

TOWN OF CONCORD

CEMETERY RULES AND REGULATIONS

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* Monument Permit Addendum

Article I. Definitions

Cemeteries shall mean the Old Hill Burying Ground, South Burying Ground and Sleepy Hollow Cemetery, including The Knoll at Sleepy Hollow.

Committee shall mean the Town of Concord Cemetery Committee

Department shall mean Concord Public Works, the Director of Public Works or his/her designee. The Cemetery Office is located at Concord Public Works, 135 Keyes Road, Concord, Massachusetts 01742.

Town shall mean the Town of Concord, Massachusetts.

Article II. General Regulations

Dogs

Dogs must be held firmly on a leash at all times. Their owners shall maintain the dignity of the grounds by cleaning up after them.

Etiquette

Visitors are expected to stay on roads and paths and to refrain from trespassing upon grave lots wherever possible.

Quiet, respectful behavior is expected.

Firearms

No firearms of any kind are allowed within the Cemeteries, except for use in military salutes and ceremonial exercises sanctioned by the Town.

Gravestone Rubbings

Gravestone rubbing is prohibited.

Hours

All Cemeteries are open to the public daily from 7:00 a.m. until dusk or 8:00 p.m., whichever is earlier, weather permitting. The Cemeteries are closed outside of these hours.

Liability

The Town is not responsible for items lost or stolen from grave lots, nor for damage to plantings caused by maintenance, plowing, mowing, or the opening of graves.

Trash and Litter

No person shall discard any refuse, rubbish, glass jars, vases, or bottles within the Cemeteries, except in the proper receptacles.

Article III. Ownership

Eligibility

Town Residents and former residents who meet the following eligibility rules set by the Cemetery Committee, as adopted on February 1, 2006 and allowed with passage of Article 31, Town Meeting – April 27, 2006:

- The former resident must have resided in Concord for at least one year
- The former resident must be able to satisfactorily prove that residence
- The former resident would pay a price for both the lot sale and for perpetual care that is 50% higher than that charged to current residents.

First Option to Buy

Any owner of a right of burial who wishes to sell an unused lot or any unused portion(s) of a partially filled lot, shall so advise the Committee, which may repurchase the unused lot or the unused portion(s) of the lot for the greater of the same sum that was paid by the owner when the lot was purchased or ½ the current lot price and perpetual care cost.

Transfer of Rights

The owners of rights of burial in the Cemeteries or their heirs shall not grant, sell, alienate, or convey the said executive right of burial to a person or persons without having obtained the written approval and consent of the Committee, but it shall be discretionary with the Committee to grant or withhold such approval and consent.

Use Restrictions

The right to be granted to the owner of any lot or grave site is a sole and exclusive right of burial and of the erection of monuments or markers subject to the terms, conditions, and regulations as they may exist from time-to-time. The premises in which such rights are granted shall be used only for the purpose of a place of burial for expired human remains.

State Oversight

That the ownership of a Cemetery Lot shall be subject to the laws of the State of Massachusetts, now in force or hereafter to be passed, related to Cemeteries.

IV. Interments

Grave Box

A concrete box of one-piece construction with a one- or two-piece cover is required for all full-earth burials. The construction of the box must meet acceptable standards for the industry.

Grave Location

The exact location of a grave shall be determined by the Department, considering the position of existing burials and monuments in close proximity and of trees and tree roots at or near the site.

Holidays

Interments on holidays will be scheduled only in cases of emergency, at the option of the Department, contingent upon voluntary availability of qualified regular employees.

Interment / Disinterment Orders

For all interments, a fully completed and signed interment order is required from the owner of the right of burial in the lot in which the interment is to be made, or from a legal representative. Interment/disinterment orders must be typed or clearly written, with the lot number stated, and be delivered to the Department at the time of interment. At least 36 hours notice must be given in advance of a grave opening.

In the case of the decease of a poor and indigent person, lots have been provided at The Knoll. The said deceased person at the time of death must meet the qualification requirements of MGLA 117A, Section 9.

Liability

The Department is not responsible for any mistake occurring due to the lack of adequate information regarding the particular space, size, and location in a lot where an interment or disinterment is ordered.

The Department is not liable for equipment failures or other conditions beyond its control.

Lot Capacity

Each single-grave lot may contain no more than one full-earth burial and three cremation burials, or four cremations.

Each urn-garden lot may contain no more than three or four cremation interments, depending on the configuration of the lot.

Payment in Advance

No grave will be opened on a lot until the purchase price and perpetual care fees for the entire lot have been paid in full.

Permits Required

No interments shall be made until the Department is furnished with a permit, as required by the laws of the Commonwealth.

Personnel

All grave openings must be executed by employees of the Department.

Right to Correct

The Department reserves the right to correct any errors made during interments or disinterments.

Article V. Monuments and Markers

Benches

Benches are allowed in place of upright headstones.

Requests for the placement of other benches in the Cemeteries need the prior approval of the Committee.

Boundary Markers Prohibited

Boundary markers including fences, posts, and stones are prohibited.

Monument Foundations

Permanent foundations will be required for the installation of all monuments or markers. The size of the foundation will be determined by the size of the monument.

Monument Permits

A monument permit is required for the installation of any monument or marker and for the addition of inscriptions to existing memorials, with the exception of the addition of the date of death and the proper name to complete an existing inscription.

Permits must be approved by the Department five business days prior to the installation or inscription. Monuments and markers are permitted only as allowed in the Monument Application.

Permit Violations

The Committee reserves the right to remove or modify any stone or inscription which does not conform to permit or deed conditions, or which has been installed without proper permit authorization. Any person who is responsible for installing a monument, marker, inscription, or

foundation in violation of these Rules and Regulations shall be subject to a fine of \$100 every thirty days of the duration of the violation, and shall be responsible for the actual cost to the Town arising out of such violation, including removal and storage of such monument, marker, or foundation if deemed necessary or desirable by the Committee.

The Cemetery Department has the ability to to remove offensive structures and markers including offensive wording of markers.

Position on Lot

The position of the monument will be designated in the lot plan.

Tree Donations and Memorial Markers

Prior permission of the Department is required for the acceptance and location of memorial trees (also see Article VI, Memorial Trees). A monument permit is required for the inscription identifying the tree donor. The marker shall be of a material approved by the Department. The total size of the marker shall not exceed 6" x 12".

Placement of such markers shall be determined by the Department.

Type of Memorial

The type of memorial permitted on a particular grave site will be specified by the Department at the time of the purchase of the lot..

The Committee will consider reasonable exceptions to the published dimensional requirements upon review of a written proposal consisting of a description and sketch from the petitioner.

Veteran's Markers

Veterans' markers must conform to the type of stone in the given section, but are exempt from limits established for lots as to number of stones allowed.

Article VI. Plantings

Annuals and Perennials

Plantings shall be limited to annuals, herbaceous perennials, or ground cover. However, small shrubs may be planted within the permitted dimensions adjacent to upright and slab monuments.

Dimensions

Plantings may not extend beyond a 1' wide strip along the sides and front of the stone.

Memorial Trees

Persons who would like to donate memorial trees shall consult with the Department to determine the site and type of tree and obtain the Department's prior approval.

Trees on Burial Lots

No trees are allowed on burial lots. No trees within the lot or border shall be cut down or destroyed without consent of the Town or its Committee having charge of the Cemetery.

Option to Remove Plantings

Plantings in need of maintenance and those which impede normal Cemetery maintenance, may be trimmed or removed by the Department. Any plantings that become detrimental to adjacent lot owners, roads or the general public, may be removed by Cemetery Staff, at their discretion.

Permission

Prior permission for any planting within the Cemeteries must be obtained from the Department.

Pesticides and Fertilizers Prohibited

The private use of pesticides and fertilizers is prohibited.

Article VII. Decorations

Decorations Allowed that are Temporary

Except as prohibited herein, temporary decorations on graves are permitted, provided that decorations and containers are disposable.

Decorations Requiring Permission

Urns, boxes, markers, boxed wreaths, ornaments, or memorials of a permanent nature shall be placed upon the graves or lots only with the prior approval of the Department.

Decorations and Containers that are Prohibited

Artificial flowers, vigil lights, crushed stone, and mulch are not allowed in the Cemeteries.

For the health and safety of personnel and the public, the use of glass, clay, or china jars and of metal cans is prohibited.

Removal of Decorations

All above-ground plants and temporary decorations will be removed and disposed of the second Friday following Memorial Day.

All above-ground arrangements, along with pots or baskets, will be removed after ten days, with the exception of winter holiday decorations, which will be removed in March. Flowers which have wilted and become unsightly may be removed prior to ten days.

Article VIII. Schedule of Fees

Obligation of Owners

Lot owners are responsible for payment of all fees for the purchase of Cemetery lots, Perpetual Care fees, interment fees and all other associated fees duly adopted by the Committee from time to time.

Perpetual Care Fees

No activity, e.g. interments, disinterments, plantings, stone work, etc. may take place on a lot unless Perpetual Care Fees have been paid in full.

The Perpetual Care Fee owed is the amount currently being charged for perpetual care on a lot of the same size. (A lot owner cannot settle by paying the amount originally charged). Any lot where perpetual care fees were considered paid in full at the time of payment continue to be paid in full.

The Perpetual Care fee owed is based on the total size of the lot, with no adjustments being made for any use of the lot that may have occurred prior to the fee being paid.

The Committee reserves the right to consider alternative handling of any previous written commitment made to a lot owner who owes Perpetual Care Fees.

Schedule of Fees

The Department shall maintain a schedule of current Cemetery Fees.

Passed and adopted at a duly authorized meeting of the Cemetery Committee of the Town of Concord, Commonwealth of Massachusetts held on November 1, 2006.

The Committee has the authority, and reserves the right to adopt, modify, and/or change these regulations at their discretion.

Cemetery Committee

Richard Monaghan – Chairman

Paul Ressler

Rebecca Purcell

Karen Crane

Deborah Stoessel

Dickinson Fowler – Highway & Grounds Superintendent

Prior Revisions:
December 2002