

St Thomas Parish Cemeteries
Underhill Center, Vermont
Revised March 2017

Rules and Regulations

These regulations have been formulated after due consideration both to those that have heretofore been in force and of the regulations which are in force in many of the best cemeteries in the country. They are published for the benefit and guidance of lot lessees and the public with the expectation that they will be observed by all.

It is the desire of the St. Thomas Parish of the Roman Catholic Diocese of Vermont that the cemeteries be conducted for the interest of the lot lessees as a whole and that they be made attractive and beautiful, as becomes the resting place of the deceased. It may, at times, be necessary for individuals to accept judgment of the Cemetery Commission in these matters, even if it should be different from their own.

The Commission asks the cooperation of all persons in maintaining due observance of these regulations.

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.

Rules of Conduct

1. The cemeteries shall be open from 8 AM until sunset. All persons must leave the grounds at that time.
2. Dogs, saddle horses, motorcycles, mopeds and snowmobiles are not permitted within the grounds.
3. Persons within the cemetery grounds shall use only the avenues, roads or paths, except if it is necessary to walk on the grass to reach their lots.
4. No picnicking, bringing of lunches or refreshments into the cemeteries or consuming them on the grounds will be permitted.
5. No loitering, boisterous conduct, profane language or rude behavior will be permitted.
6. Entering upon any private lot or disturbing any flowers or plants or carrying anything from any lot except by the owner thereof is forbidden. However, any debris created by flowers or shrubs shall be removed from the cemetery by the lessee.
7. All persons are prohibited from picking flowers, either wild or cultivated, breaking or injuring any tree, shrub or plant, and defacing or damaging any monument or other structure.
8. Children under fourteen years of age must be attended by an adult who will be responsible for their conduct.
9. Automobiles shall not exceed 5 miles per hour when driven through the grounds, and shall be kept under control at all times. No automobile or other vehicle shall be driven across or upon any lot or lawn, or parked thereon. It is prohibited to park any vehicle on any roadway within the cemetery so as to prevent any other vehicle from passing.
10. The Parish or Diocese shall in no way be held liable for injuries sustained to anyone while in the cemetery.
11. Any person violating these rules will be liable to the fines and penalties prescribed by the statutes of the State of Vermont.
12. Owners of any vehicle will be responsible for any damage done to roads, trees, shrubs, fences or lots or stones.

Lot Lessees Rights

1. The lease to a lot or other grant to interment space gives only a right or privilege of interment of human remains, the ownership in fee to the land remaining in the Diocese. This right comes with, however, the right to provide an approved memorial.
2. Persons desiring to purchase burial rights in a lot should visit the cemetery where management will aid them in making a selection and will issue a memorandum describing the lot purchased.
3. The burial rights conveyed shall be presumed to be sole and separate property of the person or persons named in the lease.
4. The husband or wife shall have a vested right of interment of his or her body in any burial lot conveyed to the other. This right shall continue as long as he or she shall remain the spouse of the lot owner or shall be the spouse at the time of the lot owner's death.
5. In all conveyances to two or more vested persons as joint tenants, each joint tenant shall have a 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.
6. Upon the decease of the proprietor of a lot, when the lot is not specifically mentioned in his will, an affidavit must be filed at the office of the Cemetery Commission, signed by one of the heirs at law, and in the case 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 a representative who shall be authorized to sign orders for interments in the lot and to give all needful directions regarding the lot.
7. When necessary, in order that the cemetery may be self-sustaining the Commissioners may change the prices of graves.
8. Whenever a grave has a debt against it and it is vacant, the land shall revert to the cemetery.
9. All grading and filling of lots must be done under direction of the Cemetery Commission. If work is done by the Commissioners, a charge shall be collected from the lessee or heirs.

Interment and Disinterment

1. Only those persons previously approved by the Cemetery Commission will be allowed to open a grave in the St. Thomas, Irish Settlement and **Doran** cemeteries.
2. 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 representative of the deceased or without a court order.
3. **Every interment (including cremains) shall be made enclosed in a vault.** The structural design and installation shall meet the specifications of the Cemetery Commission.
4. The right is reserved to insist upon at least 24 hours notice prior to any interment and at least one week's notice prior to any disinterment or removal.
5. The burial permit, issued by the Town Clerk, as required by law, shall have been presented by the time of the interment to a representative of the Cemetery Commission.
6. The Cemetery 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 owners of record.

7. The Cemetery Commission reserves the right to make an interment of any member of the immediate family of any of the several lot owners upon his written authorization. No other person may be interred in any lot without the consent of all those owners of the lot who are recorded on the lease.
8. 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 Commission may, at its discretion, open it in such location in the lot as it deems best and proper, so as to not delay the funeral and the Cemetery Commission shall not be liable for damages for any error made.
9. Detailed written instructions are desired by the Cemetery Commission and the Cemetery 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.
10. The Cemetery Commission reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterment or removals or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and conveying in lieu thereof, other interment property of equal value and similar location as far as possible, as may be selected by the Cemetery Commission or, in the sole discretion of the Cemetery 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 Cemetery 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 of.
11. **Not more than one body shall be interred in one grave except** by written consent of the Commission and provided that proper identification is made of such interment on a memorial or marker. Two (2) cremains will be permitted in one full grave.
12. **Burials for non Catholics are not permitted unless they have relatives who are buried in the Cemeteries. Exception to this rule is for persons who have purchased lots prior to July 1, 2013.**
13. 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.
14. No disinterment or removal of any body will be allowed without an order, in writing, from a legally authorized person. Any and all expenses and liabilities for disinterment or removal after authorization will be the obligation of the lot lessee.
15. No burial are allowed in the winter months. The dates of the last burial in the fall and the first burial in the spring are at the discretion of the Cemetery Commission.
16. If a grave is dug by a non-professional or the lot lessee, \$1,000.00 shall be collected and held in escrow until it is ascertained that soil is removed and damage to nearby graves has been repaired. If damage is not repaired by two (2) weeks after the burial, the Cemetery Commission will make repairs and return the remainder of the deposited money to the lessee.

Purchases, Transfers and Assignments

1. All lots shall be purchased only from a member of the Cemetery Commission. Persons desiring to purchase lots will be given all needed information by calling a member of the commission who will show plans, locations and give current prices.
2. Payment for lots shall be made directly and only to the Commissioners of St. Thomas Cemeteries and upon final payment, the treasurer shall issue and record the license.
3. The Commission shall not permit any interment in a lot or grave or allow any marker or monument to be placed on any lot or grave that has a debt against it, unless prior arrangement for payment has been made with the Cemetery Commission.

4. When necessary, in order that the cemeteries may be more self-sustaining, the Commission may change the price of lots in any section of the cemeteries.
5. The burial right to a lot can only be sold back to the cemetery at the original purchase price.
6. Cornerstones shall not exceed six inches square and twelve inches long and must be placed at grade level.
7. 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.
8. The Commission may refuse consent to transfer or to assign as long as there is any indebtedness due the cemetery from the record owner.
9. All transfers shall be subject to a nominal charge to be paid when the transfer is recorded.
10. The subdivision of lots is not allowed
11. The Cemetery Commission shall take reasonable precautions to protect lot lessees and the property rights of lot lessees within the cemeteries from loss or damage. It distinctly disclaims all responsibility for loss or damage due to causes beyond its reasonable control, especially from damage caused by the elements, an act of God, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, incursions, insurrections, riots, or by order of any military or civil authority.

Lot Plantings and Decorations

1. The Cemetery 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 regulations outlined.
2. Shrubs are to be trimmed and debris deposited in places provided for that purpose. Shrubs should not be allowed to grow above or higher than the monument.
3. Artificial flowers and wreaths will be allowed only from May 1 to November 1. Coat hangers or other wire in the ground or attached to memorials, used as pot holders or to support flowers or containers are not allowed.
4. Owners of lots may plant flowers if they give them the proper care and carry away from the cemetery any debris therefrom.
5. Shrubs may be planted only with the permission of the Cemetery Commission.
6. Metal containers, baskets or other receptacles placed above the ground as flower holders will be removed by the caretaker within three weeks if not taken previously by the owner. Glass containers of any kind are unacceptable and shall be removed.
7. The placing of shells, toys, metal designs, ornaments, chairs, settees and similar articles are not permitted, and if so placed on the lot, the Commission reserves the right to remove the same.
8. The Cemetery Commission shall not be liable for any floral arrangements, plants, receptacles or other items placed on lot or graves that have become lost, stolen, misplaced or broken.

Permanent Care

1. The term permanent care used in reference to lots shall be held to mean the cutting of the grass upon said lot at reasonable intervals, the raking and cleaning of the lots. It shall also mean the pruning and shaping of shrubs so that they will not infringe upon the rights of adjacent lot owners. Also meaning and intending the general preservation of the lots and the grounds, walks, roadways, boundaries and structures, to the end that said grounds shall remain and be reasonable cared for as cemetery grounds.

2. The term "permanent care," unless otherwise provided in the agreement shall in no case be construed as meaning the maintenance of any marker or memorials placed or erected upon lots; nor the planting of any ornamental plants; nor watering; 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 lot or any portion or portions thereof in the cemetery, caused by the elements, or act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of military or civil authority, whether the damage be direct or collateral, other than as herein provided.
3. The money received for permanent care shall be held in trust and invested as provided by law.
4. The income from the permanent care fund shall be expended by the Commission in such manner as will, in its judgment, be most advantageous to the property lessees, as a whole, and in accordance with the purposes and provisions of the laws of the State of Vermont 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 such income in such a manner, in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery grounds and equipment or for any purpose necessary in the execution of its duties.

Memorial Work
Rules and Regulations

1. Any person or any firm who is engaged in the memorial business, including sub-contract letter cutters, sandblast personnel and persons washing memorials **must provide annually a proof of liability insurance (standard insurance certificate) to the Cemetery Commission and receive permission from the Cemetery Commission before any work is started** and, in doing such work, must comply with reasonable directions of the Cemetery Commission.
2. Monument placement
 - a. Regular burial – monument at head, marker at foot and 4 corner markers
 - b. Cremation Garden burial (within Range Road Cemetery) – stone marker must be 1 foot by 2 foot, flat and flush to the ground.
 - c. One set of corner markers are required for contiguous regular burial graves purchased by the same party.
3. The Cemetery Commission reserves the right to refuse to permit stone work to be done when in the judgment of the caretaker, injury to the turf might result from the dampness of the soil, temperature, frost in the ground or any other reason, and in all cases, the turf must be thoroughly protected by the proper use of planking or plywood.
4. Damage done to lots, walks, roadways, trees, shrubs or other property by dealers, contractors, vault companies, or their agents, shall be repaired to the satisfaction of the Cemetery Commission and within a reasonable period of time by such dealers, contractors, vault companies or their agents. If such satisfactory repairs are not made, the Commission is authorized to effect such repairs and the cost shall be charged to the party causing the damage or his principals.
5. No monument or marker may be placed or erected until the lot owner is in possession of his lease.
6. The Cemetery Commission has the authority to reject any plan or design for any memorial which, in the opinion of the board, is unsuited to the lot on which it is to be erected or because of size or design. No vaults or other above ground structures shall be built except by special permission of the Cemetery Commission.
7. The bottom beds of all bases and markers must be cut full and level.
8. No enclosures of lots, fencing, hedges, curbing or stone, gravel or wood chip aprons around memorials, corner markers or lots shall be allowed.
9. If any enclosure heretofore made shall become dilapidated, the Commission is authorized to remove it.

10. The maximum size of a memorial is governed by the size of the lot on which it is to be placed. It is determined as follows:
 - a. The length shall not exceed 60% of the width of the lot.
 - b. The width of the base shall not exceed the depth of the space available for a monument on the lot. In no case may it extend over the grave.
 - c. The area of the face of the memorial, including the base and die, shall not exceed 20% of the square foot area of the lot.
11. No monument, memorial or marker shall be placed without a proper foundation. Foundations will be built to a depth of four feet and finished slightly lower than the level of the ground.
12. Foundations will be made at least as large as the bottom base of the memorial.
13. No memorials may be set until the cement in the foundation shall have time to harden thoroughly.
14. A site shall be indicated where materials for erection of monuments or excavating may be temporarily stored but must be cleaned up within a reasonable time.

Funeral and Interments

1. All funerals will be under the control and subject to the direction of a Commissioner while in the cemetery.
2. All opening of graves and all interments will be made under the direction of a Commissioner.
3. Notice of interment must be given to a Commissioner and be accompanied by the burial permit issued as required by law.
4. No disinterment or removal of any body will be allowed without a written order from a duly authorized person.
5. Workmen engaged in the vicinity of a burial must suspend their labor during the services.
6. No burials on Sunday.
7. Graves in the old sections (1-6) of the Range Road cemetery are 4 feet by 8 feet. Graves in new sections (7-8) are to be 4 feet by 10 feet as of 01/01/96. Cremation graves are 2 feet by 3 feet.
8. Prices
 - a. **All three cemeteries – 1 gravesite is \$650.00 including perpetual care and the 4 required corner markers, each contiguous gravesite is \$500.00**
 - b. Cremation Garden (in Range Road Cemetery) – 1 cremation gravesite is \$150, including perpetual care, each contiguous cremation gravesite is \$100 including perpetual care. Corner markers are not required in the Cremation Garden within Range Road Cemetery.
 - c. Cremation vaults for urns are \$300.00.
 - d. Digging of cremation grave is \$350.00.