

CALAIS CEMETERIES

**AINSWORTH * FAIRVIEW * JANE'S * HUDSON *
OLD WEST CHURCH * POPLAR HILL * ROBINSON *
SHORTT**

Town of Calais

Established 1793

RULES AND REGULATIONS

Effective March 5th, 1986

Amended March 11th, 1998

Amended June 9th, 2011

Amended February 2nd, 2022

FORWARD

The board of Cemetery Commissioners of the Town of Calais, Vermont, has spent a great deal of time in preparing a set of rules and regulations covering the eight cemeteries under its jurisdiction.

Because these rules and regulations might appear to be complicated and lengthy, you should be given the reasons for the developments for such rules at this time. There are several important reasons:

1. Reasonable rules help the Cemetery Commissioners to operate their cemeteries more efficiently at less cost.
2. Rules help create a better understanding of what is expected of visitors, lot owners, funeral directors, the public and other outside contractors.
3. Today we are much more concerned with potential legal problems than was necessary even five or ten years ago. Town employees and board members everywhere are all much more vulnerable to legal action than ever before. The cost of insurance protection for towns and cities and their employees is sometimes almost prohibitive. Reasonable rules and regulations are a partial answer to these potential problems.

We intend to review the rules periodically to make sure that they served their purpose and at the same time provide our local citizens with attractive cemeteries, efficiently operated, for the benefit of all concerned.

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RULES AND REGULATIONS

For the mutual protection and benefit of lot owners, and each Cemetery as a unit, the following Rules and Regulations have been adopted as the Rules and Regulations of Ainsworth, Fairview, Hudson, Jane's, Old West Church, Robinson, Poplar Hill, and Shortt Cemeteries, hereafter, singly or jointly referred to as the Cemetery.

DEFINITIONS

1. Commission. The term Commission shall mean the Board of Cemetery Commissioners of the Town of Calais, Vermont, and the person or persons duly appointed by them for the administration of Ainsworth, Fairview, Hudson, Jane's, Old West Church, Robinson, Poplar Hill, and Shortt Cemeteries, hereafter, singly or jointly referred to as the Cemetery.
2. Cemetery. The term Cemetery is hereby defined to include a burial park for earth internments, a community mausoleum for vault or crypt internments, a crematory or crematorium and columbarium for cinerary internments, or combination of one or more than one thereof.
3. Grave. The term grave shall apply to a space of sufficient size to accommodate one adult internment or four cremations.
4. Lot. The term lot shall apply to numbered divisions as shown on the record plot, which consists of two or more graves.
5. Internment. The term internment shall mean the permanent disposition of the remains of a deceased person by entombment, burial or inurnment of cremation remains.
6. Memorial. The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, urn, crypt and niche place.
7. Monument. The term monument shall include a tombstone or memorial of granite, which shall extend it above the surface of the ground.
8. Marker. The term marker means a memorial flush with the ground.
9. Lot Marker. The term lot marker refers to any means used by the cemetery to locate corners of the lot.
10. Lot Deed or License. The term deed or license is an instrument giving the lot purchaser the right of internment only.
11. Certificate of Ownership. The term certificate of ownership shall apply to the original conveyance give by the cemetery to the original purchaser.
12. Recording of Deed. All deeds shall be recorded by the owner in the office of the Town Clerk where such lots lie (VSA Chapter 121, Section 5376).

LOT OWNER'S RIGHTS

1. The deed 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 Cemetery. This right comes with it, however, the right to provide an approved memorial.
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 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 he remains of the deceased joint tenant owner.

INTERMENTS AND DISINTERMENTS

1. All interments, disinterments and removal 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 removal as must be made at the time and in the manner and subject to such charges as fixed by the Cemetery Commission.
3. Interments, disinterments and removals on Saturdays and holidays, when necessary, are subject to special additional charges. An additional charge is also made when the time of arrival of a funeral necessitates payment for overtime labors.
4. 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 owners on record.
5. When instructions regarding the locations 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 of Cemeteries 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.
6. 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.
7. 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 and conveying 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.

8. The Commission shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the rules and regulations have not been complied with; and further, said Commission reserves the right, under such circumstances to place the body in the receiving vault until the full rights have been determined. The Commission shall be under no duty to recognize any protests of interment unless they are in writing and filed in the office of the Commission.

9. 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.

10. No interment shall be permitted or memorial placed in or on any property until all costs for such have been remitted to the Commission.

11. Not more than one body, or the remains of more than four cremations, shall be interred in one grave, vault, crypt or niche, except by written consent of the Commission, and provided proper identification is made of such interment or interments on one regulation crypt, niche, Memorial or marker. For cremated remains are permitted in one grave.

12. 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.

13. The utmost care will be exercised in making a disinterment or removal. The Commission shall assume no liability or damage to any casket, burial case or urn incurred in making the removal.

14. Cremated remains shall be placed in urns of stone or metal, or approved material. The Sexton of Cemeteries needs to be consulted.

15. The scattering of cremated remains on the top of a gravesite is not allowed.

TRANSFERS OR ASSIGNMENTS

1. Any transfer or assignment of a lot or interest therein shall first be approved in writing by the Commission and the Town Clerk. 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.
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.
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.

ENDOWMENT CARE

1. The term "endowment care" used in reference to lots shall be held to mean the cutting of the grass upon said lots at reasonable intervals, the raking and cleaning of the lots, and the pruning of the shrubs and trees that may be placed by the Commission; meaning and intending the general preservation of the lots, and the grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as Cemetery grounds.
2. The money received for endowment care shall be held in trust and invested as provided by law.
3. The income from the endowment care fund shall be expended by the Commission in such manner as will, in its judgment, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the law of the state 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 said income in such manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the Cemetery grounds or for any purpose necessary in the execution of its duties.
4. The amount of said endowment care funds to be collected from the purchasers of cemetery lots shall be such sums as may be determined by the Commission, the same to be collected at the time of payment of the purchase price.
5. It is understood and agreed between the purchaser and the Commission that all funds may be deposited with others of like character and intent, to the end that the income from such accumulated general fund shall be used in the general improvement and endowment care as above defined; but in no case shall their deposit be construed as a contract to care for any individual property or space other than as above defined.

SPECIFICATIONS, RULES, AND REGULATIONS FOR MEMORIAL WORK

1. Retail monument dealers and manufacturers of memorials shall agree to install memorials of only first grade, clear granite. They must be willing to guarantee that such granite is free from sap or anything that will cause rust stains, that it will not check or crack, and agree that if such faults develop within five years from the date of setting, the memorial will be replaced without cost to the cemetery or lot owner by the retail monument dealer or manufacturer of the memorial.
2. Any person or any firm, who is engaged in the memorial business, including sub-contract, letter cutters, sandblast personnel, and persons washing memorials must receive permission. In doing such work they must comply with the reasonable directions of the cemetery authority.
3. Only one central or family memorial shall be allowed on a lot, and shall be set on the space designated by the Commission.
4. Cemetery officials have the authority to reject any plan or design for any memorial, which, in the opinion of the Commission, is unsuited to the lot on which it is to be erected or because of size, design or quality of stone. The sexton shall approve any plan or design for any memorial, unless the size, design or quality of stone falls outside of rules and regulations, in which the sexton will refer it back to the cemetery officials.
5. No lot owner shall erect or place or cause to be erected or placed on any lot in the cemetery any memorial of which the Commission cemetery officials disapproves.
6. All markers shall be flush with the ground except where it is necessary to match those already set on the lot. Markers shall be placed at the end of the grave farthest from the base of the monument.
7. The bottom beds of all bases and markers must be cut full and level.
8. No fencing, hedging, stone or gravel aprons around memorials or around lots shall be permitted except upon review and permission of the Commission.
9. The maximum size of a monument is covered by the following:
 - A. The length of the base shall not exceed four feet six inches.
 - B. The width the base shall not exceed one foot four inches.
 - C. The height of the monument including a base shall not exceed four feet.
 - D. All memorials will be approved by the Sexton of Cemeteries prior to installation. In the case that the memorial design does not meet requirements, the sexton shall refer the memorial design to the cemetery officials for the final decision.
11. No monument or marker shall be removed from the cemetery, except by the Commission, unless the written order of the lot owner is presented at the office of the Cemetery Commission.

FOUNDATIONS

1. As a guarantee of good work and as a protection to all lot owners, the Commission reserves the right to regulate all work done in the cemetery.
2. Foundations will be built in the spring (prior to Memorial Day) and in the fall. Any other time will be at the discretion of the Sexton of Cemeteries.
3. Foundations will be built to a depth below the frost level.
4. Foundations will be made at least as large as the bottom base of the memorial. The Commission reserves the right to require a larger foundation when, in its opinion, the weight of the memorial or the structure requires it.
5. No memorials may be set until the cement in the foundation shall have had time to harden thoroughly.
6. Foundations and setting charges shall be payable prior to setting the memorial.

SETTING OF MEMORIALS AND MAUSOLEUMS

1. Workmen engaged in placing or erecting monuments and other structures, or bringing in materials, must procure permission from the Sexton of Cemeteries before any work is started. In order to secure such a permit, it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. In doing such work they must comply with the reasonable directions of the cemetery authorities.
2. Persons engaged in erecting monuments or other structures are prohibited from attaching ropes and cables to monuments, trees or shrubs, or for scattering materials on adjoining lots, or from blocking roads or pathways, or from leaving their materials on the grounds longer than is absolutely necessary. They must remove all debris as soon as the setting is complete.
3. Plywood or planking is to be placed on the lots for the protection of the grass unless cemetery authorities grant permission otherwise.
4. Damage done to lots, walks, roadways, trees, shrubs or other property by dealers, contractors, vault companies or their agents shall be repaired by the Commission, and the cost of such repairs shall be charged to the party causing the damage or his principal.
5. No material, machinery or other construction equipment of vaults, monuments, or the monuments themselves may be brought into the cemetery until required for immediate use and no work shall be done without special permission from the Sexton of Cemeteries.
6. Work shall proceed promptly until the erection of the memorial is completed.
7. While a funeral or interment is being conducted nearby, all work of any description shall cease.

LOT PLANTINGS AND DECORATIONS

1. One movable flower box, planter or flower tub will be allowed on each lot, the size not to exceed two feet in length and 8 inches wide. These receptacles are to be made of a durable material.
2. 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 regulations outlined.
3. The Commission shall not be liable for any floral arrangements, plants or receptacles that have become lost, misplaced, stolen or broken.
4. The placing of glass of any kind, chairs, settees, fences and similar articles are not permitted, and if so placed on the lot, the Commission reserves the right to remove the same, at the expense of the lot owner. An ornament placed on the stone shall be permitted. The commission reserves the right to remove ornament that has fallen to the ground.
5. Coat hangers or other wires in the ground or attached to memorials, as potholders are not allowed. Separate shepherd crooks are allowed if placed directly next to the stone.
6. In older sections of the cemetery where in ground plantings have been allowed, the plantings must be kept immediately next to the monument base.
7. One candle or one solar light shall be permitted for each stone and shall be permitted only if placed in the above referenced planter.

CONDUCT OF PERSONS WITHIN THE CEMETERY

1. 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 lot.
2. The cemetery shall in no way be held liable for any injuries sustained by anyone while in the cemetery.
3. Children under 12 years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult.
4. All unauthorized persons are prohibited from sitting, lounging, and having refreshments or lunch within the grounds of the cemetery.
5. 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.
6. No loud talking will be permitted on the cemetery grounds within hearing distance of funeral services.

7. Automobiles shall not exceed 15 miles per hour when driven through the grounds, and must be kept on the right side of the roadway unless otherwise directed by cemetery authorities.
8. Automobiles must be kept under complete control at all times. When meeting a funeral, they must stop until the procession passes. Automobiles must not be left with the engine running, and the emergency break must be set when the driver is not in the seat.
9. No automobiles or other vehicle shall be driven across or upon any lot or lawn nor parted thereon. It is prohibited to park any vehicle on any road or driveway within the cemetery so as to prevent any other vehicle from passing.
10. ATVS, snow machines and go carts are not allowed in the cemetery.
11. Drag racing, hot rodding, and driver training are not allowed in the cemetery.
12. Dogs shall not be allowed in the cemetery grounds or any buildings except on a leash and all waste from Dogs is to be disposed of properly by the Dog's owner.
13. No firearms shall be permitted within the cemetery except at military funerals or by special written permission from the Sexton of Cemeteries.
14. No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the Cemetery Commission.

MISCELLANEOUS

1. All grading, landscaping, and improvements of any kind on lots shall be made by the cemetery unless by written permission from the Sexton of Cemeteries. If such alterations are made without permission, the Sexton 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. The right of ingress and egress over lots for the above purposes is also reserved.
 1. The Sexton of Cemeteries or a Member of the Commission is hereby empowered to enforce all rules and regulations. The Sexton or a Member of the Commission and their assigns, shall have supervision and control of all persons within the cemetery.
 2. The receiving vault is for temporary use only. In no case shall a body remain in the vault longer than six months unless special permission in writing is granted by the Commission.

3. Payment of the vault fee is required at the time of placing the remains in the vault. Funeral directors of approved credit rating may guarantee such payment; however, the funeral director shall be responsible for the payment of such fee upon receipt of the statement for the same.
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 affected 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.