

BY-LAWS CABOT CEMETERY COMMISSION

Name: This organization shall be known as the "Cabot Cemetery Commission"

Purpose: To oversee and be responsible for the general care and maintenance of all public cemeteries located within the Town of Cabot. To date there are seven; Center, Durant, East Cabot, Plains, South Cabot, Village, West Hill

Members: The Commission shall consist of five members to be elected at the annual town meeting for a term of five years. This election will be in accordance with T18 VSA 5374.

Meetings: The annual meeting shall be held in the spring, preferably in April. A fall meeting shall be held in November or when convenient for the Commission. A special meeting may be called any time deemed necessary by the Chairman of the Commission.

Officers: At the annual meeting a chairman and clerk shall be elected from the five commission members. The treasurer shall be the Town Treasurer and will keep records and perform duties according to T18 VSA 5438.

Sexton: The sexton or superintendent shall be appointed at the annual meeting of the Cemetery Commission.

Fees: Fees for burials shall be set by the Cemetery Commission and shall be adjusted to fit the economy of the times.

Donations: All individual donations received to further the care and maintenance of the cemeteries in the Town of Cabot that are under the jurisdiction of the Cemetery Commission shall be collected by the secretary, recorded in a ledger as to donor, amount, and specified use if there is one, acknowledged and turned in to the Town Treasurer for deposit.

Revised April 23, 2003
by vote of Cabot Cemetery Commission

CABOT CEMETERY POLICIES

The following Rules and Regulations apply to the seven cemeteries in the town of Cabot,

Namely the Center, Durant, East Cabot, Plains, South Cabot, Village, and West Hill. These rules are created to help the cemetery Commissioners operate the cemeteries more efficiently and to create a better understanding of what is expected of visitors, lot owners, and the public.

These rules and regulations will be reviewed periodically to ensure they are serving their purpose and at the same time provide our local citizens with attractive cemeteries for the benefit of all concerned.

All lot owners and visitors within the cemeteries and all lots sold shall be subject to said Rules and Regulations, and subject further, to such other rules, regulations, amendments, or alterations as shall be adopted by the Cemetery Commission.

Definitions:

Commission: The Board of Cemetery Commissioners of the Town of Cabot.

Cemetery: Plot of ground used, or intended to be used, for the burial of or permanent disposition of human remains in a grave.

Grave: Space of sufficient size (3x10) to accommodate one adult interment.

Lot: The term lot shall apply to numbered divisions as shown on the record plot, which consists of two or more graves.

Interment The permanent disposition of the remains of a deceased person by burial or entombment.

Inurnment: Burial of cremated remains.

Memorial: Shall include a monument, marker, tablet, headstone, tombstone, gravestone, urn.

Monument: Shall include memorial which shall extend above the surface of the ground.

Marker: Memorial flush with the ground.

Lot marker/Corner Stones: Refers to means the cemetery used to locate corners of a lot.

Deed: The term deed is an instrument giving the lot purchaser the right of interment only.

Recording of Deed: All deeds shall be recorded in the office of the Town Clerk where such lots lie(T18 VSA 5376 Ch.121) and signed by the chairman of the Cemetery Commission and mailed to the owner.

LOT OWNER RIGHTS

1. The deed to a lot or other grant to interment space gives only a right or privilege of interment.
2. The burial rights conveyed shall be presumed to be sole and separate property of the person or persons named in the deed.
3. In all conveyances to two or more vested persons as joint tenants, each joint tenant shall have vested right of interment of his or her remains in the lot so conveyed. Upon death of a joint tenant the title to the burial lot shall immediately rest in the Survivor or survivors, subject to the vested right of the interment of the remains Of the deceased joint tenant owner.
4. On the decease of the owner of a lot when the lot is not specifically mentioned in his or her will, an affidavit must be filed with the Commission at the Town Clerk's office, signed by one of the heirs at law, and in the case of a minor, by his/her guardian. This affidavit must include a list of the names of all heirs, and a majority must also designate one of their number as a representative who shall be authorized to sign orders for interments in the lot and to give all needful directions regarding the lot.
5. Any and all incurred costs of opening and closing gravesites shall be the sole responsibility of the lot owner (s), heirs, or estate of same. In the event it should be necessary to use a backhoe, dynamite, or other means in opening a grave at any one of the cemeteries, this expense will be the sole responsibility of the lot owner (s), heirs, or estate of same.

INTERMENTS AND DISINTERMENTS

1. All interments, disinterments, and removals are subject to the rules and regulations of the cemetery as well as subject to the orders and laws of the properly constituted authorities of the town, county, and state.
2. 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. 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 lot owner(s) of record.

4. 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 or a member of the Commission, may at their discretion, open it in such location in the lot as they deem best and proper, so as not to delay the funeral; and the Commission shall not be liable for damages for any errors so made.
5. 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 want of precise and proper instructions as to the particular space, size, and location in a lot where interment, disinterment, or removal is desired.
6. The Commission reserves, and shall have, the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting in lieu thereof, other interment property of equal value and similar location as far as possible, 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.
7. 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.
8. In one standard gravesite the following shall be permitted:
 - A: One standard burial and one cremated burial, which shall be immediately in front of the headstone.
 - B: Two cremated burials immediately in front of the headstone and one infant burial.
 - C: Four cremated burials
9. The utmost care will be exercised in making a disinterment or removal. The Commission shall assume no liability of damage to any casket, burial case, or urn incurred in making the removal. For procedure of disinterment see T.18 VSA 5212—5213.
10. The burial rights in a lot can only be sold back to the cemetery at the original purchase price, and only if a new buyer is available.
11. Cremated remains to be interred in paper, cardboard, or similar containers must be placed in a vault within the graveside. Remains in urns of stone, metal, or other approved material should be sealed, but may not require the vault.

TRANSFERS OR ASSIGNMENTS

1. Any transfer or assignment of a lot or interest therein shall first be approved in writing by the Commission, and thereafter recorded on the books of the Commission and the Town Clerk
2. The Commission may refuse consent to transfer or to assign as long as there is any indebtedness due the cemetery from the record lot owner (s).
3. All transfers shall be subject to a nominal charge to be paid when the transfer is recorded.
4. The subdivision of lots is not allowed except by written consent of all parties interested in such lots. Such subdivision must have written consent by the Commission.

FOUNDATIONS - SETTING OF MEMORIALS

1. A foundation, four inches wider on each side than the memorial it is to hold, is required and is to be set flush with the ground to facilitate mowing. This will apply to the new cemetery when it is opened but may not be possible in existing cemeteries due to lot size. The depth of the foundation will be dependent upon the size of the memorial, soil conditions, and requires the approval of the Sexton.
2. Corner stones are required. They are to be purchased by the lot owner and to be delivered to the Sexton. The deed will be held until corner stones are placed.

LOT PLANTINGS AND DECORATIONS

1. There is to be no planting of trees, shrubs, or bushes on burial lots. If a lot owner desires to plant a permanent or lasting inground planting within the boundaries of a particular cemetery written permission must be obtained from the Commission and planting must be approved by the Sexton, with regard to type, place, appropriateness, so as not to interfere with the care and maintenance of the
2. The Commission shall not be liable for any floral arrangements, plants or receptacles that have become lost, stolen, misplaced, broken, or otherwise damaged.
3. The Commission shall have the authority to remove all floral decorations, flags, shrubs, plants or herbage of any kind, which in the judgment of the Commission have become unsightly, dangerous, diseased or detrimental, or which do not conform to the regulation outlined.

MISCELLANEOUS

1. All grading, landscaping, and improvements of any kind on lots shall be made by the cemetery unless by permission from the Commission or Sexton. If such alterations are made without permission, the Sexton/Commission shall have the right to remove or change such alterations at the expense of the lot owner.
2. The right to enlarge, reduce, replot, or change the boundaries or grading of the cemetery or of a section from time to time, including the right to modify, remove or regrade roads, drives, or walks is hereby reserved. The right to lay, maintain, operate or alter water lines or drainage lines is also reserved.
3. The Sexton and the Commission are hereby empowered to enforce all rules and regulations. The Sexton or a member of the Commission shall have supervision and control of all persons within the cemetery.
4. Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship;. The Commission reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these rules and regulations when it seems advisable. Such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.
5. The Commission may, and hereby expressly reserves the right, at any time, to adopt new rules and regulations, or to amend, alter, or repeal any rule or regulation. All rules previously adopted which are contrary to these rules and regulations are hereby repealed and are no longer effective.

CONDUCT OF PERSONS WITHIN THE CEMETERY

1. Persons on the cemetery grounds shall use only the roads or paths unless it is necessary to walk on the grass to reach a lot.
2. The Cemetery Commission, Sexton, or employees of same shall not be held liable for any injuries sustained by anyone while in the cemetery.
3. All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, or defacing or otherwise damaging monuments or structures.
4. NO loud talking will be permitted on the cemetery grounds within hearing distance of funeral services.

5. No signs, notices, or advertisements of any kind shall be allowed in the cemetery unless placed by the Cemetery Commission..
6. Automobiles must be kept under control at all times and shall stay on the roadway. Only authorized vehicles used in the maintenance and business of the cemetery are allowed off the roadway.
7. Motorcycles, snow machines, bicycles, and go carts are not allowed in the cemetery unless they are on a marked trail approved by cemetery authorities.
8. Drag racing, hot rodding, and driver training are not allowed in the cemetery.
9. Pets shall not be allowed on cemetery grounds except on a leash.
10. No discharge of firearms shall be permitted within the cemetery except at military funerals or by special written permission from the Cemetery Commission or Sexton.

These polices revised and amended **APRIL 22, 2003**
Cabot Cemetery Commission