

1 S.168

2 Introduced by Senator Westman

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 selectboard may make necessary regulations concerning public
16 burial grounds and for required fencing and keeping the same in proper order.

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

18 § 5364. REQUIRED FENCES; PENALTY

19 (a) A fence is required to enclose a public burial ground where the property
20 adjoining the public burial ground maintains livestock as defined in 6 V.S.A.

1 § 761(1). Where a fence is not required, the perimeter of the public burial
2 ground may be marked in a less obtrusive manner, such as by survey markers.

3 **(b)** When the selectboard or cemetery commissioners neglect to keep in
4 repair the required fence around a public burial ground, the town may be
5 prosecuted for such neglect and fined not more than \$400.00. The fine shall be
6 expended in repairing the required fences around such burial grounds under the
7 direction of a commissioner appointed by the court.

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

9 § 5365. DAMAGES FOR WANT OF REQUIRED FENCE; LIABILITY

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

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

16 § 5366. NOT LIABLE UNTIL NOTIFIED

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

1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on July 1, 2022.