

TOWN OF ADAMS

MASSACHUSETTS

**CEMETERY
RULES AND REGULATIONS**

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Cemetery Commission

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Table of Contents

<u>Section</u>	<u>Page</u>
Forward	3
Definitions	4
1 Purchase of Lots and Graves	5
2 Interments	7
3 Monuments, Headstones, Markers	9
4 Care of Single Graves and Lots	10
5 Planting of Trees, Shrubs and Flowers	10
6 Rules for Visitors	11
7 Correction of Errors	12

Forward

It is the intention of the Adams Cemetery Commission to make its municipal cemeteries quiet and beautiful resting places for the deceased, where a sense of repose will be obtained by dignified landscape effects on a well-maintained lawn.

To secure and preserve these effects, the Town of Adams under the authority of the Adams Cemetery Commission with approval of the Adams Board of Selectmen and the Annual Town Meeting, will continue to expend considerable sums of money to maintain and improve Adams municipal cemeteries.

The cooperation of every lot owner and visitors within the cemeteries is required. Everything that will mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail and the sacredness of these places must be fully maintained at all times.

It is to this goal that these Rules and Regulations have been adopted by the Town of Adams Cemetery Commission and approved by the Adams Board of Selectmen and that all persons entering the Town of Adams Municipal Cemeteries will be subject to these rules and regulations.

Definitions:

- a). **Cemetery:** A burial park for earth interments, a community mausoleum for vault or crypt interments, a crematory or columbarium for cinerary interments, and or a combination of one or more than one thereof.
- b). **Cemetery Office:** The main office maintained at 8 Park Street, Adams, Massachusetts 01220.
- c). **Certificate of Ownership:** The original conveyance signed by the Adams Cemetery Commission and given to the original purchaser.
- d). **Graves:** A space of sufficient size to accommodate one adult interment approximately three by twelve feet (3' x 12').
- e). **Interment:** The permanent disposition of the remains of a deceased person by cremation, inurnment, entombment or burial.
- f). **Lot:** Numbered divisions as shown on the record plot which consists of one (1) or several graves.
- g). **Lot Marker:** Any means used by the cemetery to locate corners of the lot or grave.
- h). **Marker:** A memorial flush with the ground.
- i). **Memorial / Monument:** A monument, marker, tablet, headstone or tombstone which shall extend above the surface of the ground.
- j). **Sexton:** The person or persons duly appointed by the Town Administration to conduct and supervise the maintenance of the cemeteries.
- k). **Town Board of Cemetery Commissioners:** The board consists of three members elected by the registered voters of the town to serve a term of three years. The Commission is responsible for the supervision and control of municipal cemeteries.
- l). **Veteran:** A person who has served in the Armed Forces of The United States of America, in Active or Guard and Reserve capacity and who possesses a Department of Defense (DD) Form 214 or equivalent; Army, Navy, Marine Corp, Air Force, Coast Guard, Commissioned Officers of the U S Public Health Services and National Oceanic & Atmospheric Administration. (*Amended January 12, 2017*)

1. Purchase of Lots and Graves:

- 1.1 The duly elected Cemetery Commission of Adams have the responsibility to set fees for the sale of cemetery gravesites, interment fees and perpetual care cost for the town municipal cemeteries.
 - a.) Lot prices can change do to various reasons, a separate addendum is available which lists applicable charges. The addendum can be attained from the Cemetery Office upon request. *(Amended June 26, 2012).*
- 1.2 Fees for interments handled by local undertakers are to be paid by the undertaker within three months. Fees for interments handled by out-of-town undertakers are to be paid by the undertaker in full prior to burial.
- 1.3 Persons desiring to purchase a lot or a single grave within the town cemeteries are referred to the Cemetery Division, Cemetery Sexton or DPW Administrative Assistant. The Cemetery Sexton will show the purchaser available plots, showing location, size, price and render assistance to those desiring to make a lot purchase. *(Amended July 1, 2023)*
 - a.) Persons desiring to purchase a lot should call the Cemetery Division and make an appointment to meet the Sexton at the cemetery. Payment for a lot is to be made at the Cemetery Office. All payments must be by check. *(Amended June 26, 2012).*
- 1.4 The price per lot is set in accordance with the purchaser's residency. A resident is someone who lives within the boundary of the town of Adams and can show proof of residency; i.e.: Property tax bill, Utility bill etc. *(Amended July 1, 2023)*
- 1.5 If a lot or single grave is purchased by a resident and that individual requests a transfer of deed to a non-resident, the resident or the non-resident will be required to pay the appropriate additional amount of a non-resident.
- 1.6 The terms "Lot Owner" and "Grave Owner" shall be interpreted to mean the right to use a lot or single grave as purchased from the Town of Adams for a consideration, for burial purposes only, and under the Rules and Regulations as prescribed by the Commonwealth of Massachusetts and the Town of Adams for such use.
- 1.7 Upon full payment of the purchase price of the lot or grave, the Town will issue a Cemetery Deed signed by the Board of Cemetery Commissioners and recorded in the Office of the Town Clerk as evidence of ownership of that lot or grave.
 - a.) Lot deed will fully describe the designated lot. The signed Cemetery Deed, the Sale of Lot Form and a copy of the current Cemetery Rules and Regulations are provided to the purchaser via USPS mail or in person. Each grave is 36 square feet. (12' x 3').
(Amended June 26, 2012 and July 1, 2023).

- 1.8 All burial rights in cemetery lots purchased from the Town occupy the same position as real estate at the death of the owner or owners. Only the person(s) name(s) that appears on the Cemetery records of the Town will be recognized as owner(s) or part owner(s) of the lot(s). In case of death of a lot owner, when the lot is disposed of by Will, a certified copy of the Will must be delivered to the Town Clerks' Office before the Town will recognize the change in ownership.
- 1.9 The Title to a cemetery lot entitles the owner to use the lot for burial purposes only; for themselves, their heirs or for any person they may choose to admit.
- 1.10 No monument or foundation may be erected on a lot or grave until the cost of the lot or grave has been paid in full. Payment is required at the time of purchase.
(Amended July 1, 2023)
- 1.11 Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Commission therefore reserves the right to make exceptions, suspensions or modifications of any of these Rules and Regulations without notice, when in the judgment of the Commission such action appears necessary. Such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.
 - a.) In the event of a disaster, which results in numerous burials at the town cemeteries, the Town Administrator shall have the authority to override any of these Rules and Regulations, as necessary, in order to handle the numerous burials as orderly and quickly as possible. *(Amended June 26, 2012).*
- 1.12 No easement or right of interment is granted to any lot or grave owner in any road, drive, or walk within the Cemetery, but such road, drive or walks may be used as a means of access to the Cemetery, as long as the Cemetery Commission devotes it to that purpose.
- 1.13 The Cemetery Commission reserves the right to enlarge, reduce, change boundaries or grading of the Cemetery, or a section or sections, from time to time including the right to modify or change the locations or remove or re-grade roads, drives or walks or any part thereof.
- 1.14 The description of the lots/graves will be in accordance with the Cemetery Maps, which are kept on file at the Cemetery Division.
- 1.15 The Cemetery Commission will take all reasonable precautions to protect lot / grave owners and their property rights within the Cemetery from loss or damage, except for loss or damage caused by the elements, an act of God, thieves, vandals, avoidable accidents, whether the damage direct or collateral, other than herein provided.
- 1.16 It is the duty of the lot or grave owner to notify the Cemetery Division of any change in his/her mailing address.

2. Interments:

- 2.1 All interments shall be restricted to the owner and his/her heirs and his/her assignees.
- 2.2 The cemetery will be open for interments from 7:30am to 2:00pm Monday through Friday and Saturdays from 7:30am to 11:00am. Any funeral that goes past 12:00pm (noon) will be subject to a \$500.00 surcharge. No interments will be permitted on Sundays or the Town of Adams contractual holidays. If for reason a delay in interment will cause unreasonable hardship or inconvenience, interment may be made on such days providing the interment is between 7:30 AM and 11:00am. An additional fee of \$500 will be added to the regular charges. Additional charges will be applied for grave preparation done on Sunday for a Monday burial. (*Amended November 8, 2018 and July 1, 2023*).
 - a) Cremation Burials are not allowed from Dec.1 – April 1.
Subject to change only with approval from the Cemetery Commission.
(*Amended May 11, 2017*).
- 2.3 All interments or removals and all work incidental thereto, except the installation of vaults or crypts, will be done only by employees of the Town under the direction of the Cemetery Sexton, his/her representative, or the Cemetery Commissioners.
- 2.4 No interments shall be made in or removals made from the cemetery until the Cemetery Sexton or Town has been furnished with such permits as required by State and local law. (*Amended July 1, 2023*)
- 2.5 In the case where disinterment is directed by judicial order when the Coroner/Medical Examiner directs the disinterment for the purpose of holding an inquest and has filed with the Cemetery Division his/her signed authorization to release the body to him/herself or his/her lawful agents. In such case the disinterment must be made by the Coroner/Medical Examiner or his/her lawful agents. Cemetery employees will not be permitted to assist.
- 2.6 It is required that all burials be made in outside containers. The following are approved permanent outside containers: reinforced concrete, copper bearing or galvanized steel sectional reinforced concrete, slate, marble, brick or any other type of permanent material.
- 2.7 When an interment is to be made, the location of such interment shall be designated by the lot/grave owner to the Cemetery Sexton, his/her representative or the Town. Any change of location made after the opening of the grave has begun, shall be at the expense of the owner. (*Amended July 1, 2023*)
- 2.8 All orders for interment must be given to the Cemetery Division two (2) business days prior to interment with the exception to accommodate religious customs. If the order is given after 3:00pm, the 2-business day notice will be figured from 7:00am the following business morning. For disinterment or removals, a one-week notice is required. Weekend arrangements require three (3) business days' notice before 11:00am of that Saturday. (*Amended July 1, 2023*)

- 2.9 Funeral directors, upon arrival at the cemetery, must present to the Cemetery Sexton or his/her representative the burial permit issued by the Board of Health.
- 2.10 Once a casket containing a body is within the confines of the cemetery, no one will be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or an order signed by the courts and delivered to the Cemetery Division. At such time the Funeral Director will be permitted to open the casket.
- 2.11 The interment of two bodies in one grave will not be permitted at this time, except in the case of a mother and infant or twin children.
- a.) At each single grave lot (12 x 3), a total of six cremated remains will be allowed. The interment of cremated remains will be a minimum depth of (2) two feet. Cremated remains can be placed atop a previous full burial. A full burial will not be permitted once cremated remains have been interred. *(Amended June 26, 2012).*
- b.) With regard to one grave lots that were purchased prior to October 1, 2012, a full burial will be allowed if only one cremated remains have been interred. *(Amended February 14, 2013).*
- 2.12 The Cemetery Sexton or his/her representative will attend each funeral and will be in complete charge of the funeral. They will be expected to see that all Rules and Regulations and strict proprieties of the cemetery are enforced, and will cooperate fully with the Funeral Director.
- 2.13 As soon as flowers, wreaths, emblems, etc. used at funerals, or placed on graves at other times become unsightly and faded, the Cemetery Sexton or his/her representative is permitted to remove them without notice. No responsibility or maintenance is assumed by the Cemetery Division.
- 2.14 All charges for interment or services in connection therewith, shall be paid to the Town of Adams, who will issue a receipt upon request.
- 2.15 The Cemetery will not be responsible for any order given during non-business hours, or for any mistake occurring from the want of precise and proper instruction as to the particular space, size of grave and locations in a grave where interment is desired.
- 2.16 The Cemetery Division will not be liable for the interment permit nor for the identity of the person sought to be interred.
- 2.17 Besides being subject to The Town of Adams Cemeteries Rules and Regulations, all interments, disinterments, and removals are made subject to the laws of the Commonwealth of Massachusetts, by-laws, ordinances or regulations.

2.18 Interment Guidelines for the Veterans Section:

- a.) The Town of Adams will continue to provide a single lot per Veteran in the Veterans Section for all qualified Veterans of The United States Armed Forces.
- b.) The lot is limited to the Veteran only. It has not been the practice, or the intent to provide for spouses or other family members of the Veteran.
- c.) As is tradition, the memorial marker, whether stone or bronze will remain flat and supported on a cement base. (*Amended January 12, 2017*)

3. Monuments, Headstones, Markers, ETC:

- 3.1 Lots containing two graves or more shall have only one memorial. Flush-type markers may indicate individual graves within a lot only.
- 3.2 All monuments, headstones, markers or other types of memorial to be erected on any lot or single grave must be set on a suitable foundation and must conform to all regulations governing the section in which the memorial is to be located. Veterans bronze markers when placed in ground must have a cement border.
- 3.3 No memorial of any type may be placed on a single grave or lot in which there are charges outstanding.
- 3.4 Stone, monumental work or foundations shall not be relocated without the permission of the lot or grave owner and the Cemetery Sexton. The Town reserves the right to refuse permission to erect any monumental work not in keeping with the good appearance of the cemeteries.
- 3.5 No curbing, fencing, steps or any other type of structure, except conventional memorials may be placed on any lot without permission of the Cemetery Commission.
- 3.6 All contractors and outside workmen doing any type of work in the cemeteries will be under the direct charge of the Cemetery Sexton. All work must be done during regular working hours on the cemeteries, unless prior permission has been received from the Cemetery Sexton.
- 3.7 No corner bounds, other than standard bounds shall be placed on any lot.
- 3.8 Foundations for memorials projecting above grade must be of the same length and width as the base of the memorial (except in those sections where specific length and width requirements are specified), and may require a six-inch border surrounding the monument base. *NOTE: New monuments installed in any section may not exceed the largest monument in that section.* The foundation shall be at least four feet in depth from finish grade whenever possible. The border must be flush with the existing grade of the lot. In those areas where lots are not level, the Cemetery Sexton will determine the finish grade of

the foundation. The mixture for foundations shall be a minimum of five to one. The Town reserves the right to have a designated inspector at each foundation.

a.) Prior to installing a concrete foundation, all installers are required to notify the Cemetery Office and make an appointment for a site inspection to verify that the depth is 4 feet. The inspection fee is \$15 which must be paid by check. The inspection fee will be deposited into the Cemetery Maintenance Account. All foundation inspections are to be conducted between 9 a.m. and 3 p.m. Monday through Friday. Failure to have the site inspected will result in a \$50 fine which will be paid to the Town of Adams.
(Amended June 26, 2012).

4. Care of Single Grave or Lots:

- 4.1 The term “Perpetual Care” shall be construed to mean the obligation which the Town assumes to each year expend the net annual income from the Perpetual Care Endowment set aside in furnishing such care for the lot as mowing grass, raking and cleaning lots and adjacent walkways, filling of sunken graves, the care and maintenance of roads, walkways, fences, building and grounds in general. It is understood that all expenditure of perpetual care monies shall be made as part of the annual operating budget for the Cemetery Division.
- 4.2 The general care of the cemeteries is assumed by the Cemetery Sexton, and includes all maintenance as described in section 4 paragraph 4.1.
- 4.3 The general care shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of special or unusual works in the cemetery. Additionally, excluded is the reconstruction of any marble or granite work on any section, or grave, or any portion or portions thereof in the cemetery, caused by elements, an act of God, thieves, vandals, explosions, unavoidable accidents, or by the order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
- 4.4 Lot owners must remove winter lot embellishment by April 30th and summer lot embellishment by October 15th. The Cemetery Sexton will publicly post a notice.

5. Planting of Trees, Shrubs and Flowers:

- 5.1 All landscaping in the cemeteries will be done by the Cemetery Division under the supervision of the Cemetery Sexton and with the approval of the Cemetery Commission.
- 5.2 No in ground planting of trees, shrubs, or plants by single graves or lot owners will be permitted. (Amended September 13, 2018).
- 5.3 The Cemetery Division assumes no responsibility for any flowers or decorations placed on graves. Glass containers for flowers, plants or vigil candles and decorations that have wires

attached are not permitted due to potential damage to cemetery equipment. In the case of vigil candles, plastic containers are permitted.

- 5.4 Ornaments or plants in appropriate planters or containers, and memorial candles; wax, or artificially lit, are allowed on the foundation or headstone. If ornaments are placed upon the lawn and interfere with cemetery maintenance, the Cemetery Sexton is permitted to remove them without notification to the grave or lot owner. *(Amended September 13, 2018).*
- 5.5 If any tree or shrub situated on any lot or single grave shall by means of their roots or branches, becomes detrimental to or encroach upon adjacent lots, avenues, paths or becomes unsightly, the Cemetery Sexton shall have the right to enter said lot or single grave and remove the said tree or shrub, or such parts thereof as he shall determine to be detrimental or unsightly, of which prior notice shall be given to the lot or grave owner.

6. Rules for Visitors:

- 6.1 The Cemeteries will be open to visitors at all times between the hours of 8:00 A.M. and sunset. Permission to enter the cemetery at any other time must be obtained from the Cemetery Commission or Cemetery Sexton.
- 6.2 Dogs, with the exception of those needed for the handicapped, are not allowed in the cemetery at any time. VIOLATORS WILL BE FINED.
- 6.3 Firearms will be allowed in the cemetery only at military funerals. Hunting on Cemetery property is strictly prohibited.
- 6.4 The teaching of student automobile drivers within the cemetery is prohibited.
- 6.5 Visitors are prohibited to pick any flowers, either wild or cultivated; or injure any shrub, tree or plant; or mark or deface any monument, stone or structure in the cemetery.
- 6.6 Picnics, refreshments are not allowed in the cemetery.
- 6.7 All trash shall be discarded in the receptacles provided at various locations within the cemetery. Any visitor caught discarding household trash in the cemetery receptacles will be prosecuted in accordance with the law.
- 6.8 Children under the age of twelve (12) years of age will be admitted only when accompanied by parents or guardians.
- 6.9 Loud music, excessive noise is prohibited within the cemetery.
- 6.10 Driving motor vehicles within the cemetery at excessive speed is prohibited. Driving a motor vehicle, bicycle or riding any animal across or upon a grave, lot or lawn, or parking or leaving the same thereon is prohibited.

- 6.11 Parking or leaving any motor vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other vehicle from passing is prohibited. The Cemetery Sexton has the authority to have the vehicle removed at the owner's expense.
- 6.12 No town cemetery, active or historic, is to be used for recreational purposes.
(Amended September 24, 2019).

7.0 Correction of Errors:

- 7.1 The Cemetery Division reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof of other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery Commission, or, in the sole discretion of the Cemetery Commission by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Division reserves and shall have the right to remove or transfer such remains so interred to such other property, consistent with law, of equal value and similar location as may be substituted and conveyed in lieu thereof.
- 7.2 In the event of extenuating circumstances; severe weather, natural disaster and unforeseen situations that might result in hardship, harm or injury to individuals or damage to Town of Adams equipment or cemetery property, the Town of Adams reserves the right to postpone and reschedule interments in the Town cemeteries.