

This is a Cemetery

*Lives are commemorated - deaths are recorded
- Families are reunited - memories are made tangible
- and love is undisguised. This is a cemetery*

*Community's accord respect, families bestow
reverence, historians seek information and our
heritage is thereby enriched.*

*Testimonies of devotion, pride and
remembrance are carved in stone to pay warm
tribute to accomplishments and to the life - not
death - of a loved one.*

*The cemetery is homeland for family
memorials that are a sustaining source of comfort to
the living.*

*A cemetery is a history of people - a perpetual
record of yesterday and a sanctuary of peace and
quiet today. A cemetery exists because every life is
worth loving and remembering - always.*

TOWN OF DUXBURY

RULES and REGULATIONS

CEMETERY DEPARTMENT



**774 Tremont Street
Duxbury, MA 02332**

Adopted March 5, 1894

**Revised April 5, 1971
Revised August 10, 1984
Revised February 1988
Revised September 27, 2006**

Preamble:

Ever since 1787, the Town of Duxbury has provided for the safe, efficient and respectful interment of its deceased residents through the operation and maintenance of Town Cemeteries. In order to ensure the character of the Cemeteries in accord with the mind and practice of the Board of Selectman, and to establish and maintain good order, the following Rules and Regulations are hereby adopted.

Formal Adoption:

For the mutual protection of the lot holders in the Cemeteries of the Town of Duxbury, the Board of Selectman, in accordance with Massachusetts General Laws chapter 114, section 15, do hereby adopt the following rules and regulations. All License holders and persons within the cemetery, and all lots and graves shall be subject to said Rules and Regulations and the governing body shall adopt such amendments or alterations thereof or additions thereto as from time to time. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

Definitions:

Cemetery – All property within the Town of Duxbury dedicated for the burial of deceased human remains.

Columbarium – A permanent structure, owned by the Town of Duxbury, containing niches or other suitable spaces for the permanent memorialization of cremated human remains.

Cremation Niche – see Niche.

Governing Body – The Board of Selectmen of the Town of Duxbury, Massachusetts

Grantee – see License Holder.

Grave – A space of ground in a cemetery used or intended for use, for the burial of deceased human remains and measures 3'W x 8'L. Each grave has the right of interment of one (1) full casket burial and one (1) burial of human cremated remains or two (2) cremated human remains. Any additional human cremation burial shall require \$50.00 each to be added to the Perpetual Care Fund. Burial of human cremated remains in each grave shall not exceed four (4).

Grave Box Liner – An unsealed concrete receptacle of two or more pieces in which the casket is placed at time of burial.

Interment – The permanent placement of a dead human body placed in a casket, a durable outside container and buried in the ground.

Inurnment – the permanent placement of cremated human remains in a niche, space in a columbarium, or burial in the grave.

License Holder – The sole purchaser of the Licensed Rights of burial of a grave, or cremation niche, located in the Town of Duxbury.

Lot – A place designated in a cemetery comprised of one or more grave spaces.

Lot Holder – see License Holder.

Management – the person or persons duly appointed by the governing body for the purpose of conducting and administering cemeteries owned and operated by the Town of Duxbury. Currently this is the Department of

Public Works / Cemetery Division Superintendent that has been duly appointed.

Niche – a discrete chamber designed, constructed, and intended for use as a permanent repository, for the inurnment of cremated human remains, encased in an urn.

Perpetual Care - an arrangement made by the cemetery whereby restricted funds are set aside, the income of which is used to maintain the cemetery, indefinitely.

Rights of Interment – The rights given to a License Holder for the use of a specific burial grave or niche.

Receiving Tomb – A structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

Urn – A durable container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground.

Vault – A two-piece sealed receptacle for additional protection of the casket and or an urn.

Purpose of Cemetery:

The cemetery is intended for the interment of those entitled to burial according to Massachusetts General Laws, the by-laws of the Town of Duxbury and the Rules and Regulations of the Cemetery Department. No grave or niche shall be used for any other purpose than the burial of the human dead. Exclusively the management appointed by the governing body shall decide and questions on the burial of others not defined according to the Rules and Regulations, and such will be binding on both parties. The conveyance of the Rights of Interment shall be mainly for the residents of the Town of Duxbury. The conveyance of Rights of Interment to non residents may be granted under other authorized arrangements. The Superintendent along with the Treasurer and or Town Clerk shall verify questions pertaining to proof of residency.

Admission to Cemetery:

Management reserves the rights to refuse admission to the cemetery and to refuse the use of any cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and traditions may dictate.

Arrangement of Interments:

Management shall have the right to require those wishing to make a selection of a lot, grave, niche, or arrange an interment, to call at the cemetery office in ample time to complete the respective arrangements. If a Funeral Director or other authorized agent is representing the license holder, the arrangements made by the agent with management are binding on said holder. No individual or organization, except those approved by the governing body will be permitted to conduct services in the cemetery.

The management shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where rules and regulations have not been complied with, or forbid such interment; and further, said management reserves the rights under those circumstances to place the body in a receiving tomb or vault until rights have been

determined. Any protest may be required to be in writing and filed in the office of the Cemetery Superintendent.

Interment Procedures: (see also Instructions to License Holder)
Interments shall be scheduled between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Interments requested beyond the scheduled hours shall be at the discretion of the management and shall be charged at the Premium Time Fee. The management shall make every effort to be as accommodating as possible in scheduling Premium Time Interments. There will be no interments scheduled on the following legal holidays; New Year's Day, Martin Luther King Day, Presidents Days, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

Persons arranging for interments should visit the cemetery where the management will aid them in effecting the necessary arrangements. A minimum of twenty-four (24) hours is required to request arrangements for interment. Additional time may apply when arrangements are near a holiday or weather related emergencies. All grave interments shall be made with a concrete or a durable outside container in accordance with specifications determined by the management.

A Burial Permit and any and all fees for each funeral must be presented to management before the interment is completed. Funerals entering the cemetery shall be under the charge and direction of the management.

The casket may not be opened at any time within the Cemetery without the express permission and in the presence of management. Management reserves the right to refuse permission without the consent of the legal representative of the deceased or without a court order or authority of civil authority.

No disinterment or removal shall be allowed without permission of management, written authorization of the lot holder and all heirs of the deceased, a Burial Permit from the Town Clerk serving as the Burial Agent for the Town of Duxbury; any appropriate Burial Agent from town / city where Burial Permit is obtained and the payment of all appropriate fees.

Correction of Errors:

The management reserves, and shall have the right to correct any errors that may be made by it either in making an interment, disinterment or removal or in the description, transfer or conveyance of any of the rights, either by canceling such conveyances and substituting and conveying in lieu thereof other interment rights or grave lot of equal value and similar location as best possible selected by management.

Instructions to License Holder:

License Holders may, at their own expense, install planting beds in front of their respective *upright memorials only*. Beds may not exceed 12" in depth from the front of the upright memorial, and shall be maintained in a neat appearance at all times. Unsightly plantings may be removed at the

discretion of the management. No plastic flowers, glass vases, glass picture frames, or any burning lights or candles will be allowed on any lot or grave. No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed on or around any lot or grave. Schedule clean up maintenance of the entire cemetery will be posted and done annually. Christmas decorations will be removed by the 1st week of April. Any holiday decorations other than Christmas will be promptly removed within a week after the holiday. The Cemetery Department is not responsible for keeping these items upon removal. No Planting beds are allowed around flush memorials. Management is not responsible for damage to the memorial when there is evidence of such digging by planting beds. Evergreens and shrubs will be permitted only by the monument on six (6) grave lots or larger in which an additional fee for each planting shall be added to the Perpetual Care Fund.

The use of lot or grave is for the license holder and their designee only, and not for resale of profit, the rights of interment in an unoccupied designated lot or graves, may only be relinquished to the cemetery. The management reserves the rights to permit or authorize more than one human remains in one grave or niche.

In the event of the death of the license holder any and all privileges remaining shall pass to the family legal heirs. Management will follow the Commonwealth of Massachusetts laws pertaining to rights of heirs (Chapter 190, Section 3).

Service Charges and Payments:

The management shall have the right to fix a charge and time of payment for each interment, disinterment, and removal, and for the performance of any other service rendered by the management. All work and services in connection with such services shall be subject to and supervised by said management.

Any indebtedness due for work or services performed must be paid before an interment in the grave may be made, or before a memorial is erected, as the case may be.

Right to Replat:

The following rights and privileges are hereby reserved to the management to be exercised at any time for the erection of buildings, or for any purpose or use connected with, incident to or convenient for, the care or, preservation of, or preparation for interment of the deceased or other cemetery purpose: to survey, enlarge, diminish, replat, alter in shape or size or otherwise change all or part of portion of any cemetery, including establishing, closing or otherwise modifying the roadways, walks or drives.

No Easement Granted:

No easement or right is granted to any license holder in any road, drive, walkway within the cemetery, but such roads, drives, walkways, may be used as a means of access to the cemetery and its buildings as long as management devotes said areas for that purpose.

Use of Cemetery:

Persons using the Cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times.

The uses of motorized vehicles and any other forms of transportation are limited to roadways and are specifically excluded from walkways and grassed areas. Speed shall be limited to ten miles per hour maximum (10 MPH). (Vehicles in excess of fifteen thousand pounds gross vehicle weight (15,000 GVWR) are prohibited.)

Any object or objects placed on a grave or any Cemetery grounds which, in the opinion of management, is deemed offensive, improper, unsafe or detrimental to the general appearance of the cemetery, may be removed without notice. Complete clean up of all plantings, memorials, holiday and general items will be posted with notice.

No dogs will be allowed to run or be walked on the Cemetery Grounds at anytime. Police will take notice.

Conduct in the Cemetery:

Idling, loafing, loitering, or other boisterous demonstration within the Cemetery is prohibited. Alcoholic beverages are prohibited from Cemetery grounds at all times. Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are prohibited.

Grading and Improvements:

The management reserves the right to do all grading, landscape work, improvements of any kind, and all care of lots and graves: likewise to plant, trim, cut or remove all trees, shrubs and herbage within the cemetery grounds. Any and all improvements or alterations in the cemetery will be under the direction of and subject to the approval of management. The management reserves the right to use legally approved chemical applications to beautify and protect the cemetery grounds.

Cemetery Hours:

The management shall have the right to fix the opening and closing hours of its cemetery office, buildings and its grounds. The office hours are 8:00 AM to 4:00 PM, Monday thru Friday. The grounds are open for visitation from 7:00 to sunset each day

Outside Workers:

The management reserves, and shall have, the right to give authorization to any workers, other than employees of the cemetery, before they may do work in any of the town cemeteries.

License Holders may have certain work performed by Town employees, in accordance with the Rules and Regulation at their own expense and upon application to the management: prices to be agreed upon and paid before said work is done.

Employees:

Employees of the Town are not permitted to do any work for a license holder or heir, except upon the order of the management. Employees are required to be civil and courteous to all visitors at all times. It is the policy of the cemetery staff to provide quality care and service to the families at all times and on equal basis.

Loss or Damage:

The management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond managements control, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches or lawn crypts or any portion thereof, management shall give written notice of repairs to its license holders or heirs of record of necessity of repairs. If it is the responsibility of the license holder or its heirs to repair said damage then said notice will be sent to the last known address of the license holder and if the holder does not repair the damages in a reasonable time, the management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

License Holder's Change in Address:

It shall be the duty of the license holder, and their heirs to notify the management of any changes in its post office address. Notice sent to the holder at the last address in the records shall be considered sufficient and proper legal notification.

Care:

The cemeteries of the Town of Duxbury as operated by said Town are Perpetual Care cemeteries. All money that is designated for the Cemetery is used for Cemetery purposes: a portion is set aside for investment and the proceeds thereof are used to provide general care.

The Mayflower Care and Improvement Fund is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes the management and the care of cutting of lawns, cleaning and maintenance of roadways, walks and buildings, provided there is sufficient income funds for these purposes. The Mayflower Care & Improvement Fund income in no case shall be used to maintain, repair or replace any memorial placed or erected upon any lot or grave: nor shall it be used to plant, cut, water or care for any privately planted flowers, trees or shrubs: nor shall it be used to reconstruct any granite or special work in the cemetery of a lot or grave.

Memorial and Rules for Memorial Work:

The license holder, its heirs and its authorized agents (memorial dealers) shall abide by all the rules and regulations of the cemeteries operated by the Town of Duxbury.

The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, quality, and material of memorials, inscriptions, monuments and markers placed in the cemeteries. All memorials and inscriptions are subject to the approval of the management prior to their placement.

Memorials deemed by the management to be obscene, offensive or unreasonable will be rejected.

Management reserves the right to fix the days and hours when memorial work may be completed in its cemeteries.

All memorial work or permanent placement of a memorial shall be with the approval of the holder of said lot or grave and or the heirs if the holder is deceased. All upright memorials or benches require a foundation. The location and position in which the memorial is to be placed or erected shall be entirely subject to approval and under the supervision of management.

License holder and memorial dealer shall submit a detailed drawing and design of the memorial at the time of ordering its foundation. Memorial contractors shall supply a certificate of insurance to management before work is performed in the cemeteries.

Memorial employees, in placing or erecting memorials or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible at all times for their work as well as any damage to other memorials and/or Cemetery grounds. All work must conform to the Cemetery Rules and Regulations.

Should any memorial, monument or tomb, becomes unsightly, dilapidated or a menace to safety of persons within the cemetery, the management shall have the right to give written notice to the license holder to correct the condition or to remove the same, in either case the expense is to the license holder. Temporary memorials will be removed thirty (30) days after the interment.

Soliciting memorial sales or service work within the Cemetery is not permitted.

Memorials shall be limited to one upright memorial or bench per lot (2 graves or more) and shall be placed in the center of the lot. One flush marker per grave, and no upright memorial or bench is allowed on a single grave.

A granite base is required on all upright memorials, except sections where colonial tablets are allowed. Granite bases must be at a minimum of height of 8” not to exceed 10”. The total height of the memorial including the base and die cannot exceed six (6) feet in height.

All benches require a foundation with the same dimensions for upright memorials with a 3” overhang on either side. The total height is not to exceed 18”.

Base cannot exceed the following	Maximum Base Size
1 grave* Flush Marker Only	24” x 12”
2 grave lot*	30” x 12”
2 X 2 four grave lot	same as 2 grave lot
3 grave lot*	36” x 12”
4 – 5 grave lot*	42” x 18”
6 – 10 grave lot*	48” x 18”
12 grave lot*	54” x 18”

*Contiguous graves in same row

In General:

Persons aggrieved by these Rules and Regulations and / or their interoperation or application by management has the right of appeal when made in writing to the Director, Department of Public Works, and Town Manager.

The statement of any employee of the cemetery shall not be binding upon management, except as such statement coincides with the document conveying the right of interment and with the rules and regulations.

The Town of Duxbury through its management, reserves the right, without notice, to make temporary exceptions, suspensions, or modifications of any of the rules and regulations, when in its judgment, the same appears advisable. In no way will any such temporary exceptions, suspension or modification be considered as affecting the general application of such rules and regulations.

The Town of Duxbury, through its Board of Selectmen, reserves the rights at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule and regulation with respect to its cemeteries or anything pertaining thereto.