

# Town of St. George

## Cemetery Bylaws

(2014)

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The Cemetery Commission has designed these bylaws for the benefit of the families using the cemetery and the cemetery itself. We ask for the cooperation of everyone involved. The Commissioners welcome questions and discussion.

#### **Board of Commissioners**

Mary Alice Favro  
Richard Kalagher  
Brian Vaughan

#### ***Introduction***

The first colonial family arrived in the town of St. George in 1784. How and when the cemetery was established is not known. The earliest settlers may have held a town meeting, as Essex did, or possibly the need arose, and the place was determined by informal consensus. The earliest memorial stone is that of Loyre Higbe who died in 1793 at nine years of age. She was the daughter of Wheler & Sally Higbe. It is said the back right (southeast) corner was originally set aside for those who could not afford to pay for burial. We know that "81 rods" were added to the cemetery in 1813. In 1936 George and S.E. Hinsdale gave additional land, sufficient for 30 more lots. These were listed to sell at \$10 apiece. Eliza Isham donated the fence surrounding the cemetery in the 1920s. The present cemetery is about an acre in size. St. George may be the only town in Chittenden County still using its colonial cemetery. It is maintained by an elected board of three cemetery commissioners.

#### ***On Visiting the Cemetery***

Visitors to our cemetery often comment on its peaceful quality. It is quiet, and quietly attractive. We appreciate everything you can do to help it stay in its present good condition. Please let our Town Clerk, or a Commissioner, know if you find any problem. The Town Clerk can give you contact information for the Commissioners if you need it.

There is no trash removal service for the cemetery. Please be prepared to take away with you whatever needs to be removed. Artificial flowers do fade; please remove them when their time is past.

- Cemetery hours are dawn to dusk.
- Drive only on the established driveway.
- The grounds need to be kept clear for mowing.
- No glass containers, please.
- Planting trees and bushes may only be done by the Cemetery Commission, but if you wish to discuss this, contact one of us. We reserve the right to remove any plants that create a problem either with keeping the grounds maintained or preserving the monuments and markers.
- Annual plantings may be made in the area 15" in front of the monument, but if it is not well maintained they may be removed, regretfully, by a Cemetery Commissioner.
- Statuettes, loose pots of plants and freestanding planters should not interfere with mowing. If you bring any of these items into the cemetery, please keep them within the fifteen inch area in front of the monument.
- The Cemetery Commission reserves the right to remove any items that are not, in their judgment, consistent with good maintenance, appropriately maintained or that may be deemed offensive. Please do discuss with the Commission any plan you may have if you wonder how it fits with these limitations. We will work with you to find a solution.
- Please do not enclose lots by fencing, hedging, or curbing.
- Firearms are permitted in the cemetery only for military funerals.

## ***Burial Rights***

### **Qualifications**

1. Purchase of burial rights and burial in the St. George Town is limited to residents, their spouses, dependent children and former long time residents, except as allowed by the Board of Commissioners.

### **Process**

2. To purchase a Certificate of Burial Rights, (previously called a Bond for Perpetual Care,) contact the Town Clerk or a Cemetery Commissioner. A Cemetery Commissioner will make an appointment with you to show you the available lots, and discuss cost and the placement of a headstone or footstone, and cornerstones. When a lot is agreed upon, payment is made to the Town Clerk, and a Certificate of Burial Rights is issued.

### **Rights**

3. A Certificate of Burial Rights gives only a right of interment of human remains. The ownership of the land remains with the cemetery.

4. The size of a single lot is 3 ½' by 10'. One casket may be interred, or four containers of cremated remains in a single lot. A double lot size is 7' by 10'. A lot in the cremation plots is 3 ½' x 3'3".

5. After 50 years from date of purchase, if a lot remains unused and the whereabouts of the owner or his or her heirs are unknown, the Burial Rights will revert back to the Cemetery. The Cemetery Commission may bring a petition in probate court to effect this. If an heir or other person who is entitled to Burial Rights appears within 17 years from the date of the court's decree and files a claim to the Burial Rights in probate court, the Burial Rights may be returned to the heir or another accommodation will be reached.

## **Transfers and Inheritance**

6. Transfers of a Certificate of Burial Rights are not allowed. You are prohibited from allowing someone to inter a body in your lot in exchange for money, goods, or services.

7. If you inherit a Certificate of Burial Rights, you must let the Cemetery Commission know. We will record the change and issue a new certificate. Exceptions to the qualifying limitations (see 1) can only be made with the consent of the Cemetery Commission. If an unused Certificate of Burial Rights is not mentioned in a will, the lot will pass to the owner's heirs as though he or she had died without a will (rather than going to the residuary beneficiary identified in his or her will.)

## **Selling back lots**

8. If you decide you want to sell back your Certificate of Burial Rights within 50 years of the original purchase, the Cemetery Commission will buy it back at the original price.

## **Subdivision of Burial Rights Within a Lot**

9. When Burial Rights within a lot are to be subdivided, the Cemetery Commission needs to have the written consent of all parties with an interest in them.

## **Burials**

10. Winter months may not allow for burials. The length of the closed season will depend on the weather.

11. The Cemetery Commission requires at least 48 hours notice prior to a burial.

## ***Monuments and Markers***

Definitions:

**Base:** The above ground structure that is placed upon the foundation and upon which the upper part of the monument is placed.

**Corner Marker:** Four stone markers, flush to the ground, with first letter of last name engraved on it, used to mark the corners of a lot or group of lots.

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

**Memorial:** A monument, headstone, tablet and/or marker including its below ground foundation.

**Marker:** A memorial that is flush to the ground and under-laid with gravel.

**Monument:** That portion of a memorial that extends above the surface of the ground.

12. Please contact a Cemetery Commissioner prior to installation of any memorials or cornerstones to ensure appropriate placement on the lot.

13. We do require that four cornerstones (one in each corner of the lot) be installed within 12 months of purchase of Burial Rights for single lots (not required for lots in Cremated Remains section).

14. For safety reasons, all memorials need to be installed by a professional qualified in placing monuments and markers.

Monuments and markers need to fit within the dimensions of the lot. For traditional burials, if you wish to consider placing a memorial that exceeds the dimensions of 4½' long by 3' high for a double lot or 24" wide by 3' high for a single lot, please consult with the Cemetery Commission. For burial in the Cremated Remains Area, the marker need to be flush to the ground on the west side of the plot, centered north to south.

We want to maintain the overall visual appearance of the cemetery and accommodate individual preferences. We are

confidant both can be done. We reserve the right to reject a marker that exceeds the above dimensions if it is placed without the Commissions approval.

14. To maintain their position over time, monuments need to be on a foundation. The minimum foundation depth is to be 4'; 5' will provide the most stable foundation. The base needs to be at least the same dimensions as the monument.

15. Markers, which are placed flush in the ground, need 3" of crushed stone underneath. The family, with permission and supervision of a Cemetery Commissioner, may place markers.

24" x 12" x  $\frac{3}{4}$ " = bronze which would be attached to base  
24x 12" x 4" = granite or marble

For single lots in which cremated remains are interred, there may be one monument or marker for each interment, not to exceed four memorials. No more than two memorials may be placed at the head of the lot and no more than two memorials may be placed at the center of the lot (5' line in a 3 ½' by 10' lot).

There can be no vaults or other above ground structures.

### **Monument Maintenance**

16. Old monuments are easily damaged by attempts to clean them. Please do not try to clean or repair a very old family monument without first contacting a Cemetery Commissioner. We can provide you with information about how to find expert advice and give assistance in completing the necessary Work Order Permit.

17. If your family monument is so damaged that you have decided you would like to have it removed for expert attention, please let the Cemetery Commission know. We share your concern for the well-being of your monument, and would be alarmed to find it missing. Again, a Work Order Permit will be needed before this work can be scheduled.

### **Interment of cremation remains**

18. Remains may be buried in a container or directly in the soil.

There must be 18" of soil on top of the container or remains. Plan the depth of hole to accommodate the container plus 18".

Sod will be removed in one piece and placed on interment site when burial is complete.

19. Family/Friends may bury cremated remains under the direction of a Cemetery Commissioner who will be available during interment to provide assistance. Contact a Cemetery Commissioner if you wish to discuss this.

### ***Funeral Directors and Contractors***

(Contractors are all persons other than funeral directors hired to provide services in the cemetery.)

20. All work done in the Cemetery, other than routine maintenance, including the inscription or placement of memorials, requires an approved Work Order Permit from the St. George Cemetery Commission. Work Order Permit forms are available from the Town Clerk or at the St. George web site. A Cemetery Commissioner or a delegated representative must approve work orders.

21. All persons employed in any capacity in the Cemetery shall be subject to the direction of the Cemetery Commissioners. In the unlikely event of an irresolvable difference, a Cemetery Commissioner has the right to request any worker to leave the property or bar entrance.



22. All contractors or businesses working in the St. George Town Cemetery shall provide proof of current liability insurance. This may be filed with the Town Clerk's office.

23. Funeral homes will please notify the Town Clerk of a scheduled burial with date and time. We reserve the right to require notice at least 48 hours prior to a burial. If needed, a member of the Cemetery Commission will meet with a staff member or one of the family to confirm the location of the lot for the burial and mark it. If necessary, we may also be available to assist on the day of the funeral.

24. Burial transit permits or cremation certificates need to be filed with either the town clerk or a cemetery commissioner before burial.

### ***Other Considerations***

#### **Disinterment**

25. The disinterment of any body requires written direction from a legally authorized person. The Cemetery Commission must be notified in advance. The owner of the Certificate of Burial Rights will be responsible for all expenses associated with the removal.

#### **Authority to designate certain sections as not for sale**

26. The Cemetery Commission has the authority to designate certain sections of the cemetery where lots are not for sale except upon agreement.

#### **Authority to make rules**

27. As the community representatives responsible for the care of the cemetery, the Cemetery Commission has the authority to make rules about the financial and administrative aspects of Cemetery management. The Commission may, and it hereby expressly reserves the right, at any time, to adopt new rules and regulations or to amend, alter or repeal, any rule or regulation.

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