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Department: All	Approved Date:
Title: Cemetery Bylaws	Approved By: Selectboard
	Effective Date:
	Next Review Date:

Cemetery Bylaws

Oak Hill / Morgan Towsley

Purpose

The Selectboard of the Town of Pownal hereby ordains that the following rules and regulations are established to constitute bylaws for the proper operation and use of municipal cemeteries in the Town of Pownal. The Selectboard recognizes that the municipal cemeteries are sacred grounds reserved as a final resting place for the people of the Town and desires to have the cemeteries maintained in the best possible manner and firmly believes that these rules and regulations are necessary for the protection of lot and grave owners, and for the proper conduct and good order.

Authorization

By authority of 18 VSA, Chapter 121, section 5305, municipalities are enabled to regulate municipal cemeteries.

General Prohibitions

The following shall be the general rules and regulations for use of municipal cemeteries. No person shall:

- Enter a cemetery except through an established gate or entrance way.
- Deposit rubbish or debris on cemetery grounds, except in receptacles provided.
- Use any form of advertising on cemetery premises.
- Discharge firearms in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States.
- In any way injure or deface any monument, stone, fence or other structure, or property within any cemetery.
- Horseback ride within or through cemeteries.
- Use or display violent, graphic or offensive language and/or monuments.

Traffic Regulations

- No person shall operate or cause to operate any vehicle within a cemetery except on roads designed for that purpose and no vehicle shall be driven at a speed in excess of fifteen (15) miles per hour upon any roads within municipal cemeteries.
- No person shall enter any cemetery with a loaded truck, except the Town maintenance crews, or those persons engaged in Cemetery business unless permission has been received from the Town's Executive Assistant.
- No person shall unload any stone, dirt or other material from trucks in any cemetery, except the Town maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission and consent of the Town's Executive Assistant.
- Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the Town of Pownal applicable to motor vehicle operation.

Establishment of Cemeteries

- The Select Board of the Town of Pownal shall have the final authority for the establishment of municipal cemeteries within the corporate limits of the Town of Bennington, and shall as the need arises set aside new ground areas for this purpose.
- Before any new land is opened for cemetery use and the sale of lots, the Town Manager, or other town employee/official designated by the Select Board, shall have such land area laid out showing the system of roads, and a numbered system of lots.
- The preliminary plan and layout of new cemetery land areas shall be submitted to the Planning Commission for review and approval. Upon approval, the Planning Commission shall advise the Select Board of its approval with recommendation for adoption.
- Lot sizes for municipal cemeteries are hereby established as follows:

(A) Each single grave ::: 4' x 10 or 40 square feet.

Single grave lot sections shall be established within cemetery areas for those persons desiring single graves, and for the use of the Town for the burial of indigent persons.

(B) In the case of cremation interment , the following guidelines shall apply:

- (1) Minimum purchase is one (1) grave space.
- (2) Maximum number of cremation type internments shall be six (3) per grave space (except in the case of combining full and cremation burials in which case only one of traditional and two cremations per grave will be allowed).

Purchase of Lots

- Lots purchased in the laid out sections of cemeteries of the Town of Pownal shall be conveyed by special deed for burial of human remains only.

- Lots in the laid out cemeteries of the Town of Pownal may be selected and purchased from the Executive Assistant, or other Town employee/official designated by the Select Board, and payment for lots purchased shall be made to the Town. Such purchases shall be evidenced by a deed prepared by the Executive Assistant and signed by the Town Manager, or other town employee/official designated by the Select Board. Such deed shall state the name of the purchases, purchase price, and amount paid, name of cemetery, lot number(s), grave number(s), and section in which located. In the event that a prospective purchaser may wish to buy more than one grave, or to purchase graves in a pre-need situation, full payment is expected before such ownership is evidenced.
- The keeping of records of the cemeteries of the Town of Pownal shall be the responsibility of the Town Executive Assistant. All maps showing laid out sections of each cemetery, records of lot ownership and burials shall be kept by the Executive Assistant.
- No transfer or assignment of a lot shall be made by any owner without the express approval of the Executive Assistant, or other Town employee/official designated by the Select Board. No resale of lots is allowed unless it is back to the Town of Pownal for its original purchase price. The transfer of a burial lot shall be recorded with the Town Clerk within 15 days of the transfer.
- The price for a burial lot is \$400. This includes the cost of corner markers and the recording fee.
- Corner markers will be purchased and installed by the Executive Assistant, or other Town employee/official designated by the Select Board.

Cemetery Maintenance

- The general maintenance of the cemeteries and grounds, designed to improve and maintain their appearance and condition, shall be the responsibility of the Town. It shall include such items as the upkeep of drives, buildings, fences, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Cemeteries will be cleared of all flowers, artificial or natural, on April 1st and October 1st, for a period of one month, each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to those dates.
- PLANTING TREES OR SHRUBS PROHIBITED. No trees or shrubs shall be planted in any lot in any municipal cemetery by any person or persons other than the Town. Existing trees or shrubs may be removed by the Town if detrimental to the cemetery, adjoining lots, or inconvenient to the care and maintenance of lots. All natural flowers and plants shall be potted in containers readily movable for maintenance operations. Any plants or flowers permanently planted may be removed and disposed of by the Town.
- All grading of lots shall be done by the Town upon request of the owner, and no person shall do any grading causing the surface of the ground to be raised above the existing

height of the surrounding area. No person shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot without prior authorization by the Town.

- No curbs or fences shall be permitted around any individual lot or group of lots.
- Cornerstones are mandatory and must be granite or marble.
- Town cemeteries are not maintained for winter visitation. Visitors who enter do so at their own risk.

Cemetery Markers

- All municipal cemeteries shall be permitted to have monuments, markers or cornerstones of such dimension and material as shall be approved by the Executive Assistant, or other Town employee/official designated by the Select Board.
- All reference to "Monuments" is to mean monumentation of a permanent nature that protrudes above the lawn surface.
- All such monumentation requires a concrete foundation. Cornerstones and grass markers do not require concrete foundations. The intent of this section is to allow only (1) one above ground monument per owner's lot (grave or group of graves). All cornerstones, grass markers, and markers shall be set flush with the lawn surface so that no part shall protrude above the surface of the ground. In the event that the preceding rules are not observed, the Executive Assistant shall notify the lot owner, in writing, concerning the deficiency and advise a date corrective action must be taken. After which time the marker in violation may be pulled pending correct placement.
- Foundations for monuments shall be constructed of concrete by the monument vendor.
- Placement of all cemetery memorials and headstones must be approved by the Executive Assistant, or other Town employee/official designated by the Select Board.
- Mausoleums are permitted, provided the Executive Assistant, or other Town employee/official designated by the Select Board, is made aware at time of lot purchase, and is subject to approval by same.
- Benches are permissible if used as official grave markers on individual plats, but must be constructed of granite or marble and approved by the Executive Assistant, or other Town employee/official designated by the Select Board.

Burials

- No burial shall take place without obtaining a burial permit by the person making arrangements for a burial, and all conditions of laws and ordinances having been complied with, including the payment of any back charges, security of perpetual care, or purchase of any lot(s).
- The preparation of graves and laying out of graveside ceremonial material shall be the responsibility of the person(s) making the arrangements for the burial, transit or cremation.

- Burials will be allowed on all days of the year. The Town will allow burial during the winter months, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary entombment shall be the responsibility of the parties involved.
- The Town of Pownal shall not be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements.
- In all interments, cremation or full, the remains shall be enclosed in a permanent outside container. The owner of the lot or his/her agent shall provide the container. The following are considered permanent outside containers: Concrete boxes, copper, bronze or steel vaults or cremation urns or other containers used in the industry with the approval of the Executive Assistant.
- 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. Notwithstanding the aforesaid requirements, Vermont law says no cemetery can create a regulation that interferes with religious burial practices; accordingly, exceptions will be made to accommodate 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."
- In the case of single grave lots for the burial of indigents, the Town will provide space and maintenance of a section for such and will provide markers for each. However, no above-ground monumentation will be allowed until such lot has been paid for and perpetual care secured.
- 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 Cemetery Commission, or other designee of the Select Board, 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 Cemetery Commission, or other designee of the Select Board, 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.
- Remains may be removed from graves only with written permission of the Cemetery Commission, or other designee by the Select Board, in compliance with the proper provisions of Municipal, County and State law.

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.

ADOPTED THIS 23 DAY OF October, 2024.

SIGNATURES OF THE SELECTBOARD:







