

ADDITIONAL CONSIDERATIONS

Before you decide to establish a private burial plot on your property, you may want to consider some of the following factors:

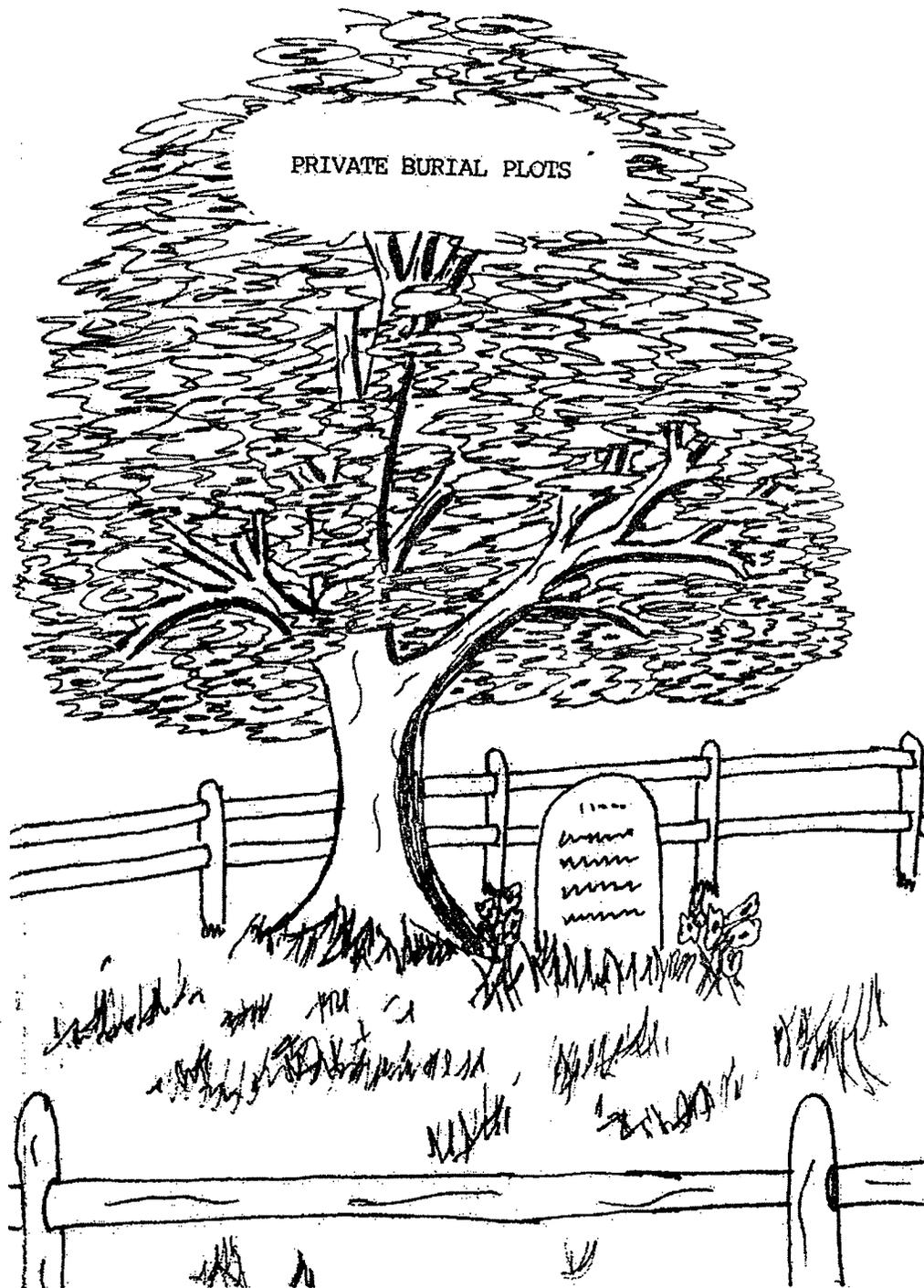
1. Your family may, in future years, decide to sell the property.
 - The plot may lower property values.
 - Relatives may be denied access to the plot by subsequent owners.
 - If the area where the plot is located is developed, the deceased may have to be disinterred and buried elsewhere.
2. Your neighbors may object to having a burial plot located near their property.
3. The laws and regulations may have been changed or new laws and regulations may have been added.

If you have any further questions, you may contact:

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ESTABLISHING A PRIVATE BURIAL PLOT

Families occasionally choose to set aside a portion of their private property for the burial of members of their immediate family. This is permitted under Vermont law, as long as no health hazard is created. (18 V.S.A. §5319) The following guidelines from the Department of Health should answer many of the questions you may have about establishing a private burial plot on your property.

APPROVAL

Vermont Department of Health policy advises that the town board of health and/or health officer approve the proposed burial site.

STANDARDS

The following are the standards that your local health officials will use when considering a site.

There is no requirement under Vermont law that a corpse be embalmed before burial, entombment or cremation. However, if the local board of health or health officer determines that an unembalmed corpse constitutes a threat to the public health, the board of health or health officer may order that the body be embalmed and/or immediately buried, entombed or cremated. (1973 Op. Atty. Gen. 127, No. 995)

Your local health officials will consider the proximity of the burial site to water sources, including drinking water supplies, streams and groundwater, to be sure that the site will not contaminate the water source. There should be at least 100 feet of isolation from drilled wells and 150 feet from shallow wells or streams. The distances may be greater depending on the circumstances. When the water source is downhill from the burial site, the distance between them will have to be increased. The increase in distance will depend upon the soil and slope conditions in the area.

The bottom of the casket must be at least five feet below the natural surface of the ground. (Those of infants must be at least three and one-half feet below the ground surface.) The highest seasonal groundwater level at the burial site must remain below the casket. You may, therefore, be required to dig a test pit to help local health officials determine to what level the water table rises in the spring. A tightly sealed concrete vault may allow for burial in areas where the groundwater is at or slightly higher than the five feet minimum depth for burial.

LAND RECORDS

Once a private burial plot has been established, the local health official will record the exact location in the land records at the Town Clerk's office. This is to provide a permanent record of the burial plot location.

VITAL RECORDS

Two kinds of vital records must be completed after a person dies: the death certificate and a "burial-transit permit" which allows for final disposition. The death certificate must be signed by a physician within 24 hours of the death. The physician must deliver it to the family of the deceased person, or to the person who has charge of the body within 36 hours of the death. The death certificate must then be filed with the town clerk or deputy clerk in the town in which the death occurred. The clerk or deputy will issue a "burial-transit permit" and can provide specific instructions depending on burial plans. In the first week of the month following burial, the completed "burial-transit permit" must be delivered to the clerk of the town in which the burial site is located.