

Rules and Regulations of Mountain View Cemetery Lowell, Vermont

Adopted: May 12, 2015
Updated: May 10, 2016
Updated: February 21, 2023
Updated: April 9, 2024

Purpose

The Lowell Cemetery Association, incorporated in 1915, manages the care and finances of the Mountain View Cemetery. The Cemetery has been in continuous use since shortly after the town was incorporated in 1812. The following rules and regulations have been adopted as a guide to the use and management of the Cemetery, and are intended to protect all who have an interest. Owners of interment rights, visitors and contractors performing work within the Cemetery are subject to these rules and regulations, amendments or alterations as shall be adopted by the Trustees of the Lowell Cemetery Association.

Section I: General

1. Rules and regulations of the Cemetery and prices for burial spaces and services are set by the Lowell Cemetery Association and become effective upon approval by the Association.
2. The Lowell Cemetery Association may, and hereby expressly reserves the right, at any time, with or without notice to lot owners, to adopt new rules and regulations or to amend, alter and/or repeal any rule, regulation, section or paragraph in these rules and regulations. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Association, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same appear advisable, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such.
3. The Association retains to itself, for the benefit of all interment right owners, full and complete supervision, control and management of the land, buildings, improvements, roads, walks, utilities, development, books and records, and the full and complete authority, rights and privileges to make, change, administer and enforce all rules and regulations and restrictions not inconsistent with the laws of the State of Vermont.
4. All lots in the Cemetery are sold in accordance with the provisions of the laws of the State of Vermont and shall not be used for any other purpose than as a burial place for dead human beings.
5. The Cemetery is unlocked and open year around when weather permits. The Cemetery is not plowed for winter use.
6. All contractors shall give 48 hours notice to the Lowell Cemetery Association before performing any work in the Cemetery.

Section II: Costs

1. The price of Cemetery lots shall be set by the Lowell Cemetery Association. Corner stones must be purchased with lots.

2. The Association shall determine the right of an individual to purchase a lot and that decision shall be final.
3. Upon full payment of the purchase price of a lot, the deed will be recorded in the Lowell Town records.
4. Only such persons as names appear on the recorded deed will be recognized as owners or part owners of the lot. In case of the death of a lot owner, when the cemetery lot is disposed of by will, a certified copy of the will must be delivered to the Lowell Cemetery Association before change of ownership will be recognized.
5. Resale of a lot can only be made to the Lowell Cemetery Association at the original purchase price of the lot less the cost of corner stones.
6. Lot owners are prohibited from allowing interments to be made on their lots for compensation.
7. By the purchase of a lot, the owner agrees that all monuments, gravestones, markers, and plaques of any kind shall be set and maintained at the owner's expense and risk.
8. The cost of digging a grave and burial is paid by the lot owner.

Section III: Interments

1. Casket burials must be in an outer container or receptacle made of concrete. Cremation urns must be in a sturdy outer container made of plastic, stone, metal or concrete. Urn vaults are available at funeral homes and many online sources.
2. Disposition of remains are to be in accordance with Title 18, Chapter 121, Section 5319 of the Vermont State Statutes.
3. Graves shall be dug and interments made only by personnel approved by the Association.

Section IV: Flowers and Decorations

1. Fresh flower arrangements in a disposable vase are allowed on lots.
2. Artificial flowers are prohibited.
3. The Cemetery shall have the right to remove all flowers and objects whose appearance and condition warrant removal and/or violate the Cemetery's rules and regulations. The Cemetery will not be liable for any flower or decoration removed or lost by any cause.

Section V: Plantings

1. Planting will be permitted in the area the length and width of a headstone and directly below the headstone. Plantings shall not be allowed to attain a height of over four feet, and shall not infringe on any adjoining grave or stone.
2. No trees, shrubs, or bushes may be planted. All planting of trees, shrubs, or bushes will be, if at all, planted by the Association. Present trees and shrubs will be trimmed to the height of the surrounding stones or removed if they become a nuisance.
3. All potted plants and plantings shall be removed when wilted by the lot owner, or they shall be removed by the Association.

4. The Association shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as in its judgment, they become unsightly or do not conform to the standard maintained.

Section VI: Grave Markers

1. The Association must be consulted prior to the installation of all permanent memorials.
2. All newly purchased lots will have four corner markers to be paid at the time of lot purchase.
3. All memorials will be constructed of granite, marble, fieldstone, or bronze.
4. The overall width of an above ground monument, and any accompanying above ground head stones, including bases, shall not exceed 60% of the lot, or group of lots, width.
5. All above ground family monuments and markers must be centered on the lot, or group of lots, and placed in alignment with the existing neighboring monuments and located so they will not interfere with grave digging or vault installation. Accompanying head stones and markers should be proportionally placed on the lot and must be in alignment with the family monument.
6. Flush markers may be located at the bottom of the lot or, if used as a headstone, may be located at the top of the lot. Flush markers may also be located above the urn vault for cremated remains.
7. All grave markers whose height is greater than eighteen inches shall have a solid concrete foundation with a minimum depth of 48 inches so formed that the grave marker will not tip or be adversely affected by water, ice, and freezing soil conditions.
8. Grave markers shorter than 18 inches shall have such foundations and bases and separate parts as when placed together and set on the lot will not permit them to separate, tip, break, or fall.
9. Mausoleums, above-ground vaults or like structures, shall not be created on any lot.

Section VII: Care of Lots

1. The general care of the Cemetery is assumed by the Association and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and common area tree maintenance.
2. The general care assumed by the Cemetery shall in no case mean the maintenance, repair or replacement of any monument or memorial on lots, nor doing any special or unusual work in the Cemetery. Nor does it mean the reconstruction of any marble or granite work on any section of lot, or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
3. The grade of lots will be determined by the Trustees of the Cemetery. No alterations in grades will be permitted by lot owners.