

*The Middlebury Cemetery and Lake Elise Cemetery are the property of the Middlebury Cemetery Association Inc. (hereinafter referred to as the Association). The Association operates under the supervision of a Board of Directors (hereinafter referred to as the Board).*

- These rules and regulations are made to establish a policy of fairness, of uniformity and to make it cost effective to maintain the cemetery.
- The Board reserves the right to suspend, waive or modify these rules and regulations, or adopt new ones.
- Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. In these cases, the Board reserves the right, without notice, to make temporary exceptions to any rule or regulation.
- The cemetery accepts donations, legacies, and/or trust funds. Any money received will be held in trust and invested as provided by law. The Board reserves the right to manage all investments itself or to choose an agent or financial advisor. Such funds shall be expended by the Board as bequeathed.

## Definitions

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- “Grave” is a space of ground in a cemetery used for the interment of human remains.
- “Plot” is two adjoining graves.
- “Memorial” is a monument, marker, tablet, headstone, tombstone, crypt or niche name plate.
- “Monument” is a memorial of granite or other approved stone that extends above ground level.
- “Full Burial” is the traditional practice of interring a deceased person's body in the ground in a casket within a sealed vault.
- “Cremation Burial” is the practice of interring a deceased person’s ashes in the ground in an urn.

## General Guidelines

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- Cemetery grounds are open to the public year round dawn until dusk, weather permitting. The driveway at Middlebury Cemetery is closed between December 1 and March 1.
- Cemetery grounds are closed for burial between December 1 and March 1, and weather permitting. Special circumstances may be considered by the Board.
- No persons shall be allowed to ride or drive on any part of the grounds except those used and maintained as avenues, unless given permission to do so by the Board or its representative.
- The possession or consumption of alcohol or illegal substances within the cemetery is strictly prohibited.
- All payments must be made prior to all interments, disinterments and removals as determined by the Board.

- Except for the lawful owner or cemetery personnel, no person shall remove any property such as flowers, ornamentation or markers from cemetery grounds. It is strictly forbidden to break, deface or otherwise damage memorials or grounds within the cemetery.
- Other than law enforcement authorities, visitors may not possess or discharge firearms within the cemetery, except in connection with a guard of honor and the honor service.
- Pet owners are required to keep/control animals on a leash and are responsible for removal of any waste.
- The Board is empowered to enforce all rules and regulations and to exclude from the property any person violating the same.
- The Board reserves the right to replat, modify, or alter any portion of the property including the relocation of roads.
- The cemetery grounds are respectfully devoted to the interment of human remains. The provisions and penalties of law will be strictly enforced in all cases of intentional injury, disturbance or disregard of these rules and regulations.
- Besides being subject to these rules and regulations, all interments and disinterments are subject to the orders of all applicable local and state laws.

## **Sale of Cemetery Lots**

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- Persons desiring to purchase graves shall contact the cemetery sexton.
- A deed will be rendered for all grave purchases to the owner/purchaser and their heirs. The deed will be filed with the Middlebury Cemetery Association, the Middlebury Town Clerk and a duplicate issued to the owner/purchaser.
- The deed owner is purchasing the right of interment only. The deed owner does not have ownership of the property itself.
- Upon the deed owner's death, if no disposition of the grave(s) is made in the owner's will or other written declaration, the deed will be held as the family grave(s) of the owner.
- The surviving spouse, the parents and children of the deceased owner in order of death may be interred in the family grave(s). If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child, then to the next heirs at law of the deed owner. (CT General Statute § 45a-437 (2024))
- Deed owners or their heirs may waive rights to interment and grant burial to any person. This permission must be in writing and signed by the owner or heirs and a notary public, with an original signed copy provided to the Cemetery Board.
- The Board reserves the right to correct any errors made in the description, transfer or conveyance of any interment property, either by cancelling the conveyance and substituting another property

of equal value at the discretion of the Board, or refunding the amount of money paid for the property.

## **Interments**

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- Interments are performed by cemetery personnel or their designees only.
- The Board is not liable for any delays in interment caused by circumstances out of their control, such as disputes, acts of God, or rules/regulations not followed.
- Not more than one body, or the remains of one body (cremations excepted), shall be interred in one grave or vault.
- Opening and closing grave charges are due in full by the interment date. If no payment or arrangement for payment has been rendered, the interment will not be made.
- If specific instructions are not received from the deed owner regarding the location of an interment space within a plot, the management may select a location at their discretion and without Association liability.
- The casket in every earth interment shall be enclosed in a sealed concrete box or vault and must meet current industry standards. All vaults must be professionally installed by qualified personnel. Only one full burial is permitted on a standard size grave space.
- Cremated remains are allowed in the same grave with a full burial if the order of interment permits. Cremation(s) are allowed above the full burial.
- Two cremation burials (a maximum of two individuals) are permitted on a standard size grave as space allows.
- Scattering of cremated remains is not permitted.

## **Disinterments**

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Human remains interred in the cemetery may be disinterred, reinterred, or removed from the cemetery by court order or with the written consent from those lawfully authorized to control the final disposition of the human remains (the “authorizing agent”). The order of priority to control disinterment is as follows:

1. The person who was designated by the decedent prior to death as the authorizing agent to control final disposition;
2. The surviving spouse;
3. The decedent’s surviving children 18 years of age or older;
4. The decedent’s surviving parents;
5. The decedent’s surviving siblings 18 years of age or older.

- The individual(s) with the highest order or priority would serve as the authorizing agent(s) for the disinterment. If there is more than one individual in the same degree of kindred, then all adult parties having the same degree of kindred shall consent to the disinterment.
- A body, or cremated remains, may be removed from its original grave to a larger or better grave in the Cemetery, when there has been an exchange or purchase for that purpose.
- All disinterment requests require at least one week's notice and are subject to seasonal restrictions and are at the discretion of the sexton.
- A double opening and closing will be charged if interred is moved to another space in the cemetery. A single opening and closing will be charged if moved elsewhere. All cemetery charges will be paid prior to disinterment.
- All disinterments will be overseen by the Association.
- The cemetery will exercise all reasonable precautions in making a removal, but will be under no liability for damage to casket, urn, or burial case in making the removal.
- The Board reserves the right to correct any errors made in making an interment, disinterment, or reinterment in an incorrect location, and has the right to transfer the human remains to the correct location or to a similar location of comparable value, as selected by the Board. The Board shall have no liability as a result of any error of this type.

## **Funeral Scheduling**

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- Funeral arrangements must be made with the Funeral Home. Availability of service times is at the discretion of the Association or the sexton.
- Private Burial arrangements must be made through the sexton.
- Order for interment must reach our office not less than 48 hours in advance of interment, excluding Saturday, Sunday and holidays.
- The Association reserves the right to refuse to make an interment until a more expedient time.
- All funerals and burials under contract with the Association shall be under the supervision of the cemetery sexton.
- No interment will be accepted for the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day or Christmas or at the discretion of the sexton.
- Once on cemetery grounds, the casket cannot be opened or body touched without a court order.

## Memorials and Monuments

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- The Middlebury Cemetery Association does not sell, install or provide foundations or monuments.
- All foundations and monuments must be approved by the Board or their designee.
- Installation, care and repair of foundations and monuments are the sole responsibility of the lot owner.
- The Middlebury Cemetery Association does not accept responsibility for any upkeep or repair of any foundations or monuments.
- Foundation orders must be made through a monument company.
- No foundation will be poured without a written order from the monument company.
- All foundation orders will be completed in a timely manner, weather permitting.
- Military plaques may be mounted on an existing memorial. When used as an auxiliary, it will be set at the foot of the grave where possible.
- Foundations are required for ground installation of military plaques.
- Upright monuments are available for full grave lots subject to size specifications, type and location.

## Decoration of Lot Guidelines

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- All graves will be seeded or sodded after interment by the Cemetery Association.
- No planting of trees, vines, or shrubs will be allowed.
- No elevating of graves or enclosing of lots shall be permitted.
- No decorations, artificial, potted or cut flowers are permitted in mowing and trimming areas.
- Items placed on monuments or foundations must not extend beyond the foundation, and will be removed if they become unsightly or interfere with mowing.
- Items made of brick, metal, wood, or glass are not permitted in the mowing areas and will be removed.
- The cemetery will not be responsible at any time for any type of grave site ornamentation.
- At the discretion of the Board, any decorations may be removed and discarded at any time, when judged to be unsightly, unsafe or creating a disturbance to others.

## **Dispute Resolution Procedure**

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As required by Public Act No. 95-184 of the State of Connecticut, the following dispute resolution procedure is hereby implemented:

The consumer shall submit, in writing to the Board, any complaint the consumer feels has not been resolved to his/her satisfaction. Upon receipt of said complaint, the Board shall, within five (5) working days, investigate the cause(s) of the complaint and shall recommend a course of corrective action to the consumer.