

1 H.600

2 Introduced by Representative Jewett of Ripton

3 Referred to Committee on

4 Date:

5 Subject: Health; cemeteries; fencing

6 Statement of purpose of bill as introduced: This bill proposes to limit the  
7 requirement that public cemeteries be fenced to instances in which the  
8 adjoining property maintains livestock thereon.

9 An act relating to cemetery fencing

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. § 5361 is amended to read:

12 § 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

13 A town may vote sums of money necessary for purchasing, holding, and  
14 keeping in repair suitable grounds and other conveniences for burying the  
15 dead. The ~~selectmen~~ selectboard members may make necessary regulations  
16 concerning public burial grounds and for required fencing and keeping the  
17 same in proper order.

1 Sec. 2. 18 V.S.A. § 5364 is amended to read:

2 § 5364. REQUIRED FENCES; PENALTY

3 (a) A fence is required to enclose a public burial ground where the property  
4 adjoining the public burial ground maintains livestock as defined in 6 V.S.A.  
5 § 761(1). Where a fence is not required, the perimeter of the public burial  
6 ground may be marked in a less obtrusive manner, such as by survey markers.

7 (b) When the ~~selectmen~~ selectboard members or cemetery commissioners  
8 neglect to keep in repair the required fence around a public burial ground, the  
9 town may be prosecuted for such neglect and fined not more than \$400.00.

10 The fine shall be expended in repairing the required fences around such burial  
11 grounds under the direction of a commissioner appointed by the court.

12 Sec. 3. 18 V.S.A. § 5365 is amended to read:

13 § 5365. DAMAGES FOR WANT OF REQUIRED FENCE; LIABILITY

14 When a person or estate is damaged by cattle, horses, sheep, or swine  
15 breaking into a public burial ground and injuring a grave, headstone,  
16 monument, shrubbery, or flowers, for want of a ~~legal~~ required fence around  
17 ~~such the~~ the burial ground, ~~such the~~ the person or estate may recover of the town  
18 double the amount of damages, in a civil action.

1       Sec. 4. 18 V.S.A. § 5366 is amended to read:

2       § 5366. NOT LIABLE UNTIL NOTIFIED

3           A town shall not be charged for ~~not keeping~~ failing to keep in repair the  
4       required fence around a burial ground, or be liable for damage done, unless the  
5       ~~selectmen~~ selectboard members, or cemetery commissioners, as the case may  
6       be, had notice in writing 20 days previous that the required fence was out of  
7       repair.

8       Sec. 5. EFFECTIVE DATE

9           This act shall take effect on July 1, 2016.