

**TOWN OF MARSHFIELD
CIVIL ORDINANCE #2**

REGULATING CEMETERY OPERATIONS

WHEREAS, The Town of Marshfield has by virtue of 24 V.S.A. 1971, 24 V.S.A. 872, and 18 V.S.A. 5378, the authority to adopt, amend, repeal and enforce ordinances, and to regulate all aspects of the operation of Town owned cemeteries,

NOW THEREFORE, to provide for the orderly and safe use of grave lots and to help assure well maintained and aesthetically pleasing cemeteries, the Selectboard of the Town of Marshfield hereby enact this ordinance.

**ARTICLE I
PROVISIONS**

- 1) Bylaws for Use of Grave Lots
 - a) All flowers (artificial or real) shall be removed by families or friends by October 1st of each year. Remaining flowers will be removed by the Town.
 - b) A concrete liner, vault or air-tight urn (for cremations) shall be used for all burials.
 - c) All vaults or liners shall be covered with at least twelve (12) inches of earth.
 - d) In one standard grave lot the following shall be permitted:
 - One (1) standard burial and one cremated burial which shall be immediately in front of the headstone;
 - Two (2) cremated burials immediately in front of the headstone and one (1) infant burial;
 - Four (4) cremated burials.
 - e) Vaults and liners shall be centered as close as possible in each grave lot. Vaults/liners shall not be placed closer than four (4) feet from the edge of the traveled road.

- f) No trees, shrubs or bushes shall be planted except with the approval of the Board of Cemetery Commissioners or Board of Selectmen or their authorized representative.
 - g) Opening date for burials shall not be earlier than May 1st and the closing date for burials shall not be later than November 1st.
- 2) All cemeteries shall be closed to all persons except Town representatives performing maintenance from dusk until dawn every day.
 - 3) Signs indicating the closure period in No. 2 above shall be posted at all entrances of the Eaton-Davis Cemetery and at the Wooster Cemetery.
 - 4) It shall be unlawful for a person to drive off the existing gravel drives (where provided) except:
 - a) to park beside the drive where there are no graves directly adjacent to the drive;
 - b) if the person is a funeral worker performing a burial, or a municipal representative maintaining the cemetery, or a person performing heavy maintenance on a private lot.
 - 5) It shall be unlawful for a person to deface, mark, break, destroy, move, damage, or otherwise tamper with the municipally owned portion of a cemetery or with the stone or any improvement on a lot not owned by that person or her/his family.

**ARTICLE II
PENALTIES AND CIVIL ENFORCEMENT**

The enforcement of this civil ordinance shall follow the procedures described in 24 V.S.A. 1974(a).

- 1) The enforcement officer may at his/her discretion issue a Notice of Violation letter notifying the violator to stop the violation, correct the damage, if applicable, and/or refrain from repeating the violation. The letter may be issued in lieu of initially imposing a penalty. Uncorrected and corrected violations may still result in penalties.

- 2) A civil penalty of not more than \$500 may be imposed for a violation of subsections 2, 4 and 5 of the "Provisions" article above. Each day the violation continues shall be a separate violation.

Violation of Article I, Sections 2 and 4:

\$ 50 first violation
\$100 repeat of same violation

Violation of Article I, Section 5:

\$250 stone tipping
\$500 repeat stone tipping
\$500 chipping or breaking a stone

- 3) In accordance with the procedures of the Traffic and Municipal Ordinance Bureau, a waiver fee of 75% of the civil penalty established using Subsection (2) of this Article to which a violator of this ordinance is subject shall be assessed for those violators who admit or do not contest the ordinance violation and pay the waiver fee which amount and the date or acceptance of the waiver fee shall be affixed to the complaint or notice.
- 4) Violations of this ordinance where the penalty is \$500 or less shall be brought before the Traffic and Municipal Ordinance Bureau. If the penalty for all continuing violations is greater than \$500, or injunctive relief, other than as provided in Subsection (3), is sought, the action shall be brought to Superior Court.
- 5) The Municipal Ordinance Bureau hearing officer, on application of the Town of Marshfield, may order that the ordinance violation cease.

ARTICLE III DESIGNATION OF ENFORCEMENT PERSONNEL

For purposes of this ordinance, the Selectboard designates the following persons as enforcement officers: members of the Selectboard and the First and Second Constables. From these positions, the Selectboard will designate primary and backup enforcement officers and identify the issuing appearance officials as required for the Traffic and Municipal Ordinance Bureau.

**ARTICLE IV
REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE V
SEVERABILITY**

This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE VI
EFFECTIVE DATE**

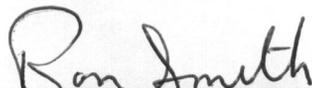
This ordinance shall become effective sixty (60) calendar days after the adoption date shown below.

Adopted this 24th day of June 1997.

Selectmen:



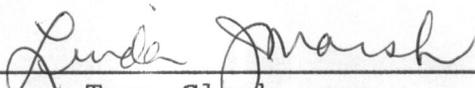
John Warshow



Ron Smith



Cresswell Codling

Attest: 

Town Clerk