

Chapter 93: Cemeteries

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General Provisions

§ 93.01 CEMETERY SEXTON

1.1: The Cemetery Sexton shall be appointed by the Town Manager. The Sexton shall serve until removed by the action of the Manager. The Sexton shall be responsible to the Town Manager for the control and management of all municipal cemeteries; for the direction of all assistants under the Sexton's supervision, and for the administration of the Cemetery Ordinance adopted by the Town Council. The Sexton or a designee is expected to attend every interment.

§ 93.02 PURCHASE OF LOTS

2.1: Persons desiring to purchase a lot in the cemeteries are referred to the Cemetery Sexton. The Sexton will have available suitable plots showing size and price of lots and such other information as may be required and will be pleased to render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Sexton will issue a lot order to the Town Clerk, where the lot sale will be made and the deed issued. The Cemetery Sexton may act as the agent of the Town whenever necessary.

2.2: The purchase price of lots and opening fees shall be determined by the Hermon Town Council. These fees shall be set out in Appendix A of this Ordinance and may be adjusted from time to time as the Council sees necessary.

§ 93.03 OWNERSHIP OF LOTS

3.1: The terms "Lot Owner" and "Ownership" shall mean the right to use a lot, purchased from the Town for burial purposes only.

3.2: Upon payment of the purchase price the Town shall issue a Deed under its seal, and the deed will be recorded in the records of the Town as proof of ownership of the lot.

3.3: The title to a cemetery lot invest in the owner the right to use the lot for burial purposes only, for themselves, their heirs, or for any such persons as they may choose to

admit, provided such admission is free of charge and without compensation and in accordance with Cemetery Ordinance.

3.4: The lot owner cannot resell or transfer their lots to any person or persons whomsoever, without written notification to the Cemetery Sexton. A cemetery lot that an owner may desire to dispose of may be listed for sale with the Cemetery Sexton. The Town is under no obligation for making a satisfactory sale of such lots.

3.5: All transfer or changes in lot ownership must be recorded with the Town Clerk.

§ 93.04 CARE OF LOTS (“ANNUAL CARE”)

4.1: All cemetery lots in the Town of Hermon are provided with annual care. A lot sold or created prior to the existence of this ordinance shall be afforded all rights to annual care. Any lot sold in accordance with Appendix A of this Ordinance will be afforded annual care as part of the purchase price of the lot. Annual Care shall include mowing of the lot, trimming around monuments and markers, fertilizing when necessary, and pruning trees and shrubs.

4.2: In addition to Annual Care, the Town reserves the right under the direction of the Town Manager and Cemetery Sexton to make minor repair to cemetery monuments and markers and to clean the monuments and markers as they deem appropriate. This does not require the town to take such action but merely grants them the authority when it is necessary to maintain the overall appearance of the cemeteries in a dignified manner.

4.3: Each lot in the cemetery will, prior to its sale, be suitably marked by the Sexton with an iron or metal marker, placed on each lot corner and set level with the adjacent ground.

4.4: No mounds shall be raised upon any grave above the general level of the lot. Mounds are difficult to maintain, and the town reserves the right at any time to remove unsightly mounds and to level the grave at the general level of the lot.

4.5: Cleaning of the grounds shall happen on or about May 1st of every year, but no earlier, and on or about October 15th of every year, but no earlier. Cleaning shall occur to maintain the appearance of the cemeteries and shall include but is not limited to removal of flowers (artificial or real), removal of unsightly structures, damaged or broken containers, pottery, etc., and items deemed inappropriate. Persons wishing to assure the care of specific items shall remove them prior to these dates or contact the Cemetery Sexton to make necessary arrangements. Appropriate signing will be installed at all town-maintained cemeteries instructing that ornaments be removed two weeks after holidays or special occasions.

4.6: The Cemetery Sexton or Designee may remove items from the lots during the year in order to maintain the lots in accordance with Section 4.1. Further, any person placing items on a lot does so at their own responsibility. The town is not responsible for damage, loss, vandalism, or the elements (weather).

4.7: Under the authority of the Cemetery Sexton a person may decorate a lot with permanent plant, shrub, or tree. The care of these items is not the responsibility of the town. Further, no addition shall interfere with any adjacent lot, or in any way change the general plan or landscaping of the cemetery.

4.8: The Cemetery Sexton or Designee may remove trees and shrubs from a lot that is hindering the care of the Cemetery or damaging stones, lots, or grounds. The Cemetery Sexton shall meet with the Town Clerk to determine if any family members are available for contact. If not, a note should be made and left in the cemetery file dating and stating a reason for the removal of the tree.

4.9: A family member may also request the removal of items including trees from a lot. This request must also be in writing and signed. This letter will be kept on file in the Town Office. The Town reserves the right to deny the request if the item is deemed to not be hindering the cemetery or damaging a lot. (The Town is not responsible for differing opinions of family members on the removal of items.)

4.10: Vaults. Employees or contractors hired by the Town of Hermon will under no conditions enter a cemetery vault deemed to be a confined space for maintenance or any other purpose. The lot owner assumes responsibility for the vault's maintenance. It is the sole responsibility of the lot owner to make certain the individual entering the confined space has the required qualifications to do so. The Town of Hermon is not liable for any injuries to individuals entering the vaults deemed to be a confined space, nor is the Town of Hermon responsible for any damages to the vault or its contents while the individual is in the vault.

§ 93.05 CEMETERY FUNDING

5.1: One hundred percent (100%) of the purchase price of lots, as described in Appendix A, shall be placed in a Cemetery Maintenance Reserve.

5.2 The Cemetery Maintenance Reserve shall also be used towards the purchase price of land for the expansion of Town Cemeteries.

5.3 The town may appropriate funds to the reserve account as part of a specific warrant article for cemetery improvement, maintenance, or expansion at the annual town meeting.

Regulations and Prohibitions

§ 93.06 TERMS AND REQUIREMENTS

6.0: Before any monument company or lot owner installs markers or attempts to alter any lot, contacting the Cemetery Sexton for instruction is required.

6.1: VAULTS: The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: Concrete boxes, concrete copper or steel burial vaults, and sectional concrete crypts.

6.2: TRESPASS: No unauthorized person shall be allowed upon the grounds after dark.

6.3: VANDALISM: No person shall injure any tree or shrub, or mar any landmarks, marker, memorial, or structure, or in any way deface the grounds of the cemetery.

6.4: DISCLAIMER: The town shall not be responsible for any theft or damage to anything left on the grave lots or in the cemetery.

6.5: VEHICLES: Any person driving in the cemetery shall be responsible for any damage done by his/her vehicle. Speeds of over 10 mph will not be permitted and no person shall drive a vehicle upon the lawns.

6.6: MONUMENTS:

- a. Only one monument per lot may be installed and the size and location of the monument must be approved by the Cemetery Sexton.
- b. Markers installed flush to the ground may be installed at each gravesite located on the lot.
- c. Only grass cover will be allowed on the lot except where the markers and the monument is located.
- d. No Sheppard hooks will be allowed.
- e. Only miniature shrubs will be allowed.
- f. No plants that grow thorns or any permanent flowering bush.
- g. No ground cover will be allowed.
- h. All monuments must be pinned.
- i. All monuments must be installed in the line of sight
- j. All grave sites must be dug by a contractor selected by the Town.
- k. All gravesites will be level to the ground and not humped.
- l. The location of all gravesites will be recorded by the Cemetery Sexton and provided to the Town Clerk.

6.7: REGULATION OF ANIMALS WITHIN CEMETERIES

a. UNLEASHED ANIMALS PROHIBITED: No person owning or having the care, custody, or control of any dog shall permit such dog to roam unleashed or unattended within the confines of any cemetery grounds. All dogs present within the cemetery must be restrained at all times by a leash or lead and be under the direct physical control of their owner or handler.

b. REMOVAL OF ANIMAL WASTE REQUIRED: Any person bringing an animal into the cemetery shall be responsible for the immediate and complete removal and proper disposal of any waste deposited by that animal. Waste must be placed in a sealed bag or appropriate container and disposed of in designated refuse receptacles or removed from the cemetery property entirely. (Amended December 11, 2025, Effective December 12, 2025)

§ 93.07 Fee Schedule (Appendix A)

1. RESIDENT

A resident means any person or son or daughter of person that can show proof of residency. Residency shall be proven to the satisfaction of the Sexton or Town Clerk and can include, but is not limited to, birth certificate, voter registration, tax bill, motor vehicle registration, lease agreement, or affidavit of a current resident.

2. LOT PRICES

All Cemeteries:

Resident: 4' X 12' Lot	\$400.00
4' X 4' Lot	\$200.00
Non-resident: 4' X 12' Lot	\$600.00
4' X 4' Lot	\$300.00

3. INTERNMENT PRICES

	<u>Weekdays</u>	<u>Weekends</u>
Adult Grave, greater than 3 feet:	\$650.00	\$700.00
Cremation Grave or graves less than 3 feet:	\$200.00	\$250.00

4. ADDITIONAL FEES

Funeral Homes will pay \$50.00 per hour for services required by the town after 3:00 pm. There will be a \$50.00 fee for the Sexton for burials on Sundays and Holidays.

§ 93.08 SEPARABILITY

8.1 The invalidity of any provision of this ordinance shall not invalidate any other part.

§ 93.09 EFFECTIVE DATE

- 9.1 This ordinance shall take effect and be in force thirty (30) days after passage by the Town Council.
- 9.2 The effective date of this (original) Ordinance is May 3, 2003. Amended February 9, 2009, July 8, 2010, December 19, 2013, September 26, 2019, September 15, 2022 and Repeal/Replace Amend December 11, 2025.
- 9.3 This ordinance incorporates all amendments that have been approved.

§ 93.99 PENALTIES

- 99.1 Any person, firm, or corporation convicted of violating any of the provisions of this ordinance shall be fined an amount not less than fifty dollars (\$50.00) or an amount exceeding one thousand dollars (\$1,000.00) per day for each separate violation.