

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
Revised: April 2008
Revised: January 14, 2013

Preamble:

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 practices of the Board of Selectmen, and to establish and maintain good order, the following Rules and Regulations are hereby adopted:

Formal Adoption:

For the mutual protection of the License Holders in the Cemeteries of the Town of Duxbury, the Board of Selectmen, 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 Cemeteries, and all lots and graves, shall be subject to said Rules and Regulations and the Board of Selectmen shall adopt such amendments or alterations thereof or additions thereto as provided from time to time. Reference to the Rules and Regulations in the document conveying the right of interment or inurnment shall have the same force and effect as if set forth in full, as amended from time to time, therein.

Definitions:

Burial Agent – The designated agent of the town or city who accepts a death certificate and issues a disposition, removal, or transportation permit for deceased human remains

Burial Permit –The disposition, removal, or transportation permit which authorized the interment, cremation, removal, or transportation of deceased human remains

Cemetery – All property within the Town of Duxbury dedicated by the Town for the burial of deceased human remains or cremated remains

Cemetery Office – The office of the Cemeteries at 150 Mayflower Street, at which the office of Management is located

Columbarium – A permanent structure, owned by the Town of Duxbury, containing Niches for the permanent repository of cremated human remains, encased in an urn

Governing Body – The Board of Selectmen, from time to time, of the Town of Duxbury

Grave – A space of ground in a Cemetery used or intended for use for the burial of deceased human remains (as available in the new section of the Cemetery, currently measuring 3' wide by 9' long, but of different sizes in other sections as specified at the time of sale, and subject to change for future sales). Each Grave has the right of interment of one (1) full casket (standard size) burial and one (1) burial of human cremated remains, or of two (2) cremated human remains. Any additional human cremated remains burial in a Grave shall require \$50.00 each to be added to the Perpetual Care Fund. Burial of cremated human remains in a single Grave shall not exceed one (1) when together with a full casket burial or four (4) without a full casket burial. An Interment involving more than a standard-sized Vault may require the utilization of more than one contiguous Graves as to which the Licensed Holder has burial rights, thereby eliminating the use of the partially-used second Grave for a second full casket burial.

Interment – The permanent placement of deceased human remains placed in a casket and then a Vault and buried in a Grave

Inurnment – The permanent placement of cremated human remains in a Niche in the Columbarium, or encased in an urn and then a vault and buried in a Grave

License Holder – The purchaser of the Licensed Rights of burial in a Grave or Niche, in a Cemetery in the Town of Duxbury

Licensed Rights – The right of Interment in a Cemetery in a Grave or Inurnment in a Grave or Niche, in accordance with the sale of burial rights to the License Holder and these

Rules and Regulations. No conveyance to or right of property is granted by Licensed Rights; only the right of Interment or Inurnment

Lot – A place designated in a Cemetery, comprised of one or more Graves

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, as duly appointed

Niche – A discrete chamber in the Columbarium 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 and Town whereby restricted funds are set aside, the income of which is used to maintain the Cemetery, indefinitely.

Right of Interment – The right, given to a License Holder, for the use for burial in a specific burial Grave of deceased human remains

Right of Inurnment – The right, given to a License Holder, for the use for burial in a specific burial Grave or placement in a specific Niche of cremated human remains

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

Urn – A durable container to hold human cremated remains. An urn can be placed in a Niche or buried in a Grave

Vault – A concrete (or similar material) two-piece receptacle for additional protection of a casket or an Urn

Purpose of Cemetery:

Each Cemetery is intended for the Interment or Inurnment of those entitled thereto 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 or

placement of the human remains of the dead. Exclusively, Management shall decide from time to time all questions not otherwise fixed according to these Rules and Regulations, and such decisions shall be binding on all parties.

The conveyance of Rights of Interment or Rights of Inurnment shall principally be to residents of the Town of Duxbury. The conveyance of Rights of Interment or Rights of Inurnment to non-residents may be granted under arrangements authorized by the Governing Body.

Management, along with the Treasurer and/or Town Clerk, shall determine questions pertaining to proof of residency. Cemetery property may also be used for the purposes of cremation of human remains according to Massachusetts General Laws, the by-laws of the Town of Duxbury, and the rules and regulations of the Cemetery Department and Management shall decide from time to time all questions related to cremations not otherwise fixed according to Massachusetts General Laws, the by-laws of the Town of Duxbury, and the rules and regulations, and such decisions shall be binding on all parties.

Admission to Cemetery:

Management reserves the right to refuse admission to or use of the Cemetery and to refuse the use of any Cemetery equipment or facilities at any time, to any person, as under law, rules, judgment, and tradition may be permitted.

Arrangement of Interments:

Management shall have the right to require those wishing to make a selection of a Lot, Grave, or Niche, or to arrange an Interment or Inurnment, to call 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 with Management by the agent are binding on the Licensed Holder and its heirs at law. No individual or organization,

except those approved by Management or the Governing Body, will be permitted to conduct services in the Cemetery.

The Town, Governing Body, and/or Management 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 these Rules and Regulations have not been complied with, or when such Interment has been otherwise denied by Management; further, Management reserves the right under such circumstances to place the body in a Receiving Tomb until all rights have been determined. Any protest to an Interment is required to be in writing and filed in the office of Management.

Interment/Inurnment Procedures: *(see also: Instructions to License Holder)*

Interments and Inurnments shall be scheduled between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Interments and Inurnments requested outside of scheduled hours shall be at the discretion of Management and shall be charged at the Premium Time Fee (as established from time to time). Management shall make reasonable effort to be as accommodating as possible in scheduling Premium Time Interments. Notwithstanding the foregoing, there will be no Interments or Inurnments on the following legal holidays: New Year's Day; Martin Luther King Day; Presidents' Day; Patriots' Day; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Persons arranging for Interments and Inurnments should visit the Cemetery Office where Management will aid them in effecting the necessary arrangements. A minimum of twenty-four (24) hours is required to request arrangements for Interment or Inurnment. Additional time may apply when arrangements are near a holiday or upon weather-related emergencies. All Grave Interments and Inurnments shall be made with a concrete or similar material outside

container (Vault) in accordance with specifications determined by Management.

A Burial Permit (or affidavit of cremation, if applicable) and any and all fees for each Interment or Inurnment must be presented to Management before an Interment or Inurnment is completed. Funeral services entering the Cemetery shall be under the charge and direction of Management.

A casket may not be opened at any time within the Cemetery without the express permission and in the presence of Management. Without limitation, Management reserves the right to refuse permission to an opening without the consent of the legal representative of the deceased and/or without an acceptable court order or order of other civil authority.

No disinterment or removal of remains shall be allowed without permission of Management and absent written authorization of the License Holder, heirs of the deceased, and/or acceptable order of civil authority, and without a Burial Permit from the Town Clerk serving as the Burial Agent of the Town of Duxbury, and payment of all appropriate fees.

Correction of Errors:

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

Instructions to License Holder:

License Holder may, at its own expense, install planting beds in front of its respective *upright memorial only*. Such 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 Management. No plastic or other artificial flowers, plants, or wreaths, glass vases, glass picture frames, or 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. No more than two (2) shepherd’s hooks are allowed in any Lot and no shepherd hook more than four (4) feet in height is allowed. Scheduled clean-up maintenance of the entire Cemetery will be posted and done periodically. Any remaining Christmas decorations will be removed by the Cemetery staff by the 1st week of February. Any holiday decorations other than Christmas will be promptly removed by the Cemetery staff within a week after the respective holiday. The Cemetery Department is not responsible for keeping or storing any items upon removal. No planting beds or flowers or markers or mementos or other personal items, etc. are allowed around flush memorials; Management is not responsible for damage to a memorial when there is evidence of such planting beds, flowers, markers, etc. Evergreens and shrubs will be permitted only by an upright monument on six (6) grave (contiguous graves in same row) or larger Lots, for which an additional fee for each such planting shall be added to the Perpetual Care Fund.

In the event of the death of the License Holder, any and all privileges then remaining and any and all obligations of the License Holder (or, if applicable, its designee) hereunder shall pass to the decedent’s heirs at law. Management will follow the Commonwealth of Massachusetts laws pertaining to rights of heirs (Massachusetts General Laws, Chapter 190, Section 3) and it shall be the responsibility of any person to demonstrate to the satisfaction of Management his or her or their rights as heirs at law. The use of a Lot or Grave is for the License Holder (and upon the License Holder’s death, its

heirs at law) and its designees only, and may not be transferred or resold for profit.

Service Charges and Payments:

Management shall have the right to fix a charge and time of payment for each Interment, Inurnment, disinterment, and removal, and for the performance of any other service rendered by Management or Cemetery staff. All work in connection with such services shall be subject to and supervised by Management. Any indebtedness due for work performed or to be performed must be paid before an Interment, Inurnment, disinterment, or removal may be made, or before a memorial may be erected, as the case may be.

Right to Replat:

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

No Easement Granted:

No easement or right is granted to any License Holder or other person in any roadway, walkway, or drive within the Cemetery, but such roadways, walkway, or drives may be used as a means of access to the Cemetery grounds and its buildings, as long as and to the extent 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 use of motorized vehicles and any other forms of mechanical transportation (including bicycles) are limited to roadways, and the same are specifically excluded from walkways and grassed areas (except as the same are specifically designed for and reasonable necessary for the transportation of handicapped individuals). Speed on roadways shall be limited to ten miles per hour maximum (10 MPH). Notwithstanding the foregoing, vehicles in excess of fifteen thousand pounds gross vehicle weight (15,000 GVWR) are prohibited from the Cemetery.

Any object placed on a Grave or Lot or on any Cemetery grounds which, in the sole opinion of Management, is deemed offensive, improper, unsafe, inappropriate, unsightly, or detrimental to the general appearance of the Cemetery, may be removed by Management without notice. Scheduled general clean up of all plantings, and memorial, holiday and general items will be posted with notice. The Cemetery Department is not responsible for keeping or storing any item upon removal.

No dogs, on or off leash, are allowed to be on or to run or be walked on the Cemetery Grounds at any time. Police will take notice and violators are subject to fines.

Conduct in the Cemetery:

Idling, loafing, loitering, or 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 on Cemetery grounds are prohibited. Littering on Cemetery grounds is prohibited.

Grading and Improvements:

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 grounds will be under the direction of and subject to the approval of Management. Management reserves the right in its discretion to use legally approved chemical applications to beautify and protect the Cemetery grounds. Chemical applications, including fertilizers, inhibitors, and pesticides, are not permitted to be applied to Cemetery grounds, including to any individual Lot, by any person other than Cemetery staff.

Cemetery Hours:

Management shall have the right to fix the opening and closing hours of the Cemetery Office, buildings, and grounds. Cemetery Office hours are 8:00 AM to 4:00 PM, Monday thru Friday, excluding holidays. The Cemetery grounds are open for visitation from 7:00 AM to sunset each day.

Outside Workers:

Management reserves, and shall have, the right to give authorization and direction to any workers, other than employees of the Cemetery, before they may do work in any of the Town's Cemeteries.

Employees:

License Holder may have certain work performed by employees of the Town, in accordance with the Rules and Regulation, at License Holder's own expense and upon application to and approval of Management; prices for such work shall be agreed upon and paid by Licensed Holder before said work is done.

Employees of the Town are otherwise not permitted to do any work in the Cemetery for a License Holder or other person, except upon the order of 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 all persons at all times and on an equal basis.

Loss or Damage:

Management disclaims all responsibility for loss or damage beyond its reasonable control, including without limitation 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 and beyond Management's control, whether the damage be direct or collateral. In the event it becomes necessary or appropriate, in Management's opinion, to reconstruct or repair any section of the Cemetery, including Graves, Niches, or lawn crypts or any portion thereof or any memorial, Management shall, to the extent practicable, give notice to the respective License Holder(s) or heirs of record of the necessity of repairs. If it is the responsibility of a License Holder or its heirs to repair said damage, then said notice will be sent to the last known address of the License Holder or heirs of record and if the License Holder or heirs of record do not repair the damages in a reasonable time, Management may direct the repairs to be made and charge the applicable expense against the Lot or Grave and to the holder of record.

License Holder's Change in Address:

It shall be the duty of License Holder and its heirs to notify Management of any changes in its post office address for notices. Notice sent to a License Holder or heirs of record at the last address in the records shall be considered sufficient and proper legal notification for all purposes.

Care:

Cemeteries of the Town of Duxbury as operated by said Town are Perpetual Care cemeteries. All Perpetual Care 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 for the Cemeteries.

The Mayflower Care and Improvement Fund is understood to cover that care and maintenance necessitated by natural growth and ordinary wear and tear, and includes the cost of management and the care and cutting of lawns, and cleaning and maintenance of roadways, walkways, and buildings, provided there is sufficient income funds for these purposes. The Mayflower Care and 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 of a Lot or Grave in the Cemetery.

Memorials and Rules for Memorial Work:

License Holder, its heirs, designees, and its authorized agents (including memorial dealers) shall abide by all the rules and regulations of the Cemeteries operated by the Town of Duxbury.

Management reserves the right at all times in its discretion to approve and prescribe the kind, size, design, symbolism, quality, and material of memorials, inscriptions, monuments, markers, signs, and other items (including shepherd's hooks) placed in the Cemeteries. All memorials, monuments, inscriptions, etc. are subject to the approval of Management prior to their placement. Memorials or monuments which are deemed by Management to be not permanent or durable in whole or in part are subject to rejection.

Memorials, monuments, etc. deemed by Management to be obscene, offensive, inappropriate, dangerous, or unreasonable will be rejected.

Management reserves the right to fix the days and hours when memorial work may be completed in the Town's Cemeteries.

All memorial work or permanent placement of a memorial shall be approved by the License Holder of the respective Lot or the heirs thereof if the License Holder is deceased. All upright memorials or benches require an approved foundation to be constructed by the Cemetery staff at the expense of the License Holder or the heirs thereof if the Holder is deceased. The location and position in which any memorial is to be placed or erected shall be entirely subject to approval and under the supervision of Management.

License Holder and the memorial contractor shall submit for approval by Management 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 Town's Cemeteries.

Memorial contractors, in placing or erecting memorials or bringing materials in regard to such work into the Cemetery, 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 for any damage to other memorials and/or Cemetery grounds. All work must conform to these Rules and Regulations.

Should any memorial, monument, or tomb, become in Management's discretion unsightly, dilapidated, or a menace to the safety of persons within the Cemetery, Management shall have the right to give written notice to the respective License Holder or its heirs at law to correct the condition or to remove the same, in either case at the expense of the License Holder or heirs at law. Temporary memorials will be removed thirty (30) days after an interment or inurnment in a Grave.

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

Memorials shall be limited to one (1) upright memorial or bench per Lot containing two (2) contiguous Graves or more in the same row, and shall be placed in the center of the Lot. The foregoing limit and placement shall apply to a Lot notwithstanding that there are two or more rows of Graves in the Lot. Up to two (2) flush markers are allowed per Grave. No upright memorial or bench is allowed on a single Grave Lot.

A granite base is required on all upright memorials, except in those sections where colonial tablets are allowed. Granite bases must be at a minimum of height of 8" but not to exceed 10". The total height of the upright memorial including the

base and die cannot exceed six (6) feet in height. A Base cannot exceed the following

Maximum Base Size

1 Grave Lot 12"	Flush Markers Only	24" x (flush marker size)
2 Grave Lot* 12"		30" x
2*x2* four Grave Lot 3 Grave Lot* 12"	same as 2 Grave Lot*	36" x
4 – 5 Grave Lot* 18"		42" x
6 – 10 Grave Lot* 18"		48" x
12 Grave Lot* 18"		54" x

****Contiguous Graves in same row***

Benches require a foundation with the same dimensions as for upright memorials. The height of the bench seat is not to exceed 18" and there is to be no more than a 3" overhang on either side of the bench uprights. The footprint of the bench may not exceed the maximum base size for an upright memorial as permitted for the Lot, and any memorial back on a bench must be included in determining compliance of the bench with the length and width and overall height requirements as compared to an upright memorial.

Columbarium Engravings: Surname lettering cannot exceed 1 1/2" in height; all other lettering including birth and death dates cannot exceed 1" in height. All letterings will be engraved using the Classic Roman Font; there shall be no

more than six (6) lines in the 12”x12” space. All engraving shall meet the approval of Management prior to their placement. Monument dealers and their employees will be responsible for any and all damages caused by poor workmanship, including by replacing the granite panel and all other existing engravings on that panel.

In General:

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

The statement of any staff employee of the Cemetery shall not be binding upon Management, except as such statement coincides with the document conveying the right of Interment or Inurnment and with these Rules and Regulations.

The Town of Duxbury, through 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 exception, 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. As so changed, amended, altered, or added to, the Rules and Regulations will apply to and be binding upon any and all License Holders and their heirs and designees and all others using the Cemeteries, from the time following such change, amendment, alteration, or additions, and without notice.

The applicable Rules and Regulations from time to time shall be the copy of such as maintained in the Cemetery Office by Management. Interested persons may obtain a copy of such Rules and Regulations as from time to time in effect by requesting the same at the Cemetery Office but notwithstanding possessing a copy of the Rules and Regulations, all persons shall be bound by the Rules and Regulations as then currently maintained in the Cemetery Office.

