

## ***GROVE CEMETERY RULES AND REGULATIONS***

### **OPENING AND CLOSING HOURS**

The Cemetery grounds shall be open for entrance into the cemetery at 7:00 A.M. and will close at sunset.

The Cemetery office, located at the Town Hall, 1196 Main Street in Holden, shall be open for business from 8:30 A.M. until 4:30 P.M. except Saturdays, Sundays and Holidays.

### **DEFINITIONS**

The term "Department" shall mean the Department of Public Works, Building and Grounds Division.

The term "lot", "grave", "plot" or "burial space" shall be used interchangeably, and shall apply with like effect to one, or more than one, adjoining graves.

The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation, interment, or burial.

The term "monument" shall include a memorial of granite, or other approved stone, which shall extend above the surface of the ground.

The term “marker” shall include a marker of granite, bronze or other approved stone, which shall be flush with the surface of the ground.

The term “office” shall mean the office of Grove Cemetery at Town Hall, 1196 Main Street, Holden, Massachusetts.

The term “Supervisor” shall mean the person in charge of the daily operation of the cemetery and/or a designated representative.

The term “entombment” shall mean the placing of a deceased person in the tomb at Grove Cemetery pending final disposition at a later date.

### **INTERMENTS, DISINTERMENTS AND REMOVALS**

All funerals, upon reaching the Cemetery, shall be under the supervision of the Supervisor or his assistants.

Besides being subject to these rules and regulations, all interments, disinterments and removals are made subject to the orders and laws of the properly constituted authorities of the Town, County and State.

3. The cemetery Supervisor reserves the right to schedule winter interments.

All interments, disinterments, removals or interment services shall not be permitted on any of the following holidays: New Years Day, Martin Luther King Day, President's Day, Patriots Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day.

The right is reserved by the Department to insist upon at least twenty-four hours notice prior to any interment and at least forty-eight hours prior to any disinterment or removal. All disinterments shall be made at the discretion of the Department.

The Department reserves the right to refuse interment in any plot, and to refuse to open any burial space for any purpose, except on written application by the plot owners of record and duly filed in the office of the cemetery.

The Department reserves the right to make any interment of any members of the immediate family of any one of several plot owners upon written authorization. No other person may be interred in any plot without the written consent of all those owners of the plot who are recorded as such on the books of the department.

When instructions regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when specified, the Supervisor may at his discretion, open it in such location in the plot as he/she deems best and proper, so as not to delay the funeral. The Department shall not be held liable in damages for any error so made.

The Department shall not be held responsible for any order given by telephone or fax or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment is desired.

The Department reserves the right to correct all errors of interments, conveyances and charges.

The Department shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with. Further, said Department reserves the right, under such circumstances, to place the body in the tomb until the full rights have been determined. The Department shall be under no duty to recognize any protests of interments unless they be in writing and filed in the office of the Department.

The Department shall not be liable for the interment permit nor for the identity of the person sought to be interred or cremated, nor shall the Department be liable in any way for the embalming of the body.

No interment shall be permitted or memorial placed in or on any lot not fully paid for. If the purchaser of said property shall fail to meet all payments within thirty days after demand by the Department, the Department may re-enter said lot and hold the same as of its former estate. The Department shall thereupon be released from all obligations thereunder, and it may retain such payments as may have been made toward the purchase of such property as liquidated damages. The Department, further, shall have the right to remove any monument that may have been placed on said property.

No more than one body, or the remains of more than one body, shall be interred in one vault. Any exception to this must be provided in writing by the Supervisor observing all legal identification processes.

No more than one cremation and one burial are allowed within a single grave on a particular lot. No more than two cremations are allowed within a single grave on a particular lot. Only one full burial is allowed within a single grave on a particular lot.

Artificial grass, lowering devices and other equipment owned by the Department shall be used exclusively in making interments and disinterments.

Since all lots are sold for the ultimate use of the buyer and his or her designated heirs, and since the Cemetery owns the lots by law, no heir may dispose of the lot except to the Cemetery at a price no higher than the original purchase price.

The Department shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or burial case or urn incurred in making the removal.

Payment for cemetery services must be made before or at the time of interment or disinterment.

There will be an additional charge for interments, disinterments and entombments scheduled on Saturdays. An additional charge will also be levied for interments, disinterments and entombments entering the Cemetery after 3:30 P.M., Monday through Friday.

The Department reserves the right to refuse to do or allow to be done work of any character in or upon a lot until arrangements have been made for payment of all indebtedness due the Department for work done in or upon the lot.

### **ENTOMBMENTS**

The Supervisor reserves the right to place bodies in the tomb whenever he/she deems necessary.

The Supervisor reserves the right to inter bodies placed in the tomb whenever he/she deems necessary.

3. The Supervisor may refuse permission to use the tomb at his/her discretion.

No extra charge will be incurred by the Funeral Director if the body placed within the tomb will be interred in Grove Cemetery.

Bodies will not be placed in the tomb unless accompanied by a burial permit.

### **PROPERTY RIGHTS OF PLOT OWNERS**

Lots and graves are sold by area in square feet of land.

All lots, plots and burial spaces conveyed shall be presumed to be sold and separate property of the person or persons named as grantee in the deed provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which right shall continue as long as he or she shall remain the husband or wife of the plot owner or shall be his or her wife or husband at the time of such plot owner/s demise. No conveyance or other action, without the joinder therein, or be written consent attached there, shall divest such husband or wife of such, vested right of interment, provided, however that a

final decree of divorce between them shall terminate such vested right of interment unless it shall be otherwise provided by such decree of divorce.

In all conveyances to two or more persons as joint tenants, each joint tenant shall have the vested right of interment of his or her remains in the plot so conveyed. Upon the death of a joint tenant, the title to the burial plot therefore held in joint

tenancy immediately vests in the survivor or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner. A vested right interment as in this rule provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

### **CONTROL OF WORK WITHIN CEMETERY**

The Department will be solely responsible for all landscaping work and improvements, the planting, trimming, cutting or removal of trees, shrubs and hedges, the opening and closing of plots, and all interments, disinterments, and removals.

Community groups, with approval of the Supervisor, may contribute planting and cleaning services as long as the work is done in common areas and does not infringe on the rights of others as stated previously.

All lot owners must conform to all the relevant rules of decoration as herein stated in various sections. The Supervisor has the right to remove or alter anything which has been done to violate the rules or violate the appropriateness of the adornments in the opinion of the Supervisor. Any costs incurred will be charged to the lot owners (or equivalent).

## **DECORATION OF PLOTS**

The Department shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or garbage of any kind, from the Cemetery as soon as, in the judgment of the Supervisor, have become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standards maintained. The Department reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the Supervisor gives his consent.

Shrubs are permitted on only two-grave or larger monument lots. No shrubs are allowed on the urn garden lots. Only two shrubs are permitted per lot elsewhere. Slow growing needle-type evergreen shrubs are the only type of shrubs allowed. Shrubs must be planted directly at the sides of the monument. They are not permitted to be planted in front of or in the rear of the monument. Shrubs must be kept in a neat and trimmed condition. They are not allowed to grow any taller than the height of the monument.

Only one flower bed per lot is permitted on monument lots only. It should be located in front of the monument and may not be more than one foot wide at the face of the monument. A flower bed is not permitted behind or at the sides of the monument. Marble or other stone landscaping rock chips are not allowed. Concrete, brick, or other type of stone curbing or edging block are not allowed.

No in-ground planting is allowed on flat marked single graves, urn garden lots or at flat markers located on monument lots.

Homemade markers, monuments, crosses or other ornamental type similar article shall not be placed on lots.



The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood, crockery or iron cases upon plots shall not be permitted, and if so placed, the Cemetery reserves the right to remove the same.

### **CHANGES IN GRADES, ETC.**

The right to enlarge, reduce, replant and/or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify and/or change the locations of or remove or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines and/or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved as well as human bodies, or for anything necessary, incidental, or convenient thereto. The Department reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

### **CONDUCT OF VISITORS**

Persons within the Cemetery grounds shall use only the avenues, walk, alleys and roads, and any person injured while walking on the grass, except that it is the only way to reach his plot, or while on any portion of the Cemetery other than the avenues, walks, alleys, and roads, shall in no way hold the department liable for any injuries sustained.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees or shrubbery or plants, or disturbing the birds or wildlife.

Hunting or the discharge of firearms on Grove Cemetery property is prohibited.

Loitering on the grounds, graves, monuments, or buildings at Grove Cemetery is prohibited.

Private picnicking is prohibited in the Cemetery.

The throwing of rubbish on the drives and paths, or on any part of the grounds or in the buildings is prohibited. Receptacles for waste material are located in convenient places.

Commercial or business vehicles are permitted to enter only by permission from the Supervisor.

Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour, and must always be kept on the right hand side of the Cemetery roadway. Automobiles are not allowed to park or come to a full stop in front of an open grave, unless such automobiles are in attendance at a funeral.

Dogs shall not be allowed on the Cemetery grounds or in any buildings, except on a leash. Dog owners are responsible for clean-up and removal of any dog waste.

It is of the utmost importance that there should be strict observance of all the priorities of the Cemetery, whether embraced in these rules or not as no improprieties shall be allowed, and the Supervisor shall have power to prevent illegal assemblies.

The Supervisor is hereby empowered to enforce all rules and regulations, and to exclude from the property of the Department any person violating the same. The Supervisor shall have

charge of the grounds and buildings, and, at all times, shall have supervision and control of all persons in the Cemetery, including the conduct of a funerals traffic and employees.

### **PROTECTION AGAINST LOSS OR DAMAGE**

The Department shall take reasonable precaution to protect plot owners, and the property right of plot owners, within the Cemetery, from loss or damage; but it distinctly disclaims responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

### **CARE OF PLOTS**

The term "perpetual care," used in reference to plots, shall be held to mean the cutting of grass upon said plot at reasonable intervals, cleaning of plots, meaning and intending the general preservation of the plots and the grounds, walks, roadways, boundaries and structures, to the end that said grounds shall remain and be reasonably cared for as Cemetery grounds.

The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any gravestones or monumental structures or memorials placed or erected upon plots, nor the planting of flowers or ornamental plants, nor the maintenance or doing of a special or unusual work in the Cemetery, nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or plot, or any portion or portions thereof in the Cemetery, or other buildings or structures caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

The money received for perpetual care shall be held in the cemetery perpetual care trust and invested as proved by law through the Town Treasurer's office.

The income from the perpetual care fund shall be expended by the Supervisor in such manner as will, in his/her judgment, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of such funds. The Supervisor is hereby given the full power of authority to determine upon what property, for what purpose and in what manner the income from said fund shall be expended, and he/she shall expend said income in such a manner as, in his/her sole judgment, it may be advisable for the care, construction, repair and maintenance of all, or any portion of the Cemetery grounds for any purpose necessary in the execution of his/her duties.

### **MEMORIAL WORK**

1. Memorial work of any kind is not allowed within a lot which is not entirely paid for.

Workmen employed in placing or erecting monuments and other structures, or bringing in material shall, as to the Department, operate as independent contractors.

While a funeral or interment is being conducted nearby, all work of any description shall cease.

Approaching the bereaved and soliciting memorial business within the Cemetery is not permitted.

Memorial dealers shall abide by all rules of the Department in the Cemetery.

Only one family monument shall be allowed on a lot.

No lot owner shall erect or place, or cause to be erected or placed, on any lot in the Cemetery any memorial of which the Supervisor disapproves.

The size of the monument is to be governed according to the ratio of the area of the face of the memorial to the area of the lot.

All monuments must have a foundation.

All monument foundations are built by the Cemetery.

All flat markers are set by Cemetery personnel and must be flush to the ground.

No marker shall occupy more than two-thirds of the width of a lot or grave.

No monument shall occupy more than one-half of the width of a lot or be wider than two feet.

The maximum size for flat markers in the Baby Section shall be eight inches by sixteen inches.

Memorial dealers shall be required to file with the Department for approval an order for foundations and setting of markers. Information regarding the proposed memorial or marker, specifying the size, inscriptions, kind of stone, name of dealer and size of foundation required. In the place provided on the order shall appear a reasonably accurate sketch of the memorial.

The Cemetery shall have authority to reject any plan or design for any memorial or marker which, on account of size, design inscription, kind of quality of the stone is, in the opinion of the Supervisor, unsuitable for the lot on which it is to be placed.

Upon completion the Department will send the memorial dealer an invoice for the completed work order, the charges for which shall be reasonable, uniform, and published. The Department shall assume responsibility for the proper construction of such foundations.

Should any monument become unsightly, dilapidated, or a menace to visitors, the Department shall have the right either to correct the condition or to remove the same at the expense of the lot owner.

No monument or marker shall be removed from the Cemetery except by the Department, unless permission is granted by the Supervisor.

### **MODIFICATIONS AND AMENDMENTS**

The Department, with input from the Cemetery Commissioners, may alter any of the forgoing rules without notice, but are not to be retroactively enforced.

**ADOPTED:            SEPTEMBER 22, 1997, HOLDEN BOARD OF SELECTMEN**