

1.03 The term "disinterment" refers to the removal of the remains of a deceased person from a grave, tomb, or niche.

1.04 The term "funerary urn" shall mean an urn used for the permanent storage of human cremains used for or associated with burial.

1.05 The term "interment" shall mean the permanent disposition of the remains of a deceased person by burial, cremation or entombment.

1.06 The term "lot", "plot", or "burial space" shall be used interchangeably, and shall apply with like effect to one or more than one adjoining graves.

1.07 The term "memorial" shall include a monument, marker, tablet or headstone, or shutter on a columbarium niche, for the family or individual use.

1.08 The term "niche" shall mean a compartment located in a free-standing structure for the holding of a funerary urn containing human cremains.

1.09 The term "niche holder" shall mean the person or persons of record that hold the rights to permanently store funerary urn(s) in a niche.

1.10 The term "office" shall mean the office of the Cemetery Commission at the Town Clerk's Office in the Town of Barre.

1.11 The term "sexton" refers to the sole representative of the Cemetery Commission in Town cemeteries.

1.12 The term "shutter" shall mean the access panel at the front of a niche.

Section 2.00 General Supervision within Cemeteries

2.01 All persons, vehicles and funerals within the Cemeteries are subject to the control and order of the Sexton.

Section 3.00 Interment and Disinterment

3.01 Besides being subject to these Rules and Regulations, all Interments, disinterment's and removals are made subject to the orders and laws of the properly constituted authorities of the town, county and state.

3.02 Once a casket containing a body is within the confines of the Cemetery, no funeral director, or his embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased, or without a court order.

3.03 All interments, disinterments and removals must be made at the time and in the manner and subject to such charges as fixed by the Cemetery Commission.

3.04 Interments, disinterments and removals on Sundays and holidays are regarded with disfavor. When deemed necessary, such services are subject to special additional charges. An additional charge is also made when the time of arrival of a funeral necessitates payment for overtime labor.

3.05 The right is reserved to, and the Sexton is authorized to, insist upon at least forty-eight (48) hours' notice prior to any interment and at least a one week notice prior to any disinterment or removal.

3.06 The Commission reserves the right to refuse interment in any plot, and to refuse to open any burial space for any purpose, except on written application by the plot owners of record.

3.07 The Commission reserves the right to make an interment of any member of the immediate family of any one of the several plot owners upon his/her written authorization. No other person may be interred in any plot without the written notarized consent of all those owners of the plot who are recorded as such on the books of the Commission.

3.08 When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Sexton may, at his/her discretion, open it in such location in the lot as he deems appropriate, so as not to delay the funeral; and the Commission, Sexton, Town, and all its officials and employees shall not be liable for damages incurred.

3.09 Detailed written instructions are desired by the Commission, and the Commission shall not be responsible for any order given verbally or by telephone or for any mistake occurring from the lack of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.

3.10 The Commission reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment's, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar location as far as possible, or as may be selected by the Commission, or, in the sole discretion of the Commission, by refunding the amount of money paid on account of such purchase. In the event such error shall involve the interment of the remains of any person in such property, the Commission reserves, and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Commission shall also have the right to correct any errors made by placing an improper description, including an incorrect name or date, on the memorial.

3.11 The Commission 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 Rules and Regulations have not been complied with; and, further, said Commission reserves the right, under such circumstances, to place the body in the receiving vault until the full rights have been determined. The Commission shall be under no duty to recognize any protests of interment unless they are in writing and filed in the office of the Commission.

3.12 The Commission shall not be liable for the interment permit nor for the identity of the person sought to be interred.

3.13 No interment shall be permitted, or memorial placed in or on any property not fully paid for except by special consent of the Commission in each and every case. In the event such consent is given, any and all interments or memorials placed in or on said property shall be considered as temporary. A note shall not be considered as payment, and no rights shall be acquired by the plot purchaser of said interment or interments until such property is fully paid for in cash, including principal and interest. In case the purchaser of

said property shall fail to meet all payments within thirty days after the same are demanded by the Commission, then the Commission may reenter said property and hold the same as of its former estate. The Commission, thereupon, shall be released from all obligations there under, and it may retain such payments as may have been made toward the purchase of such property as liquidated damages. The Commission reserves the right and shall have the right, immediately or at any time thereafter, without notice, at its discretion, to remove to single graves, to be chosen by the Commission, each of the remains interred in said property. The Commission, further, shall have the right to remove any memorial that has been placed on said property.

3.10 Not more than the remains of two bodies shall be interred in one grave, except by written consent of the commission. Cemetery rules limit the placement of one body as a full burial and one set of cremains in a single grave, or two sets of cremains in a single grave. Exceptions may be made to those appearing before the commission under special circumstances. Individuals requesting such exceptions must prove ownership of the cemetery lot and will be subject to additional fees for each additional burial approved by the commission. All other cemetery regulations shall be followed, including the requirements for memorial size.

3.11 The maximum number of funerary urns in any niche shall be two. The cremains of two individuals may be mixed together in one, larger funerary urn. The niche holder bears the responsibility of selecting and purchasing said funerary urn(s) that meet the size requirements as outlined in Section 18.03 of these regulations and that meet the material specifications as outlined in Section 18.04 of these regulations.

3.12 No interment of any body, or the cremated remains of any body other than that of a human being, shall be permitted in the cemeteries.

3.13 Where a plot is owned by a Church, Lodge or other society, interments shall be limited to the actual members of that organization and to their husbands or wives, and to immediate families of members. At the time of purchase, the Church, Lodge, or society shall designate the officer or agent who shall exercise the rights incident to a plot owner.

3.14 Artificial grass and equipment owned by the Commission may be used in making interments, disinterments and removals. Undertakers must remove their equipment immediately after interments. Failure to do so promptly will necessitate the removal of the equipment by the Sexton at the expense of the undertaker.

Section 4.00Disinterment and Removals

4.01 Removal, by the heirs, of a body or cremated remains so that the plot or niche may be sold for profit to themselves, or removal contrary to the express and implied wish of the original plot owner or niche holder, is forbidden.

4.02 A body, or cremated remains, may be removed from its original plot to a larger or better plot in the Cemetery, where there has been an exchange or purchase for that purpose. All expenses incurred shall be the sole responsibility of the family involved.

4.03 The utmost care will be exercised in making a removal, but the Commission shall assume no liability for damage to any casket, burial case or funerary urn incurred in making the removal.

Section 5.00Service Charges and Overdue Indebtedness

5.01 The charges for the cemetery services must be paid to the Sexton at the time of the issuance of the order of interment, disinterment or removal.

5.02 The Commission reserves the right to refuse to do or allow to be done work of any character, including interments in or upon any lot until arrangements have been made for payment of any and all indebtedness due the Commission for work performed in or upon the lot.

Section 6.00Property Rights of Plot Owners

6.01 All lots, plots and burial space conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the instrument of conveyance; provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which right shall continue as long as he or she shall remain the husband or wife of the plot owner and shall be his or her wife or husband at the time of his/her demise. In the case of a columbaria niche, only the rights to use and occupy the space in accordance with these regulations shall be conveyed and the structure shall remain the property of the Town. No conveyance or other action, without the joinder therein or by written consent attached thereto, shall divest such husband or wife of such vested right of interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it shall be otherwise provided by such decree of divorce.

6.02 In all conveyances to two or more persons as joint tenants, each joint tenant shall have vested right of interment of his or her remains in the plot or niche so conveyed. Upon the death of a joint tenant, the title of the burial plot or occupancy rights to a niche heretofore held in joint tenancy immediately vests in the survivor or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner.

6.03 A vested right of interment as provided in this rule may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

6.04 Whenever an interment is made in a plot or niche that has been transferred by deed or certificate of ownership to an individual owner by the Commission and is held as a separate plot or niche, it shall be indivisible; and the whole of such burial plot or niche

thereby becomes inalienable and shall be held as the family burial plot or niche of the owner, in which one grave or niche may be used for the owner's interment, one for the interment of the surviving spouse, if any, or the owner who by law has a vested right of interment therein, and in those remaining, if any, of the children of such deceased owner may be interred, in the order of need, without the consent of any person claiming any interest therein. In the event there shall be no child surviving such deceased person, the right of interment therein shall go to the next heirs at law of said deceased owner as specified by the statutes of descent.

6.05 On the demise of the proprietor of a lot or niche, when the lot or niche is not specifically mentioned in his will, an affidavit must be filed at the office of the Commission signed by one of the heirs at law, and in the cases of minors, by their guardian. This affidavit must include a list of the names of all heirs and a majority must also designate one of their number as the representative, who shall be authorized to sign orders for interments in the lot or niche and to give all other needful directions regarding the lot or niche. If no such affidavit shall be filed, the Commission may designate some one of the heirs at law so to act until such time as the before mentioned affidavit shall have been filed, or until such time as a court of competent decision shall order otherwise.

6.06 If no interment has been made in a plot or niche which has been transferred by deed or certificate of ownership to an individual owner by the Commission, or if all the bodies have been lawfully removed there from, in the absence of the specific disposition thereof by the owner's last will and testament, the whole of said plot or niche, except the one grave, niche or crypt which must be reserved to the surviving husband or wife of the owner, shall, upon the death of said owner, descend in regular line of succession to the heirs at law of the owner.

Section 7.00 Transfers or Assignments

7.01 No transfer or assignment of any plot or niche, or interest therein, shall be valid without the consent in writing of the Commission first to be had and endorsed upon such a transfer or assignment, and thereafter being recorded on the books of the Commission and the Town Clerk. The holder of said plot or niche bears the sole responsibility for any and all expenses incurred in the transfer or assignment.

7.02 The Commission may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the Commission from the record plot owner.

7.03 All transfers of ownership in plots or niches shall be subject to a nominal charge, which charge must be paid to the Commission when the transfer is recorded.

7.04 The subdivision of plots is not allowed, and no one shall be buried in any plot not having an interest therein, except by written consent of all parties interested in such plot

and of the Commission; provided, however, a relative of any record owner may be buried in said plot as provided in these rules or in the laws of the state of Vermont.

7.05 The Commission may authorize the one-for-one swap of a plot or niche and such a swap shall be subject to written approval by the Commission. The holder of said plot or niche bears the sole responsibility for any and all expenses incurred in the swap. Ownership of the plot or niche being turned in reverts to the Commission and is subject to re-sale as any other available plot or niche.

7.06 The Commission may buy back a plot or niche from the owner(s) of record that present proper proof of ownership. The Commission will pay the amount of the original purchase price of the plot or niche less 20 percent, the seller will pay all expenses. When the original purchase price cannot be determined, the Commission will determine the buyback amount in dollars based on historic price information available through cemetery records, deeds, and other documents available. Once the lot or niche has been purchased by the Cemetery Commission, the lot or niche will be available for sale in the same manner as any other unsold lot or niche.

Section 8.00 Control of Work within Cemetery

8.01 All grading, landscaping and improvements of any kind, and all care on plots, shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closings of plots, and all interments, disinterment's and removals shall be made only by the Commission, unless by special permit from the Sexton in writing.

8.02 All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the Sexton; and should they be made without his/her written consent, he/she shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner, or, in any event, at any time, in his/her judgment, they become unsightly.

8.03 If any trees or shrubs, situated on any lot, shall, by means of their roots or branches, become detrimental to the adjacent lots or avenues, or unsightly or inconvenient for visitors, the Commission shall have the right to enter the said lot and remove said trees or shrubs or such parts thereof as they shall determine to be detrimental, unsightly or inconvenient.

Section 9.00 Decoration of Plots

9.01 The Commission shall have the authority to remove all floral designs, flowers, weeds, trees, wreaths, flags, plants or herbage of any kind from the Cemetery, as soon as in the judgment of the Sexton they become unsightly, dangerous, detrimental, or

diseased or when they do not conform to the standards maintained. The Commission 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 funeral services held in the Cemetery. The Commission shall not be liable for loss, misplaced or broken flower vases. The Commission shall not be responsible for frozen plants, or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control. The Commission reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The Commission reserves the right to prevent removal of any flowers, floral designs, trees, shrubs or plants, or herbage of any kind, unless the Sexton gives his written consent.

9.02 Only silk flowers will be allowed from October 1 through June 1. At no time shall plastic flowers be permitted in the cemetery. Christmas wreaths are allowed.

9.03 No plants, vases, or other vessels shall be attached to or set on any portion of the columbaria.

9.04 The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles, upon plots or on or near any columbaria shall not be permitted, and, if so placed, the Commission reserves the right to remove the same.

9.05 Coat hangers or other wires in the ground or attached to memorials as pot holders are not allowed.

9.06 All fittings, adornments, urns, inscriptions and arrangements shall be, and are hereby declared to be, subject to the approval and control of, and acceptance or rejection by the Commission. Any urns or baskets left on graves for more than 5 days shall become the property of the Commission at their option.

9.07 As a special mark of respect to those who have so served our country, the American flag shall be displayed only on the graves of those persons who have honorably served in the armed forces of the United States of America.

Section 10.00 Changes in Grade and Replanting

10.01 The right to enlarge, reduce, replant or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain, and operate or alter or change pipe lines or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved, as well as is the right to use cemetery property, not sold to individual plot owners, for cemetery purposes including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The

Commission reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots. The Commission also retains ownership of columbaria structures and the perpetual right to remove and replace any shutter to access any niche.

10.02 No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery, buildings, or columbaria as long as the Commission devotes it to that purpose.

Section 11.00Conduct of Persons within the Cemetery

11.01 Persons when within the cemetery grounds shall use only the avenues, walks, alleys and roads, and any person injured while walking on the grass, or while on any portion of the Cemetery other than the avenues, walks, alleys or roads, shall in no way hold the Commission, Sexton, Town and all of its officials and employees liable for any injuries sustained.

11.02 Only the plot owner and his relatives shall be permitted on the cemetery plot. Any other person thereon shall be considered a trespasser, and the Commission shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonable safe condition.

11.03 Children under fifteen years of age shall not be permitted within the Cemetery, or its buildings, unless with responsible adult supervision.

11.04 All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, defacing or otherwise damaging monuments or structures, or disturbing the birds or animal life.

11.05 No person, other than cemetery staff, shall be permitted to have refreshments or lunches within the Cemetery.

11.06. Unauthorized individuals shall not be permitted to sit or lounge on any of the grounds or graves in the cemeteries or in any of the buildings.

11.07 No loud talking shall be permitted on the Cemetery grounds within hearing distance of cemetery services or functions.

11.08 Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited.

11.09 Motor vehicles shall not be driven through the grounds at a greater speed than fifteen miles per hour, and must always be kept on the right hand side of the Cemetery roadway, unless otherwise directed by the Sexton or his assistants.

11.10 Motor vehicles are not allowed to park or to come to a full stop in front of an open grave unless such motor vehicles are in attendance at the funeral. Motor vehicles must not turn in the driveways or avenues but must proceed to the next intersection before changing direction.

11.11 Motor vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor vehicles must not be left with the engine running, and the emergency brake must be set when the driver is not in his seat. Mufflers must not be open nor the horn sounded within the Cemetery.

11.12 No motor vehicle or animal shall be driven across or upon any grave, lot or lawn nor parked or left thereon. It is prohibited to park or leave any motor vehicle on any road or driveway within the Cemetery at such location or in such a position as to prevent any other vehicle from passing the same, or if so parked or left, such motor vehicle will be removed.

11.13 The use of the Cemetery as a thoroughfare is prohibited and commercial or business vehicles are permitted to enter only by permission of the Sexton.

11.14 No bicycles or motorcycles shall be admitted to the Cemetery except such as may be in attendance at funerals or on business.

11.15 Peddling of flowers or plants, or soliciting the sale of any commodity, other than by express approval of the Commission, is prohibited within the confines of the Cemetery.

11.16 No firearms shall be discharged within the Cemetery except at military funerals or with permission from the Sexton.

11.17 No signs or notices or advertisements of any kind shall be allowed in the Cemetery, unless placed by the Commission.

11.18 No dogs, other than service dogs, shall be allowed on the Cemetery grounds or in any of the buildings, except on a leash. Owners shall clean up waste created by their dogs.

11.19 The Cemetery grounds shall be open from 7 A.M. to sunset. The office shall be open at appropriate times and by appointment with the Sexton.

11.20. It is of the utmost importance that there should be strict observance of all the proprieties of the Cemetery, whether embraced in these rules or not, as no improprieties

shall be allowed, and the Sexton shall have the authority to prevent improper assemblages or actions.

11.21 The Sexton is hereby empowered to enforce all Rules and Regulations, and to exclude from the cemetery properties any person violating the same. The Sexton shall have charge of the grounds and buildings, and at all times, shall have supervision and control of all persons within the Cemetery, including the conduct of funerals, traffic and employees. To protect and promote the best interests of the Cemetery, the Sexton is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.

Section 12.00 Protection from Loss or Damage

12.01 The Commission shall take reasonable precautions to protect plot owners and niche holders, and the property rights of plot owners, within the Cemetery, from loss or damage; but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Section 13.00 Address Changes of Plot Owners

13.01 It shall be the duty of the plot owner to notify the Commission of any change of his post office address. Notice sent to the plot owner at the last address on file in the office of the Cemetery shall be considered sufficient and proper legal notification.

Section 14.00 The Care of Plots

14.01 The term "perpetual care", used in reference to plots, shall be held to mean the cutting of the grass upon said plots at reasonable intervals, the raking and cleaning of the plots, the pruning of the shrubs and trees that may be placed by the Commission; meaning and intending the general preservation of the plots, and the grounds, walks, roadways, boundaries and structures, to the end that said grounds shall remain and be reasonably cared for as Cemetery grounds forever; but in no case does the Commission assume responsibility for work on any particular plot involving the expenditure in any one year of an amount greater than would be received if all the funds deposited for the perpetual care of that plot were invested at the same rate of interest as that received from all of the invested funds of the Commission for that year.

14.02 The term "perpetual care", unless otherwise provided in the agreement, shall in no case be construed as meaning the maintenance, repair and replacement of any

memorial placed or erected upon lots; nor the planting of flowers or ornamental plants; nor watering or sprinkling the lots; nor the doing of any special or unusual work in the Cemetery, including work caused by impoverishment of the soil; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any portion or portions thereof in the Cemetery for any reason, unless directly caused by the Commission, Sexton, or an employee.

14.03 Forty (40%) percent of the purchase price of a lot within the Town cemeteries shall be placed in the Cemetery Trust Fund and invested as provided for by law. The Commission may recommend price changes from time to time to adjust for increased costs of maintenance and services. A current price list of the various size plots available is included in Appendix #2 of these rules and regulations.

14.04 Perpetual care, whether applied to lots, or graves, or to anything within the confines of the Cemetery, shall be limited absolutely to the income received from the investment of the perpetual care fund--no part of the principal being expended--anything herein stated to the contrary notwithstanding.

14.05 It is understood and agreed between the purchaser and the Commission that all of said funds may be deposited with others of like character and intent, to the end that the income from such accumulated general fund shall be used in the general improvement and perpetual care as above defined; but in no case shall their deposit be construed as a contract to care for any individual property or space other than as above defined, except Special Care agreements duly executed and on file at the Cemetery office.

14.06 The income from the perpetual care fund shall be expended by the Commission in such manner as will, in its judgment, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of such funds. The Commission is hereby given the full power and authority to determine upon what property, for what purpose and in what manner the income from said fund shall be expended, and it shall expend said income in such a manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the Cemetery grounds or for any purpose necessary in the execution of its duties.

14.07 The amount of said perpetual care funds to be collected from the purchasers of cemetery ground plots or columbaria niches shall be such sum as may be determined by the Commission for the various sections, after taking into consideration the physical difficulties in character of the ground and such other factors as tend to determine the necessary cost of the care of said land; same to be required as a deposit for such purpose and deposited with the Commission at the time of payment of the purchase price.

14.08 The deed for a Cemetery lot issued by the Commission shall show the amount of perpetual care fund that has been required of the individual and set aside in each case.

Section 15.00Receiving Vault Use

15.01 The receiving vault is for temporary use only, on a flat fee basis, and under no circumstances shall a body be considered as interred or buried by reason of being placed therein.

15.02 In the event of failure to make suitable arrangements for the final disposition of the remains within a reasonable time, the Commission may, at its sole discretion, remove the body and bury it in a single grave.

15.03 Funeral directors of approved credit rating may guarantee such charges, in which case the deposit may be waived, but the funeral director, in which case, shall be responsible for the payment of such charges upon receipt of the statement for the same.

15.04 The Commission reserves the right, without notice, to remove from its vaults at once and inter any remains not in a good state of preservation, or when the condition of the body renders its interment necessary.

15.05 When the Vermont Health Department or medical examiner issues appropriate orders to the Town the remains of any person who has died of an infectious or contagious disease may not be stored in the receiving vault.

Section 16.00Certificate and Rules are Sole Agreement

16.01 The certificate of ownership and these Rules and Regulations and any amendments thereto shall be the sole agreement between the Commission and the plot owner or niche holder. The statement of any employee or agent shall in no way bind the Commission.

Section 17.00Modifications and Amendments

17.01 Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Commission therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appears advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.

17.02 Emergency conditions may necessarily cause a labor and material shortage so that certain rules cannot be strictly enforced. To meet these conditions, the rules, where necessary, will be temporarily modified or suspended. Such temporary modification or suspension shall in no way be construed as a waiver nor affect the strict enforcement of the rules upon the conclusion of the emergency.

17.03 The Commission may, and it hereby expressly reserves the right, to adopt new rules and regulations, or to amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations, in accordance with State Statutes. All rules formerly adopted which are contrary to these Rules and Regulations are hereby superseded and replaced by these Rules and Regulations.

Section 18.00 Columbarium Regulations

18.01 Ownership of the columbaria remains with the Cemetery Commission. The reservation of a niche entitles the purchaser the rights to be permanently interred within a niche but not the right of ownership.

18.02 The Cemetery Commission reserves the right to modify or move the columbaria under circumstances deemed appropriate due to circumstances that may occur.

18.03 The approximate dimensions of a finished niche are 12 inches wide by 12 inches high by 12 inches deep. Each niche is designed to hold two individual cremains stored in cremation urns. No more than two cremains shall be placed in any niche. Niche holders are cautioned to plan carefully when selecting funerary urn(s) for their use to ensure said funerary urn(s) fit inside the space provided.

18.04 The funerary urn for cremains shall be of a material approved by the commission, such as hardened plastic, bronze, brass, ceramic, or stone. Funerary urns of other materials may be used with prior approval of the Cemetery Commission. The Cemetery Commission reserves the right to reject the use of any funerary urn not made of a suitable, durable and non-biodegradable material, such as wood, paper, cardboard, or glass. Cremains may be shipped to the cemetery sexton in the proper cardboard container. Prior to interment into the columbaria niche, ashes must be transferred into a funerary urn approved by the commission. Such transference shall be subject to certain fees assessed by private firms or by the cemetery commission.

18.05 Due to the limited size of the shutter, letterings shall have a maximum height of 1 – 3/4 inches. Lettering shall be inscribed into the shutter to a maximum depth of 1/4 inches, and no letter shall be closer than 3/4 inches to the edge of the shutter space. Black lithochrome coloring is permitted in any lettering or symbols sandblasted or etched into the face of the shutter. No other color lithochrome will be approved.

18.06 A sketch of the final appearance of any inscription, epitaph, symbolism, or other alterations to a niche shutter must be submitted to the Cemetery Commission for approval. No work shall be done on the shutter without the written permission of the Commission.

18.07 Upon receiving written permission from the Cemetery Commission inoffensive small symbols or art work may be sandblasted or frosted on the shutter face.

18.08 Shutters may be removed from the site for lettering. Niche holders shall provide a deposit of \$200 to the commission prior to taking a shutter off site. The shutter must be returned within ten business days or the deposit shall be forfeited. Should any breakage or other damage to the shutter occur while it is in the custody of the niche holder, the niche holder shall be liable for the replacement of said shutter, purchased through the Cemetery Commission or Sexton.

18.09 The opening and closing of columbaria shutters is the sole responsibility of the Cemetery Sexton or a designated representative.

18.10 No decorations, memorial items, or flowers may be placed on any columbarium. Flowers may be placed on the ground near the columbarium in an area designated by the Cemetery Commission. No pictures, toys, statues, ornaments, or other mementos are to be placed inside any columbarium niche.

Section 18.00a Privately Owned Columbarium Regulations

NOTE: These regulations pertain exclusively to the 8 x 8 foot lots specifically laid out in Sections South 2 and North 2 in the Maplewood Cemetery for the placement of privately owned columbaria structures. Also, refer to the schematic layouts of Sections South 2 and North 2 for any other conditions that apply to these specifically laid out lots. Unless otherwise specifically stated, all other rules and regulations found in “Rules and Regulations of the Town of Barre Cemeteries” apply to the privately-owned columbaria lots. Columbaria structures placed in any other section of Maplewood Cemetery or Wilson Cemetery will be subject to all the provisions of the rules and regulations governing burial lots as stated in the town regulations.

18.01a For private columbaria lots in Maplewood Cemetery, up to eight sets of cremains are allowed within the columbarium structure and/or placed in the ground surrounding the structure, only grass markers are allowed for the cremains outside the columbarium structure. Exceptions may be made to those appearing before the commission under special circumstances. Individuals requesting such exceptions must prove ownership of the cemetery lot and will be subject to additional fees for each additional burial approved by the commission. All other cemetery regulations shall be followed, including the requirements for memorial size as applied to the columbarium size. No full burials are allowed within these special columbaria lots.

18.02a With the approval of the Cemetery Commission, a privately owned columbarium may be moved by the legal owner, all expenses associated with moving the structure are the sole responsibility of the owner. The new location of the columbarium must meet all other regulations in all other sections of these rules.

18.03a The funerary urn for cremains shall be of a material approved by the commission, such as hardened plastic, bronze, brass, ceramic, or stone. Funerary urns of other

materials may be used with prior approval of the Cemetery Commission. The Cemetery Commission reserves the right to reject the use of any funerary urn not made of a suitable, durable and non-biodegradable material, such as wood, paper, cardboard, or glass. Cremains may be shipped to the cemetery sexton in a proper cardboard container. Prior to interment into the columbaria niche, ashes must be transferred into a funerary urn approved by the commission. Such transference shall be subject to certain fees assessed by private firms or by the Cemetery Commission.

18.04a There are no lettering size limits on privately owned columbaria shutters, nor limitation of lithochrome coloring. As with any shutter, the final design will have to be submitted to and approved by the Cemetery Commission. A sketch of the final appearance of any inscription, epitaph, symbolism, or other alterations to a niche shutter must be submitted to the Cemetery Commission for approval. No work shall be done on the shutter without the written permission of the commission. All covers on niches that contain cremains will be sealed against the weather.

18.05a Per State of Vermont regulations, the opening and closing of all columbaria shutters is the sole responsibility of the Cemetery Sexton or a designated representative.

18.06a The ground area around a privately owned columbarium structure is subject to the same rules and regulations as any other cemetery lot as defined within these rules and regulations.

18.07a Only one central or family columbarium shall be allowed on a lot, it shall be set as close to the center of the lot as possible and be parallel with Farwell Street as designated by the commission. A privately-owned columbarium unit counts as the central or family memorial in areas designated for their use by the commission.

18.08a The size requirements for a privately owned columbarium structure shall follow the same rules set out for a regular 8 - foot wide cemetery lot, normally considered a two grave lot. The structure must be a minimum of 2'- 6" long, 0'- 8" thick and 1'- 10" high with bases 3' - 2" long, 1'- 2" wide and 0'- 8" high. The width of the columbarium can be as much as two thirds the lot width or 5'- 4" wide.

18.09a For information concerning foundations for private columbaria and the setting of the structures, refer to Section 23.00 of these rules and regulations.

(continues on next page)

Section 19.00 Regulations on Memorial Work

19.01 Letter cutters, persons or firms who engage in the business of cleaning monuments (not connected with established retail dealers already on the approved list of dealers), and all other persons or firms, must procure a permit from the Sexton or official of the Cemetery before any work in the Cemetery is commenced. In order to secure such a permit, it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. Persons performing any work and/or service in Barre Town cemeteries shall provide the Commission with a current certificate of insurance indicating a minimum of \$1,000,000 liability coverage and listing the Town of Barre as an additional insured.

19.02 Workmen engaged in placing or erecting monuments and other structures, or bringing in materials, shall as to the Commission, operate as independent contractors, but must do so under permission from the Commission, and must be under the supervision of the Sexton of the cemetery.

19.03 Persons engaged in erecting monuments or other structures are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways, or from leaving their material on the grounds longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition.

19.04 Damage done to lots, walks, drives, trees, shrubs, or other property, by the dealers or contractors, or their agents, shall be repaired by the Commission; and the cost of such repair shall be charged to the dealer or contractor or to his principal.

19.05 No material, machinery, or other equipment for the construction of monuments, or other structures, or monuments themselves, may be brought into the Cemetery until required for immediate use, nor under any circumstances when a funeral is in progress, nor shall said material be placed on lots adjoining the one on which such a structure is to be erected, without special permission from the Sexton.

19.06 Work shall proceed promptly and continue until the erection of the memorial is completed.

19.07 While a funeral or interment is being conducted nearby, all work, of any description, must cease.

19.08 Approaching the bereaved and soliciting memorial business within the Cemetery is not permitted.

19.09 Memorial dealers, contractors and individuals working on memorials shall abide by all rules of the Cemetery.

Section 20.00Monuments and Markers

20.01 Only one central or family memorial shall be allowed on a lot and that shall be set on the space designated by the Commission.

20.02 No lot owner shall erect or place, or cause to be erected or placed, on any lot in the Cemetery, any memorial in respect of which the Commission disapproves.

20.03 Markers shall be flush with the ground, except where it is necessary to match those already set in a lot or section. All lettering on surface markers must be cut or incised. Markers shall be placed at the end of the grave farthest from the base of the monument.

20.04 Corner posts shall be of good natural stone placed flush with the grade. Initials shall be incised, not raised. Corner posts shall be at least 8" in length and dressed where they abut on adjacent lots.

20.05 While the Commission will exercise reasonable care to protect the memorial, or other structure, on any lot, and the raised lettering, carving or ornaments on such memorial, or other structure, it disclaims responsibility for any damage or injury thereto.

20.06 No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, stone, marble, terra-cotta, sand, cement, gravel, or wood shall be allowed on any lot. The Commission reserves the right to remove the same if so erected, planted or placed.

Section 21.00 Plan, Design, and Finish

21.01 Cemetery officials shall have authority to reject any plan or design for any memorial or inscriptions to be placed on the shutter of any columbaria which, in the opinion of the Commission, on account of size, design, inscription, kind or quality of stone is unsuited to the lot on which it is to be placed or is not in conformity with the Rules and Regulations.

21.02 The Commission reserves the right to stop all work of any nature, whenever, in its opinion, proper preparations have not been made; or when tools and machinery are insufficient or defective; or when work is being executed in such a manner as to threaten life or property; or when the monument dealer has been guilty of misrepresentation; or when any reasonable request on the part of the Commission is disregarded; or when work is not being executed according to specifications; or when any person employed on the work violates any rule of the Cemetery.

21.03 The completed work is subject to the approval of the Commission, and, if unsatisfactory, it may be removed by the Sexton.

Section 22.00 Permitted Materials and Sizes

22.01 All monuments and markers of any size shall be constructed of good, natural stone. No artificial stone of any description is permitted. Monument sizes for various sized lots are as follows:

- a. One grave lot: The dies must be a minimum of 1'- 8" long, 0'- 6" thick, and 1'- 6" high, with bases 2'- 0" long, 1'- 0" wide and 0'- 6" high.
- b. Two grave lot: The dies must be a minimum of 2'- 6" long, 0'- 8" thick and 1"- 10" high with bases 3'- 2" long, 1'- 2" wide and 0'- 8" high.
- c. Three or four grave lot: The dies must be a minimum of 3'- 0" long, 0'- 8" thick and 2'- 2" high with bases 3'-10" long, 1'-2" wide and 0'-8" high. However, since there is more width on a four grave lot a slightly larger size monument than the minimum requirement would be considered by the Commission.
- d. Five or six grave lot: The dies must be a minimum of 4'- 0" long, 0'- 8" thick and 2'- 4" high with bases 5'- 0" long, 1'-2" wide and 0'- 8" high.
- e. Die sizes stated in sub-sections a - d are minimum sizes. Larger sizes are permitted with approval of the commission, but the base cannot exceed two-thirds the width of the lot frontage.
- f. A lot owner who desires a monument larger than the sizes (in subsections 22.01 a-d), or tall or vertical type monuments, shall submit plans/dimensions for consideration by the Commission.

Section 23.00 Foundations and Setting

23.01 As a guarantee of good work and as a protection to all lot owners, the Commission reserves the right to excavate for and build all foundations, set all markers and posts and to regulate all work done in the Cemetery. A reasonable charge will be made for such work and the Commission shall assume responsibility for the proper construction of the foundation.

23.02 No foundation will be built when the weather is such that injury from frost cannot be prevented. No heavy stone work may be set in inclement weather or until the cement in the foundation shall have had time to harden thoroughly.

23.03 Foundations will be made at least as large as the bottom base, or first masonry course above the ground, but the Commission reserves the right to require a larger foundation when, in its opinion, the weight of the structure requires it. Foundation orders must specify the exact size of such bottom base or first masonry course above ground.

23.04 Foundations shall be built to a depth of at least four feet and shall be finished two inches below the surface of the ground where lowest.

23.05 Foundations and setting charges shall be payable in advance.

Section 24.00 Miscellaneous

24.01 Should any memorial become unsightly, dilapidated or a menace to visitors, the Commission shall have the right either to correct the condition or to remove the same, at the expense of the lot owner.

24.02 No monument or marker shall be removed from the Cemetery, except by the Commission, unless the written order of the plot owner be presented at the office of the Cemetery and permission be granted by the Commission.

24.03 If any term or provision of these Rules, or the application thereof to any person, party, or circumstances shall, to any extent, be invalid or unenforceable, the remainder of such Rules, or the application of such term or provision to persons, parties, or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of said agreement shall be valid and shall be enforced to the fullest extent permitted by law. If any such term or provision shall be susceptible of two interpretations, one of which would render it valid and the other of which would render it invalid or unenforceable, it shall be construed in such manner as to render it valid.

Appendix 1..... Markers on Veterans' Unmarked Graves

The Barre Town Cemetery Commission (Commission) will allow installation of the local Flags for Veterans Committee's flush-mounted memorials (grass markers) on the graves of United States of America or allied military veterans, provided:

1. There is no marker, headstone, or memorial on the grave
2. The Flags for Veterans Committee certifies:
 - a. The deceased to be honored was a U.S. or allied military veteran;
 - b. That there are no known heirs, successors, or assignees of the deceased veteran;
 - c. That a notice stating the deceased's name and burial location, the Flags for Veterans Committee's intention, and asking any heirs, successors, or assignees to contact the Committee was published twice on the same day in successive weeks in a newspaper of general circulation in Barre Town, and that at least thirty (30) days have passed since first publication;
 - d. That it has made a good faith effort to identify heirs, successors, or assignees through genealogical research.

The Flags for Veterans Committee shall provide the grass markers free of charge. The Barre Town Cemetery crew will install markers free of charge.

The Commission acknowledges heirs, successors, or assignees may come forward after the grass marker is placed on the grave. The Commission does not intend to negate or repeal Section 6 – Property Rights of Plot Owners, or Section 7 – Transfers or Assignments, of its Rules and Regulations. If an heir, successor, or assignee comes forward and requests the grass marker be removed, the Commission shall cause the marker to be removed, free of charge, and shall return the marker to the Flags For Veterans Committee.

Appendix 2..... Price List for Various Plot Sizes

The current fee schedule is posted on the Barre Town webpage: www.barretown.org

See the document, “Barre Town Cemetery Department, Fee Schedule” for the most current fee schedule or paper copies are available from the cemetery sexton or at the Barre Town offices, 149 Websterville Road, P.O. Box 116, Websterville, VT.

Personal notes: