

## City of Amesbury Cemetery Rules

**2007-041** *An ordinance that the Municipal Council Accept Art 17, 9 Cemeteries Ordinance- Mayor Kezer sponsored. Be it ordained by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:  
That the Municipal Council vote to accept Article 17, Sec 9 – Cemeteries Ordinance, as written in the following text.*

### **9.1 Management:**

The Director of the Department of Public Works (DPW) shall have overall responsibility for the proper management of the Town Cemeteries with these rules and regulations and applicable federal and state laws.

### **9.2 Cemetery Hours:**

Cemeteries will be open for visitation between the hours of dawn and dusk in accordance with Chapter 114 & 42A of Massachusetts General Law

Mount Prospect Cemetery's lower gate closes to motor vehicles at 3pm. The upper gate will remain open for pedestrian access during cemetery hours.

### **9.3 Definitions:**

**a. Grave:** the term grave shall apply to a space approximately 3.5 ft x 10ft to accommodate one vault for single depth burial or two vaults for double depth burial or up to 4 cremations internments.

**b. Monument:** Any memorial structure of granite, marble, or other natural stone which shall extend above the surface of the ground other than a tomb, mausoleum, headstone, foot stone, or grave marker.

**c. Headstone:** A stone set vertical or flush to mark the location of a particular grave and shall be erected at the head of the grave.

**d. Foot Stone:** a stone to mark the location of a particular grave and shall be set at or below ground level at the foot of a grave. No more than one foot stone measuring no more than 2 ft x 1 ft x 8" is allowed on each grave.

**e. Corner Marker:** A one piece stone or other approved material set at all four corners, flush with the ground, of a lot to mark the location of the particular grave or lot.

**f. Lot:** the term shall apply to a space laid out in the Cemetery to accommodate multiple graves.

**g. Lot marker:** Any marker or means used by the DPW to locate the corner of the lot.

**h. Lot/Grave deed:** An instrument used by the Town giving the Lot purchaser the right of interment of human remains only.

### **9.4 General Cemetery Rules:**

**a.** Dignified behavior shall be observed at all times in any of the cemeteries

**b.** Visitors must refrain from trespassing upon grave lots whenever possible

- c. No motorcycling, mini biking snowmobiling, cross-country skiing, bicycling, skateboarding or any other type of recreational sport allowed.
- d. Vehicles must proceed cautiously, but at no time exceed 15 mph on cemetery roads
- e. Vehicles must remain on roads and should not park or drive on lawn area of cemetery.
- f. A public way must not be laid out or constructed in, upon or through a burial ground in accordance with Chapter 114 & 41 of Massachusetts General Law. Existing cemetery ways must not be used as public ways or cut-through.
- g. Planting by flush markers are prohibited
- h. No shrub shall be planted on individual lots. Shrubs may be donated to cemetery and DPW will plant the donated shrub in a designated memorial planting area within the cemetery.
- i. The disposal of flowers and other debris is prohibited except in receptacles provided by the DPW.
- j. The DPW shall remove all funeral floral arrangements
- k. No firearms are allowed in cemeteries unless by public safety personnel or authorized persons on military occasions.
- l. The town is not responsible for damage to flowers, flags, containers or holders due to weather, vandalism, theft or maintenance procedures.
- m. Domesticated animals are prohibited except for those, which provide assistance to and are accompanied by a physically impaired person.

**9.5 Decorative items, which are allowed:**

- a. Planting may be placed within 12 inches of the front of the main headstone only and may be bark mulched.
- b. Urns or clay pots may be placed in the 12-inch planting area to front of headstone only.
- c. Artificial flowers
- d. Wreaths and Christmas greens: which will be removed after February 1<sup>st</sup> of each year, weather permitting
- e. Veteran Flags may be installed at the back edge of the flush marker only and must be maintained in proper, presentable condition.
- f. Religious artifacts may be placed at the base of the headstone only
- g. The Director of the Department of Public Works has the right to have anything removed from a lot that he considers to be objectionable or injurious to the use, purpose and uniform esthetics of any cemetery or in violation of any of the rules and regulations governing its operation.

**9.6 Cemetery Maintenance and Repair:**

- a. The Director of the Public Works or DPW employees under his direction shall have the right to enter upon any lot or other part of any town maintained cemetery to inspect, view or perform such work as may be deemed appropriate.
- b. The DPW may, at any time, lay out alter, or eliminate sections of driveways, cartways or walkways or change grade in a manner in which in their

opinion will maximize on the appropriate usage if cemetery property without jeopardizing its esthetic qualities.

c. Gravestone rubbings are prohibited without the specific authorization of the Director of the Department of Public Works.

d. The Town reserves to itself the exclusive control without further recourse or notice, over every tree, shrub, vine, or other plant growth within the boundaries of all town owned cemeteries including the right of removal without notice any, tree, shrub, or vine when it considers such removal necessary. The removal of plants or stripping of blossoms from the trees is prohibited. Tapping of trees is prohibited.

### **9.7 Violations:**

a. Any person who violates the cemetery rules and regulations and / or willfully or neglectfully damages, defaces, or destroys cemetery property including fences, gates, grounds, markers, monuments and graves shall be subject to fines and / or prosecution by the proper authority, to include but not limited to:

i. Any person violating this ordinance shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. Fines shall be recovered by or on complaint before the District Court, or by non-criminal disposition in accordance with Chapter 40 & 21D of the general laws, and Article 10 Penalty and Enforcement Bylaw of the Town. Each day of violation shall constitute a separate offense. The Director of the Department of Public Works and his designees are authorized as enforcing persons for this purpose. Section 9.4 (m) may be enforced by the Animal Control Officer.

ii. MGL Chap 272-& 73 which address the willful destruction, removing or injuring of tombs, graves, memorials, trees, or plants within a cemetery, punishable by a fine of not more than \$5,000 or imprisonment.

iii. MGL Chap, 272 & 74 which addresses the desecration of a burial place, which includes fences, trees, shrubs, paths and plants, punishable by a fine of up to \$100.00.

iv. MGL Chap 272 & 75 which addresses the removal of flowers, flags or memorial tokens from a burial lot, punishable by a fine of not more than \$1,000 or imprisonment.

### **9.8 Burial Lots, Fees, Interments:**

Town maintained cemeteries are non-denominational and all burials are available regardless of religious affiliation.

### **9.9 Interment:**

a. Interments are not made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving and Christmas.

b. There will be an extra charge for all funerals on Saturdays, Sundays, holidays, and processions arriving after 2pm. Weekdays

c. A burial request must be received from the funeral director 48 hours in advance of an interment. An additional fee will be assessed for any burial request that does not provide the 48-hour notification.

d. The Department will receive telephone orders for opening a grave, but disclaim liability of error in such cases. All written orders must be plainly and correctly written in ink.

e. No interment will be made without an interment order and burial permit.

f. No interment will be made until all fees charged for the same have been paid

g. Funeral directors are required to have all interment orders signed by the proprietor or legal representative of the lot, or grave, and presented to the Public Works Office before the time set for interment.

h. All interments must be made in permanent containers and enclosed in an outer container / vault made of durable and lasting material approved by the Director of Public Works or his/her designee.

i. In cases if extreme weather conditions or other causes beyond human control, or because of any other extenuating circumstances, the Director of Public Works or designee may at his discretion postpone making a scheduled interment until conditions permit interment.

j. The Director of Public Works or designee may refuse to make an interment until a more expedient time if too many funerals are scheduled to arrive at the same hour.

k. All funerals must enter the cemetery through the main gate and upon entering shall be under the charge of the Director of Public Works or his assistants.

#### **9.10 Disinterment:**

For any disinterment, a Funeral Director must be engaged to ensure compliance with relevant Massachusetts' laws. Removals are prohibited between May 15<sup>th</sup> and October 15<sup>th</sup>.

#### **9.11 Receiving Tomb:**

During the winter season, the decision as to whether a grave can be dug, or whether the body must be placed in the vault, rests with the Director of Public Works or designee. It is the intention of the DPW to perform burials throughout the winter but this is weather dependent and delays should be anticipated.

#### **9.12 Markers:**

a. All foot markers must be flush with the existing ground. Slant markers are not allowed. Any military marker or monument supplied by the Government must be flush with the ground.

b. No foundations will be constructed and no stonework will be set when the ground is not in proper condition for such work.

c. Fee charged for foundations and the installation of markers must be paid in full prior to installation.

d. All monuments and / or markers (other than bronze veteran markers) shall be made of good quality granite, hard marble or other natural stone not susceptible to disintegration or corrosion.

e. All work must be performed during normal working hours of the cemetery and all contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs.

**9.13 Adoption:**

a. The following ordinance adopted by the City know as the Town of Amesbury on June 12, 2007, shall govern the operation and management of all Town Cemeteries, as provided for in Chapter 114 of Massachusetts General Law. Rules and regulations adopted in 1957 are hereby superseded and cancelled

b. Per the Acts and Resolves of the Massachusetts General Court in the year 1958, these rules and regulations do not supersede rules, regulations or rights conveyed to deeded lots in Old Corner Cemetery or Mount Prospect Cemetery, acquired from the Association prior to conveyance of the cemeteries to the Town.

Councilor Iacobucci moved the ordinance committee recommendation to approve as amended by the Mayor's Office with the following amendments: Add Section 9.4 (m) Domesticated animals are prohibited except for those which provide assistance to and are accompanied by a physically impaired person. Add to section 9.7 (a) (i)- Secion 9.4 (m) may be enforced by the Animal Control Officer.

Roll call vote - 7 - Yes, 1 No, King ( 8 members present)