

Chapter 19

BRATTLEBORO CEMETERY ORDINANCE

ARTICLE 1. STATEMENT OF PURPOSE

The Brattleboro Cemetery Committee is established for the purpose of advising the Selectboard in matters of care and maintenance of all Town-owned cemeteries.

It establishes policies, rules and regulations for operation of the cemeteries; sets prices for services provided; lays out plots, drives and paths and prices for burial plots. No policy making decision of the Committee is valid unless approved by the Selectboard.

ARTICLE 2. BY-LAWS OF CEMETERY COMMITTEE

Sec. 19-1. Membership.

- (a) The number of committee members shall be determined by the Selectboard.
- (b) The Committee shall have the authority to request the resignation of any member missing three or more meetings without said member notifying the Committee.

Sec. 19-2. Officers. The Committee shall choose from their number a chairperson, who shall have charge of all the meetings of the Committee and a secretary, who shall make and keep a record of all the votes taken and business done at any of its meetings.

Sec. 19-3. Vacancies. Vacancies of the Committee shall be filled by the Selectboard.

Sec. 19-4. Voting. All votes of the Committee shall require a majority of total members to be in attendance. In addition, a majority of the total members of the Committee must vote in the affirmative in order for a motion to carry.

Sec. 19-5. Meeting Schedule. The Committee shall meet as needed with at least one meeting required annually, to be held in May. The Committee may change their schedule at will.

ARTICLE 3. RULES OF OPERATION

Sec. 19-6. Hours and Season of Operation

All Town cemeteries shall be open from dawn until dusk, generally from May 1st through November 1st or as weather permits.

Sec. 19-7. Enforcement of Regulations

The Brattleboro Selectboard or its designee shall be responsible for the enforcement of all rules and regulations herein incorporated or adopted at any time by the Brattleboro Selectboard and for maintaining good order and decorum on the cemetery grounds.

The Selectboard or its designee may take such action as may be necessary, although not expressly authorized by the rules, in order to protect the property of plot owners or the cemetery from damage and to preserve good order on the cemetery grounds.

No person shall, in any cemetery, disturb, destroy, or take away any herbage, container or any other ornamental object placed in the cemetery, without the consent of the owner or the Town.

Violation of this section shall be punishable as provided for in Title 13 of the Vermont State Statutes Annotated. Any police officer may issue a citation for violation of these regulations.

Sec. 19-8. Purchase and Payment of Plots and Lots

A plot is defined as one grave. Each plot shall be 40 inches wide by 10 feet long (33 1/3 square feet).

A lot is defined as one or more adjacent graves.

An agent appointed by the Selectboard shall have authority to sell available plots, without discrimination, in Town owned cemeteries.

Arrangements for the purchase of plots shall be made with the Town Clerk or designee, who will issue a deed to the purchaser at the time of purchase.

All cemetery deeds must be recorded in the Brattleboro Cemetery Records.

All plots shall be paid in full before any interment shall be permitted. This requirement may be waived under special circumstances to be determined at the discretion of the Town.

All plots shall be sold with perpetual care included. Such care shall be understood to include: mowing and trimming of grass, seeding, filling and ordinary care of lots, but shall not include care of monuments and markers.

The cost of a plot shall be \$500.00 for the first plot and \$400.00 for each adjacent plot purchased at the same time.

An existing section of Morningside Cemetery known as Maplewood shall be designated for the burial of residents of the Town who have been determined to be indigent. The Town shall waive the purchase fee of the plot and opening fee. Burials of cremains only shall be allowed.

Sec. 19-9. Burial Site

Casket Burials - There shall be no more than one casket burial per plot or one casket and four cremains containers per standard size plot (40"x10').

Cremains Burials – There shall be no more than four cremains containers per standard size plot (40"x10').

Walsh Section of Morningside Cemetery (to be established in 2016) shall be for the purpose of accommodating cremains only. It is located in the heart-shaped grass area facing the front of the cemetery's mausoleum, at the base of the flagpole. Regulations for plots in the Walsh section are as follows:

Each plot shall measure 40 inches in width and 5 feet in length.

No more than two cremains containers shall be buried in each plot.

Stone markers shall be flush to the ground and be no wider or longer than 30 inches.

Plots will be numbered and sold in numerical order only.

Plantings and decorations shall not be allowed on individual plots.

The cost of each plot shall be \$250.00.

Sec. 19-10. Interment

Prior to digging for the purposes of interment or setting a memorial, the Town Clerk or designee shall be informed.

Adequate notice of any interment shall be given to the Town Clerk's office. A burial permit as prescribed by law is required. All digging shall be completed by a professional authorized by the Town Clerk.

Documentation of any interment or burial of cremains must be filed with the Town Clerk.

Covered vaults are required for casket burials.

The Town shall require an opening fee of \$100.00 for each burial including the burial of cremains.

Sec. 19-11. Proof of lot ownership/permission to be buried

The plot holder shall have the right to designate what bodies are to be interred in his/her plot. If the original plot holder is not available, those arranging for an interment must present evidence to the funeral director insuring that the deceased has a

right or proper permission to be interred in said plot. If no funeral director is involved, it is the responsibility of those arranging for an interment to insure that the deceased has the right or proper permission to be interred in said plot. The Town bears no responsibility in this determination.

Sec. 19-12. Transferring lot to third party

No transfer or assignment of a plot shall be made by any owner without the express approval of the Town. All transfers or assignments must be recorded in the Brattleboro Cemetery Records.

Sec. 19-13. Disinterment rules

No disinterment or relocation of a buried body or cremains shall be allowed without a written request or the permission of the Town, nor until the provisions of the law are complied with. A permit for disinterment or relocation shall be issued by the Town prior to any action.

The Town shall require an opening fee of \$100.00 for each disinterment or relocation, including that of buried cremains.

Sec. 19-14. Monument/Marker Requirements

All monuments shall be made of stone, concrete or durable metal and be professionally installed. The base of any marker may not exceed the width of the lot.

There shall be no more than one standing monument per plot space. All others shall be flush with the grade.

The placement of a headstone shall conform to the direction of those in place within an existing row. When establishing a new row of plots, headstones shall be placed on the west end and face east.

In the Roselawn and Walsh sections, all monuments will be flush with the grade.

Sec. 19-15. Corner Marker requirements

Four corner markers are required to be placed on each new lot. The purchase and placing of corner markers shall be the responsibility of the Town. Corner markers shall not exceed 6 inches square, shall be carved with one initial and will be set flush with the grade. Prior to installation, a second initial may be carved on a corner stone marker at the expense of the requester.

Sec. 19-16. Structures/Enclosures

No vault or other above ground structure shall be built or erected except by special permission. Plans for same must be submitted to the Town for approval.

No enclosures of any cemetery plot by a fence, hedge or curbing shall be allowed.

If an existing enclosure becomes dilapidated, the Town is hereby authorized to have it removed after a reasonable attempt to contact descendants of the deceased.

Sec. 19-17. Flowers, trees and shrubs

The Town reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.

The planting of trees and shrubbery is strictly prohibited.

The planting of flowers (annual or perennial) in beds is allowed and shall be contained within 14 inches of the front face of the base of the monument and must be within the plot owned. However, the use of stone or metal planters is strongly encouraged. Glass containers are strictly prohibited.

The cemetery shall not be responsible for the loss of or damage to any container or herbage of any kind and reserves the right to dispose of any containers.

Sec. 19-18. Artificial arrangements and commemoratives

As a special mark of respect to those who have served our country, the American flag should be displayed only on the graves of those persons who have honorably served in the Armed Forces of the United States of America.

All styrofoam decorations and any wire or netting are prohibited.

The Town shall have the authority to remove all floral decorations, flags, shrubs, plants, herbage or objects of any kind, which in the judgment of the Town have become unsightly, dangerous, neglected or which do not conform to regulations outlined within this document.

Eternal Flame – A single, solar powered light shall be permitted on a gravesite. The light shall be placed within the plot in the space allowed for plantings and shall be no more than 12 inches in height. Glass on any fixture is strictly prohibited.

Sec. 19-19. Dogs

Dogs in cemeteries must be controlled on a leash at all times. Any person having custody of any dog in a Town cemetery shall be responsible for the removal of excrement as set out in Brattleboro Town Ordinances.

Sec. 19-20. Conduct

Disorderly conduct is not permitted within the cemetery grounds at any time. Violators shall leave the ground immediately upon the request of an agent of the Town.

Sec. 19-21. Prohibited Conveyances and Activities

No horses, skateboards, snowmobiles, ATVs or rollerblades will be permitted on cemetery grounds. No sports activity will be permitted. i.e.: golf, Frisbee, softball, baseball, football, etc.

Sec. 19-22. Firearms and Projectiles

Firearms shall not be permitted within or near the cemetery grounds except for official military services, law enforcement purposes or hunters passing through town cemeteries located in firearm approved zones.

BB guns, paint ball guns, compressed air or spring weapons or projectiles of any type shall not be permitted within or near cemetery grounds.

Sec. 19-23. General Rules

The Town reserves the right, without notice, to make temporary exceptions, suspensions or modifications in any of these rules and regulations, when in their judgment, the same are advisable and such temporary exceptions, suspensions or modification shall in no way be considered as affecting the general application of such rules and regulations.

In all matters not specifically covered by these rules and regulations, the Town reserves the right to take any action which in its judgment is deemed reasonable. Such action shall be binding upon the lot holder, cemetery visitors and all parties concerned.

The Town reserves the right at any time to change, alter, repeal, rescind or add to these rules and regulations or any part thereof or to adopt any new rule and regulation with respect to any Town cemetery.