



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-SIX

SPONSORED BY: Kassandra Gove BILL No. 2026-041
Kassandra Gove, Mayor

Amanda Haggstrom
Councilor Amanda Haggstrom, District 3

An Ordinance to amend the Amesbury Code of Ordinances Chapter 237 Cemeteries to update and add a fee schedule.

Summary: The City of Amesbury voted to accept Article 17, Section 9 via Bill No.2007-041 on June 12, 2007. This Article is now Chapter 237 in Amesbury's Code of Ordinances. The purpose of this ordinance is to amend Chapter 237 to update various provisions and to codify a fee schedule. Currently, the city outsources the interment, which includes digging of grave, installing liner, backfilling grave, and arranging the date of burial, and these costs are privately funded and managed by the private individual. Through a comparative analysis of area communities' cemetery lot fees as well as reviewing the November 2021 Comprehensive Review of Municipal Fees by the Edward J. Collins, Jr. Center for Public Management, the Cemetery Advisory Commission has provided the included recommended Schedule of Fees.

Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

1. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-2 Cemetery hours. is hereby amended to remove references to gate openings or closings as this is no longer done, to read as follows:

§ 237-2. Cemetery hours.

Cemeteries will be open for visitation between the hours of dawn and dusk in accordance with MGL c. 114, § 42A.

2. That Amesbury Code of Ordinances Chapter 237 Cemeteries § 237-3. Definitions. is hereby amended to consolidate and clarify to read as follows:

§ 237-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOT MARKER OR 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.

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 the grave. No more than one foot stone measuring no more than 2 feet by 1 foot by 8 inches is allowed on each lot.

HEADSTONE

A stone to be set vertical or flush to mark the location of a particular grave(s) and shall be erected at the head of the grave(s). Maximum size for stone foundation for single lot is 24 inches. One (1) footstone set at or below ground level can be erected per lot. Size to be 2 ft x 1 ft x 8 inches. All markers other than bronze veteran markers shall be of good quality granite, hard marble, or other natural stone that is not susceptible to disintegration or corrosion.

LOT/GRAVE

Applies to a space laid out in the cemetery of approximately 3.3 feet by 10 feet to accommodate one single depth full burial and 3 cremations or up to 4 cremations.

DEED

An instrument issued by the City giving the lot purchaser the right of interment of human remains only. The owner of the lot may transfer the deed to a family member only by producing the original deed accompanied by an endorsed letter stating the name of the person to which the lot will be transferred. If the owner of the lot is deceased, the lot may be passed on to a descendant or relative if it is specified in a will or trust. Absent legal documents, the ownership of the lot shall not pass to heirs. If the deceased leaves a spouse and children they shall have possession, care, and control of said lot or tomb during the life of such surviving spouse. (MGL CH. 114 Sections 28, 29 and 31) Lot sales are non-refundable. Owner of the lot cannot privately resell the lot to someone else.

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.

3. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-4 General cemetery rules. Subsection H and Subsection M. are hereby amended to read as follows:

H. No shrubs shall be planted on individual lots. The City is not responsible for damage to flowers, flags, containers or holders due to weather, vandalism, theft or maintenance procedures.

M. Dogs and other domesticated animals are prohibited in all city-owned cemeteries. However, in accordance with M.G.L. c. 272, § 98A, any blind person, deaf or hearing-impaired person, or other physically handicapped person accompanied by a guide dog shall be entitled to all accommodations, advantages, facilities, and privileges of public conveyances, public amusements, and places of public accommodation. See Amesbury Code of Ordinances Chapter 237 Cemeteries §237-57 Violations and penalties.

4. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-4 General cemetery rules. Subsection L is hereby deleted.
5. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-5 Permitted decorative items. is hereby amended, to be entitled § 237-5. "Permitted and not permitted decorative items." to read as follows:

§ 237-5. Permitted and not permitted decorative items.

- A. Planting may be placed within 12 inches of the front of the main headstone only and may be bark mulched. Fencing/edging of any kind is not allowed and will be removed as it interferes with mowing. Planting/silk flowers by flush markers is prohibited.
- B. Urns or clay pots may be placed in the twelve-inch planting area to the front of the headstone only.
- C. Artificial flowers, flags, potted plants, religious artifacts or solar lights may only be placed within the 12-inch planting area in front of the headstone.
- D. Wreaths and holiday greens are permitted, which will be removed after February 1 of each year, weather permitting. Seasonal planters will be removed if plants are expired.

- E. Veteran flags may be installed at the back edge of the flush marker or family stone and must be maintained in proper, presentable condition. Flags are placed on Veterans' graves each Memorial Day by a Veteran's Officer.
- F. The Director of the Department of Public Works has the right to have anything removed from a lot that they consider 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.

6. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-6 Cemetery maintenance and repair. Subsection C. is hereby amended to read as follows:

C. Gravestone rubbings are prohibited.

7. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-8 Burial lots. is hereby amended, to be entitled §237-8 "Burial Lots and Fees." to read as follows:

§237-8. Burial Lots and Fees:

City-maintained cemeteries are non-denominational and all burial lots are available regardless of religious affiliation.

Type	Fees
Lot Fee (1 full burial and 3 cremations OR 4 cremations) includes deed	\$1,800.00
Administrative Fee	\$250.00
Transfer of deed	\$25.00

Purchasers of new lots must make such purchases in the section open for sale at that time.

8. That this Fee Schedule will replace any existing Schedule of Fees.

9. That Amesbury Code of Ordinances Chapter 237 Cemeteries §237-9 Internment. Subsection G. is hereby amended to read as follows:

G. Funeral directors are required to have all interment orders signed by the proprietor or legal representative of the lot or grave. It is required that the

Department of Public Works be notified 48 hours in advance of any arrangements for a burial. The following documents must be provided: A written request signed by the Owner stating the name of the person to be buried, the grave in which they should be buried along with the owner's deed.

10. That in accordance with the City Charter, this Ordinance shall become effective at the expiration of 15 days after the date of adoption.

