

North Hero Cemetery Policy
North Hero Cemetery Commission

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Section 1. Applicability.

The care, use, protection, and management of all cemeteries in the Town of North Hero is overseen by the North Hero Cemetery Commission (NHCC). The North Hero Cemetery Policy (Policy) applies to all persons using or visiting Town Cemeteries. This Policy also applies to current and prospective burial lot owners in the Town of North Hero. 18 V.S.A. § 5378. All burial inquiries should be directed to the NHCC.

Section 2. Town Cemeteries.

- a. There are five (5) cemeteries in the Town of North Hero:
- South Cemetery located at 104 South End Road. Burial lots are no longer being sold in this cemetery.
 - Hyde Cemetery located at 1401 West Shore Road. Burial lots may be purchased in this cemetery.
 - Hazen West View Cemetery located at 474 West Shore Road.

- a. Burial lots in sections D,E,F,G and K,L,M,N may be purchased for traditional burials.
 - b. Burial lots in sections A,B,C and H,I,J are not available for purchase.
 - c. Burial lots in sections O, P, Q, R, S, T, U are reserved for Green Burials following the Hazen Westview Cemetery Natural Burial Ground Policy. This policy is a separate document.
- Jerusalem Cemetery located at 699 Lakeview Drive. Burial lots may be purchased in this cemetery.
 - North Cemetery located at 60 North End Road East. Burial lots are no longer being sold in this cemetery.
- b. North Hero Town Cemeteries are open all year from sunrise to sunset. Access to cemeteries may be limited as gates and walkways will not always be cleared of snow accumulation.
 - c. American flags displayed on burial lots/memorials of veterans must be placed by a NHCC commissioner.

Section 3. Definitions.

- a. "Base" means the above ground structure that is placed on the foundation and supports the memorial.
- b. "Burial lot" or "lot" means a numbered division of land within a North Hero cemetery to mark where remains are interred. Purchasing a burial lot gives the recipient of the lot(s) the right to be interred in a North Hero cemetery as granted by the NHCC and pursuant to the North Hero Cemetery Policy and Hazen Westview Cemetery Natural Burial Ground Policy.
- c. "Certificate of burial lot" or "certificate" means a document used to convey the right to be interred in a North Hero cemetery burial lot that is made from the Town of North Hero Cemetery Commission and to the holder of the certificate. A certificate of burial lot is contingent upon adherence to NHCC policies, as they may be amended from time to time.
- d. "Corner pins" means granite or metal objects used to mark the corners of a burial lot.
- e. "Deed" means a document used prior to 2017 to convey burial lot ownership in North Hero cemeteries. (See "Certificate of burial lot.")
- f. "Foundation" means the underground concrete structure that supports the base and memorial.
- g. "Green" or "natural burial" means the burial of human remains using ecological land management practices and without the use of vaults for the burial of unembalmed human remains or human remains embalmed using nontoxic embalming fluids and that rest in either no burial container or in a nontoxic, nonhazardous, plant-derived burial container or shroud.
- h. "Lot" (see "burial lot").
- i. "Marker" means a memorial that is flush with the ground.
- j. "Memorial" means a monument, marker, tablet, or headstone, including its below ground foundation.
- k. "Monument" means a memorial and its base as it extends above the surface of the ground.
- l. "Plot" (see "burial lot").
- m. "Transfer" or "burial lot transfer" means the conveyance of a certificate of burial lot from one person to another using the Affidavit of Sale of Burial Lot form found in the Appendix of this Policy, excluding the Town of North Hero.
- n. "Vault" means:

- i. For cremation burials, a container made of durable non-biodegradable material used for the interment of cremated remains.
- ii. For traditional burials, a vault is a one-piece unit with cover, typically made of concrete, used for the interment of remains with a casket.

Section 4. Fee Schedule for Burial Lots.

- a. The NHCC has established the following prices for purchase of burial lots in all North Hero Cemeteries:

Burial Lot Fees	
Resident:	Non-Resident:
Single: \$350.00	Single: \$500.00
Deed Recording Fee	
\$10.00 per deed	
Corner Pins	
\$120.00 per 4 corner pins with standard letter engraving	
Burial Fee	
\$100.00 per interment, all types	

Section 5. Sale of Burial Lots.

- a. Burial lot sale inquiries will be directed to the NHCC or appointed Commissioner responsible for the sale of burial lots. 18 V.S.A. § 5376.
- b. Before authorizing the sale of a burial lot an NHCC commissioner will check the cemetery map on file with the Town of North Hero for the requested cemetery to verify lots offered for sale are available. When necessary, lots will also be verified to be clear by driving a metal probe into the ground area of the lot making sure to probe the entire area.
- c. Burial lots offered for sale will be at the discretion of the commission. Lots may be sold in a strategic manner to facilitate the maintenance of the grounds or to reserve tracks of land to allow for changes or advancements in burial techniques. A vacant, unowned lot is not automatically considered available for purchase.
- d. Before a sale of a burial lot is finalized a NHCC commissioner will provide the buyer with copies of NHCC policies and inform the burial lot buyer that North Hero cemeteries are under the supervision of the NHCC and subject to the provisions of NHCC policies.
- e. When the NHCC commissioner and the buyer agree to a lot the buyer will fill out a burial lot purchase form. (Burial lot purchase forms are found in the Appendix section of this Policy). The NHCC commissioner will sign this form to verify that all information listed is correct. The NHCC commissioner responsible for selling burial lots will calculate the total fee due. It is the responsibility of the buyer to turn in the burial lot purchase form and any applicable fee/payment to the North Hero Town Office. The fee will include the following:
 - i. Price of burial lot(s) as approved by the NHCC and shown in the current fee schedule;
 - ii. Price of corner pins with four standard letter engravings to be furnished by a pin supply company. Corner pins are not necessary in Hazen West View Cemetery Sections A-G; and
 - iii. Fee for recording the certificate of burial lot in the land records of the Town of North Hero.

- f. When the Town Office receives the burial lot purchase form and payment, a receipt will be created and sent with the form to the cemetery clerk for processing.
- g. The cemetery clerk will create a listing for the buyer in the cemetery management software. The clerk will then print a certificate of burial lot from the software and contact the NHCC commissioner responsible for the sale to sign the certificate. After the certificate is signed the cemetery clerk will forward it to the Town Office for recording in the land records.
- h. Once a certificate is recorded, the Town Office will forward a copy of the certificate to the cemetery clerk. The cemetery clerk will mail the copy of the certificate to the buyer that will include a copy of NHCC policies.
- i. The NHCC commissioner authorizing the sale of the lot will contact a pin supply company to arrange the installation of corner pins.

Section 6. Burial Procedure.

- a. All burial inquiries will be directed to a North Hero Cemetery Commission (NHCC) commissioner.
- b. Burials are allowed between April 1 and November 30 or by permission of the NHCC.
- c. A burial fee as listed on the fee schedule will be paid to the Town of North Hero prior to any interment. This fee may be waived at the discretion of the NHCC in cases of financial hardship.
- d. The burial of embalmed remains in any North Hero cemetery requires interment in a vault. This requirement does not apply to the Hazen Westview Cemetery Natural Burial Ground which is regulated with a separate policy.
- e. Excavation of a burial site may only be done by a funeral home. The funeral home is responsible for excavation of the burial site including all necessary finish grading, replacing sod and/or planting grass seed.
- f. Internment in the earth must meet be 6 feet below the natural surface of the ground as measured from the bottom of the outside coffin or body pursuant to 18 V.S.A. § 5319.
- g. Notwithstanding the requirements in Section 6(d), the family of a decedent may get approval to excavate a grave for cremated remains. With NHCC approval, a grave for cremated remains may be self-dug as long as the following conditions are met:
 - i. The grave must be six (6) inches deeper than the container holding the remains.
 - ii. All necessary finish grading, replacing sod and/or planting grass seed will be completed by the individual responsible for digging the grave.
- h. An NHCC commissioner will work with the family or funeral director to identify the burial lot. If the deceased has not already purchased a burial lot in North Hero the NHCC commissioner will follow Section 5 Sale of Burial Lots of this Policy to aid the acquisition of a burial lot and certificate.
- i. An NHCC commissioner will stake the lot for burial according to the type of burial. The types of burials allowed per lot are as follows:
 - i. One (1) traditional casket burial per single lot.
 - ii. Up to four (4) cremations buried in a non-vault container per single lot.
 - iii. Up to two (2) cremation buried in a vault per single lot.
- j. Any burial configurations other than those listed in subsections h(i)-(iii) must be approved by a NHCC commissioner.
- k. When staking the lot, the NHCC commissioner must take into account, if applicable, the placement of memorial(s) according to Section 8 Memorials of this Policy.

- i. Before a burial occurs, all applicable certificates and permits (burial transit permit and/or cremation certificate) must be received by the North Hero Town Office. When a burial transit permit or cremation certificate is received by the North Hero Town Clerk the Town Office will contact the NHCC commissioner responsible for staking the lot to complete the permit/certificate. Permits and certificates will note the cemetery, date of burial, designation of lot, and commissioner signature. If the permit/certificate (most likely cremation) does not provide blank fields for the information then the permit/certificate will be amended to include them.

The completed permit/certificate will be forwarded to the cemetery clerk and the clerk will use the permit/certificate to enter the burial into the cemetery management software. The permit/certificate will then be returned to the Town Office for recording. 18 V.S.A. § 5201.

- m. A burial will not be approved without a completed burial form. This will be used in situations when there is no permit/certificate available, i.e. burial of cremains by family, to enter decedent's information in the cemetery management software.
- n. At the discretion of the NHCC, and based on financial hardship, the NHCC may pay for the burial lot(s) including corner pins, burial fee, excavation, and a marker. The burial lot and marker will be determined at the discretion of the NHCC.

Section 7. Transfer of Burial Lot(s).

- a. All transfer inquiries will be directed to a NHCC commissioner.
- b. Before authorizing the transfer of a burial lot, an NHCC commissioner will verify the ownership of the current certificate or deed holder or establish ownership pursuant to Section 9 Re-establishment of Burial Lot Ownership of this Policy.
- c. If ownership is verified, the current certificate or deed holder will fill out the Burial Lot Purchase Form (form available in Appendix section of this Policy). The NHCC commissioner responsible for the transfer will sign the form to verify all information listed is correct.
- d. The current certificate or deed holder will sign an Affidavit of Sale of Burial Lot. (Form available in Appendix of this Policy.)
- e. The Form and Affidavit will be turned into the North Hero Town Office with any necessary fee as determined by the NHCC commissioner.
- f. The cemetery clerk will record the transfer in the cemetery management software. The clerk will then print a certificate from the software and contact the NHCC commissioner responsible for the transfer to sign the certificate. The certificate will be clearly marked as a replacement for a previously issued certificate or deed with the following notation:

This certificate replaces a previously issued certificate or deed numbered _____ of which certain burial lots have been transferred from _____ to the above Grantee.

- g. After the certificate is signed the clerk will forward the certificate to the Town Office for recording in the land records.
- h. Once a certificate is recorded the Town Office will forward a copy of the certificate to the cemetery clerk. The cemetery clerk will mail the copy of the certificate to the buyer and will include a copy of NHCC policies.

- i. The NHCC commissioner authorizing the transfer will verify that any existing corner pins are removed. When old corner pins are removed the NHCC commissioner will contact a pin supply company to arrange the installation of new corner pins.
- j. A deed showing a transfer of lot ownership will be issued to any rightful heir so designated in a will or in trust, proof of which will be verified by a NHCC commissioner pursuant to 18 V.S.A. § 5531. A spouse shall be entitled to transfer of ownership from a deceased spouse pursuant to 18 V.S.A. § 5531.

Section 8. Memorials.

- a. All inquiries regarding memorials at any of North Hero's cemeteries, previously placed or proposed, will be directed to an NHCC commissioner.
- b. Prior to installation, memorials must have approval of a NHCC commissioner to verify correct location and appropriate installation. No memorial will be installed without prior approval of a NHCC commissioner.
- c. A memorial will be installed on all occupied lots. At a minimum a marker will be installed and engraved with the first and last name, date of birth, and date of death of the interred individual.
- d. Memorials will be installed by the applicable contracting company to ensure a secure placement.
 - i. Unless otherwise approved by the NHCC, all above ground memorials must be set on a base supported by a foundation. Foundations will be flush with the ground, properly cured, and a minimum of 4" deep.
 - ii. Unless otherwise approved by the NHCC, the area of the base of the memorial may not cover more than 20% of the area of the lot(s) it designates. The width of the base may not exceed 60% of the lot(s) width. The height of the monument may not exceed 48".
 - iii. Unless otherwise approved by the NHCC, markers must be a minimum of 10" by 20" wide, by 4" in thickness. Markers larger than 15" by 30" wide must be at least 6" in thickness. No lettering and/or carving on markers will be raised.
- e. Each lot, as determined by an NHCC commissioner, will be entitled to one memorial. This memorial will be placed at the head of the lot as designated by an NHCC commissioner.
- f. If more than one memorial is desired on a lot then a marker will be used for each subsequent memorial not placed at the head of the lot. The marker will be flush with the ground to allow clearance for mowing over the marker.
- g. In cases where a temporary memorial is needed or desired, a wooden monument may be used at the head of a lot as designated by a NHCC commissioner. The wooden monument may be placed for a maximum of six months and may be removed by a NHCC commissioner or designee.
- h. If a memorial is not installed within three years of interment the NHCC will install a marker with the inscription the first and last name, date of birth, and date of death of the interred individual per 18 V.S.A. § 5371.

Section 9. Re-establishment of Burial Lot Ownership.

- a. This Section will address how to re-establish the ownership of burial lots in a North Hero cemetery lot when a certificate or deed has been lost. All inquiries regarding previously purchased burial lots with no certificate or deed will be directed to an NHCC commissioner.
- b. When no certificate or deed is available a NHCC commissioner will use the maps on record at the Town Office to verify ownership of burial lots.

- c. If ownership of lots are verified a NHCC commissioner will authorize the cemetery clerk to issue a certificate. The certificate information will be determined as follows:
 - i. The grantor will be the Town of North Hero
 - ii. The dollar sum will state "one or more dollars"
 - iii. The grantee will be the name listed on the cemetery map
 - iv. The lot corresponding to the grantee's name as indicated on the map will determine the lot number and cemetery name
 - v. The certificate will be clearly marked as a replacement for a previously issued certificate or deed with the following notation:

This certificate replaces a previously issued certificate or deed which record of was lost by the Town of North Hero and the certificate or deed holder. This certificate supersedes any previously issued certificates or deeds the record of which was lost for this cemetery lot.

- d. The NHCC commissioner who verified the lot information will sign the certificate.
- e. The certificate will be issued and recorded following Section 5 Sale of Burial Lots of this Policy.
- f. If a name is not listed on the cemetery maps with the Town of North Hero than ownership of a burial lot will not be re-established without a certificate or deed or other proof as accepted by the NHCC.

Section 10. Return of Burial Lots to Town of North Hero.

- a. This Section is applicable to instances where a burial lot owner desires to return ownership of a North Hero Cemetery lot back to the Town of North Hero. All return inquiries will be directed to an NHCC commissioner.
- b. Before authorizing a return a NHCC commissioner will verify the ownership of the current certificate or deed holder or establish ownership following Section 9 Re-establishment of Burial Lot Ownership of this Policy.
- c. In its discretion, the NHCC may buy back burial lots at the request of a certificate or deed holder for the amount that was paid at the time the certificate was acquired. The NHCC will not refund or buy back corner pins or the certificate/deed recording fee.
- d. If the certificate or deed does not state the amount originally paid for the burial lots and proof of purchase cannot be provided the NHCC will in all cases pay a flat \$100 per single lot for the return.
- e. When the NHCC approves a return of burial lots a cemetery commissioner will fill out a Burial Lot Purchase form and submit it to the Town Office with request for payment. Once payment is issued the Town Office will forward the form and corresponding payment to the cemetery clerk.
- f. The cemetery clerk will record the return in the cemetery management software. The clerk will then print a certificate from the software that will be clearly marked as a replacement for a previously issued certificate or deed with the following notation:

This certificate replaces a previously issued certificate or deed numbered ___ of which the ownership of certain burial lots have been returned to the Town of North Hero by the above Grantor.

The clerk will contact the NHCC commissioner responsible for the return. The commissioner will sign the certificate and ensure the current owner transferring the lot to the town signs the certificate.

- g. After the certificate is signed the clerk will forward the certificate to the Town Office for recording in the land records.
- h. When the cemetery clerk receives the copy of the recorded certificate it will be mailed to the seller with the payment.
- i. Return to Cemetery by Escheat. A lot may return to the applicable Town of North Hero Cemetery by escheat when the whereabouts of a person, or heirs, having legal title to a wholly unoccupied burial lot has been unknown for 20 years pursuant to 18 V.S.A. §§ 5533-5536.

Section 11. Rules for Use and Visitation of Cemeteries.

- a. All users and visitors of North Hero Cemeteries are prohibited from the following:
 - i. Damaging, destroying, defacing, marking, moving, or otherwise tampering with Town Cemetery property, including fences, signs, and burial lots and memorials.
 - ii. Planting or removing trees, shrubs, or bushes within the Town Cemeteries without approval of the NHCC.
 - iii. Placing, depositing, or arranging paper, plastic, glass, or artificial decorations within the Town Cemeteries.
 - iv. Dumping, depositing, discarding, throwing, or leaving solid waste, including discarded floral arrangements or wreaths, within the Town Cemeteries.
- b. The planting of natural flowers is allowed only at the base of memorials and will be removed by November 1st or sooner as deemed necessary by the NHCC.
- c. Cemeteries are open to the public from sunrise to sunset.

Section 12. Amendments.

- a. This Policy may be amended by majority vote of the NHCC.

ADOPTED:

Tracy L. Sioux
Robert M. [unclear]
Frank Dattilio
Michael J. [unclear]
Robert Greene
 Signatures

8/20/18
 Date

Appendix. Cemetery Forms

Affidavit of Sale of Burial Lot, Town of North Hero, VT

State of VERMONT)
) ss.
County of GRAND ISLE)

 COMES NOW _____ and states that
he/she/they sold burial lot(s) _____ in _____ Cemetery
to _____
on the _____ day of _____, 20_____.

Signature _____

Address: _____

_____ State: _____ Zipcode: _____

SUBSCRIBED AND SWORN TO before me in North Hero, Vermont this _____ day
of _____, 20_____, by _____.

NOTARY PUBLIC

My Commission Expires: _____

Burial Lot Purchase Form, Town of North Hero, VT

Section to be completed by Buyer	Buyer (Grantee)		Seller (Grantor)	
	Name: _____		Name: _____	
	Mailing Address: _____		Mailing Address: _____	
	Buyer a North Hero Resident? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Buyer must complete form and submit to North Hero Town Office with applicable payment.</i>		Is this a transfer? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, an affidavit of sale must be attached</i>	
Section to be completed by Cemetery Commissioner	Lot Information		Anticipated Burial Type	
	Cemetery: _____		<input type="checkbox"/> Casket (1 burial per single lot)	
	Section: _____		<input type="checkbox"/> Cremation, container (4 burials per single lot)	
	Row: _____		<input type="checkbox"/> Cremation, vault (2 burials per single lot)	
	Lot(s): _____		<input type="checkbox"/> Natural Burial (Hazen Cemetery only)	
		<input type="checkbox"/> Memorial Only		
Cemetery Commission Review				
Printed name of Cemetery Commissioner responsible for sale: _____				
Date of lot probing: _____ Date sale/transfer approved: _____				
Signature of Cemetery Commissioner responsible for sale: _____				
Burial Lot Purchase Price		Burial Lot Transfer Fee		
Burial Lot Price:		Corner Pins Price:		
Corner Pins Price:		Certificate Recording Fee:		
Certificate Recording Fee:		Total:		
Total:				
Corner Pins				
Standard Letter to be engraved on corner pins: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z				
Date corner pins ordered: _____ Date corner pins installed: _____				
<i>For transfers only:</i>				
Are corner pins currently in place? <input type="checkbox"/> Yes <input type="checkbox"/> No				
<i>If yes, date corner pins of previous owners were removed:</i> _____				

Certificate of Burial Lot, Town of North Hero, VT

KNOW ALL PERSONS BY THESE PRESENTS, that Grantor _____ of North Hero, Vermont in consideration of the sum of _____ dollars (\$_____), the receipt of which Grantor hereby acknowledges, grants, bargains, sells, and conveys to the Grantee _____, his/her/their heirs and assigns the following burial lot in the Town of North Hero.

This burial lot is more specifically described as Section _____, Row _____, Lot _____ in the _____ Cemetery, as shown on the map on file at the North Hero Town Office.

TO HAVE AND TO HOLD this burial lot to Grantee(s), his/her/their heirs and assigns forever, subject to the North Hero Town Regulations, Rules, and Bylaws and Vermont Law. And Grantor covenants with Grantee that this right is lawfully seized by Grantor, that Grantor has the right to sell and convey this burial lot for the purpose of a burial place, and that Grantor will warrant and defend the same. This certificate and the rights herein granted shall only be transferred with written approval of the Cemetery Commission of the Town of North Hero, Vermont.

In witness whereof, _____, commissioner appointed by the Cemetery Commission of the Town of North Hero, and hereby sets hand and seal.

TOWN OF NORTH HERO

Cemetery Commissioner

Witness

STATE OF VERMONT
GRAND ISLE COUNTY, ss.

At North Hero, in said county, this _____ day of _____, 20____, personally appeared _____, commissioner appointed by the Cemetery Commission of the Town of North Hero, who executed the foregoing instrument, on behalf of the Town of North Hero and acknowledged the same to be his/her free act and certificate and the free act and certificate of the Town of North Hero, Vermont.

Before me _____
Notary Public

Burial and Memorial Form, Town of North Hero, VT

Completed by: _____ Date: _____

Owner of Burial Lot(s)	Individual to be Buried (Decedent)
Name: _____ Mailing Address: _____ Cemetery: _____ Section: _____ Row: _____ Lot: _____ Certificate/Deed Number: _____ Relationship to deceased: _____	Name: _____ Alias/Maiden Name: _____ Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of birth: _____ Place of birth: _____ Date of death: _____ Place of death: _____
Funeral Home Name: _____ Address: _____ Date lot will be opened: _____ Date of burial: _____ Burial Type: <input type="checkbox"/> Casket <input type="checkbox"/> Cremation: <input type="checkbox"/> Container <input type="checkbox"/> Vault Date of cremation: _____ <input type="checkbox"/> Natural Burial (Hazen Cemetery only)	A veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No Branch: _____ Era: _____ Married at time of death? <input type="checkbox"/> Yes <input type="checkbox"/> No Spouse's Name: _____ Father's Name: _____ Mother's Maiden Name: _____
Memorial Information	
Memorial Company: _____ Memorial Type: <input type="checkbox"/> Headstone <input type="checkbox"/> Marker <input type="checkbox"/> Temporary Marker, <i>Date to be removed by:</i> _____ Material: _____ Price \$ _____ Date memorial to be placed: _____ Inscription: _____	
Cemetery Commission Review	
Printed name of Commissioner coordinating burial: _____ Date of lot probing: _____ Date lot staked: _____ Signature of Commissioner: _____ Date: _____	

