



# Town of Upton

## Cemetery Policies and Regulations

Cemetery Commission

1 Main Street, Box 13

Upton, MA 01568

### ***Whereas:***

- The Town of Upton has elected to establish a Department of Public Works by popular vote, and
- The Town of Upton has a board of three Cemetery Commissioners who are elected for a three-year term of office on a staggered schedule.

### ***Be it known that:***

- The Department of Public Works shall have responsibility for all physical maintenance and upkeep of each of the town owned cemetery facilities and/or public burial grounds.
- The Cemetery Commission shall have responsibility for:
  - General oversight of all cemetery operations.
  - Layout of the grounds for roads, paths, sections, lots and graves in each facility.
  - Establish fee schedules for sale of burial rights to local citizens.

### ***Definitions:***

- ***Cemetery*** -- An area of land set aside and dedicated for the final disposition of the remains of a deceased person.
- ***Columbarium*** -- A structure, room or space in a mausoleum or other building containing niches used to contain the cremated remains of a deceased person.
- ***Grave*** – A term used to define a space where a grave may occur which is 3.5 feet wide by 10 feet in length (or larger) and will be excavated to a depth of approximately eight feet deep in preparation for insertion of a concrete vault or similar structure. When a lot is planned for cremations only then a size of 3.5 feet by 5 feet may be used to provide for up to three urns.
- ***Foot Stone*** – A stone made of bronze, granite or similar stone material which is one foot wide, two feet long and four to six inches in depth and may be placed at the foot of a grave location once a burial has occurred.

- **Headstone** – A vertical stone monument erected at the extreme head of a lot for one or several burials.
- **Lot** – An area of land laid out to accommodate one or more full size burials within the boundaries of the location.
- **Lot Marker** – A small device set in the ground to locate a burial lot. In older sections, it may be a ceramic cylinder. In newer sections an aluminum cast device or a large nail with a plastic head is used to locate and identify a lot by number. Reference to a corresponding map is required to define how the location of a lot relates to the location of the marker in each section.
- **Niche** -- A recess in a columbarium used for the permanent placement of the cremated remains of a deceased person.
- **Urn** -- a container to hold cremated remains which must be a durable and permanent container placed in a niche or buried in the ground.
- **Vault** – A box, typically made of concrete with a durable lid designed to house a full casket or urn. A vault has been a requirement of the Commission for full casket burials since the mid 1950's. However, a vault is optional for burial of rigid or ceramic urns.

### ***Rules for Upton Cemetery facilities:***

1. All cemeteries within the town limits of Upton are managed and operated within guidelines established by Massachusetts General Law Chapter 114.
2. The Upton Cemetery Commission shall be the single sole authority for management, operation, and oversight of all Upton Cemeteries.
3. Cemeteries and/or burial grounds within the town of Upton currently include facilities known as:
  - i. Hartford Avenue \*
  - ii. Lakeview
  - iii. Maplewood
  - iv. Moore \*
  - v. Nelson \*
  - vi. Old North, aka Braddish
  - vii. Pine Grove, aka Second
  - viii. The Old Burying Ground, aka Old First
  - ix. Daniel Wood \*

\* Currently located on private property and not open to the public.
4. As specified by MGL Chapter 114, cemeteries owned by the town of Upton shall be open to the public from one-half hour after sun rise or 8:00 am whichever comes later and one-half hour before sunset or 7:00 PM whichever occurs earlier.
5. No funerals or burial services are allowed on any local, state or federal holiday.
6. Burial requests must be made at least 48 hours prior.
7. The Cemetery Commission may review needs, obligations and current fees annually to review and establish a fee table and budget for services to be delivered during the subsequent fiscal year.

8. As a minimum, fees are to be established for:
  - i. Burial rights
  - ii. Perpetual care for all lots where burial rights have been purchased
  - iii. Opening and closing a grave for:
  - iv. Full burial
  - v. Burial of cremated remains
  - vi. Opening and closing a columbarium niche
9. Visitors and staff to any of Upton's cemeteries shall behave in a dignified manner at all times.
10. All town owned cemeteries are non-denominational and all burials are permitted regardless of religious affiliation.
11. Vehicle travel is limited to no more than 15 miles per hour.
12. Vehicle travel is limited to paved locations and/or gravel roads at all times.
13. A full body buried in single grave must be enclosed in a vault.
14. Cremated remains must be delivered in a ridged metal or ceramic vessel prior to burial in a grave or niche in an Upton Cemetery.
15. Burials may not be conducted in a lot, grave or niche which has not been fully paid for prior to such event.
16. All lots must be purchased with perpetual care.
17. The Cemetery Commission may reclaim any lot that has not been paid for in full, including perpetual care, within one year from date of purchase
18. Any lot or grave which remains unused and or unclaimed by any prior owner after a period of 75 years from date of original purchase may be reclaimed by the commissioners and offered for resale at the then current market rate for such transactions.
19. Soil or earth shall not be removed from any lot or from any pathways or avenues, contiguous or adjacent thereto, without the written consent of the Cemetery Commissioners.
20. Memorials, monuments, markers, or shrubs shall not be placed upon any lot until such lot is completely paid for. However, markings provided by a government entity are excluded from this rule.
21. Foot stones shall be placed at the foot of a lot only where after a burial has occurred.
22. Plantings at flush markers are prohibited.
23. Gravestone rubbings and/or cleanings are prohibited without specific written authorization by the Cemetery Commission.
24. A holder of a deed for burial rights may consider an area 12 inches in front of and on each side of a proper head stone or monument at the head of a lot as an area where thoughtful adornments may be placed for such temporary period as such remain in respectable and/or good condition.

25. Permanent plantings are not allowed on a single grave lot or at any footstones or veterans markers.
26. Open planting beyond owner's adornment area shall not be allowed at any time.
27. Winter baskets must be removed before May 1st.
28. Veteran flags may be installed at the end of the primary monument within the owner care area but not at the foot stone provided by them or a government entity,
29. The Cemetery Commissioners or their successors in office may at any time remove any trees, shrubs or plantings growing on any lot if in their opinion such trees, shrubs or plantings are inconvenient or dangerous to persons using other parts of said Cemetery, or if said trees, shrubs or plantings interfere with the free use of other lots, avenues or pathways, or if they interfere or restrict maintenance of a lot in said Cemetery.
30. No roping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed on or around any lot or grave beyond the 12-inch limit for owner adornments. The commissioners reserve and shall have the right to remove the same if so erected. In no event shall said adornments be placed behind the monument or headstone.
31. Cut flowers, sprays and other funeral designs will be removed from a grave as soon as they become faded or unsightly; and in no event shall they be left thereon longer than one week.
32. Commissioners and/or DPW employees shall remove and dispose of floral frames, supports, baskets etc. In no case shall such frames or baskets be kept for more than one week.
33. Only one central family memorial or monument shall be allowed on a family lot, and all other markers shall be flush with the grade.
34. Placement of all permanent markers, monuments and memorials shall be at the direction of the commissioners.
35. Memorials on a single grave lot shall not exceed one foot by two feet at the base. Memorials on double grave lots shall not exceed one foot by four feet at the base.
36. All memorials and monuments must be approved by the commissioners.
37. Graves or lots sold in certain areas may be designated for flat stones only.
38. No memorials or monuments shall be allowed back-to-back.
39. The Cemetery Commission shall not be held responsible for any mistakes which occur from lack of precise and proper instructions as to a particular space, size and location in lot where interment is desired.
40. No horses or dogs are allowed in the Cemeteries without special written permission from the commissioners.
41. The operator of any vehicle driving over any mowed surface will be liable for any damage caused.
42. Vehicles shall not be left blocking any driveway or avenue within a cemetery facility.
43. The Cemetery Commission reserves and shall have the right to correct any errors that may be made by it in making interments, disinterment or removals or in the description, transfer

or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location as far as possible or as may be selected by the Cemetery Commission.

44. In the event such error shall involve the interment of the remains of any person in such burial rights or property, the Cemetery Commission reserves, and shall have the rights to remove and/or transfer such remains so interred to such other property or burial rights of equal value and similar location as may be substituted and conveyed in lieu thereof.
45. The Cemetery Commission will not be responsible for any errors made by any improper inscription on any memorial.
46. Political and/or advertisement inscriptions may not be made on any memorial or monument and will be removed at the owner's expense.
47. The Commission shall meet at least once a month as required by local by-law, and as frequently as deemed necessary by the chairman for the transaction of such business as may come before them.
48. The Town of Upton is not responsible for any damage that may occur to headstones, foot stones, monuments, flags or flowers, containers or holders due to weather, theft or maintenance procedures.
49. These rules and regulations are made by the Cemetery Commissioners and are subject to change at any time and from time to time.

### ***Violations***

Any person who willfully or neglectfully violates any rule or regulation resulting in damage, defacing or destruction of cemetery property shall be subject to fines and/or prosecution by the proper authority to include but not limited to :

50. Violation of any cemetery rule, policy or town ordinance within a town cemetery shall be liable to the town in the amount of up to \$250.00 for a first and up to \$500.00 for a subsequent violation. Fines shall be recovered by or on complaint before the District Court or by non-criminal disposition in accordance with Chapter 40 & 21 D of the general laws, and article 10 Penalty and Enforcement by-law. Each day of violation shall constitute a separate offense.
51. 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.
52. MGL Chap 272 & 74 which addresses the desecration of a burial place, which includes fences, trees, shrubs, paths and plants, punishable by a fine up to \$500.00.
53. MGL Chap 272 & 74 which addresses the removal of flowers flags or memorial tokens from a burial lot, punishable by fine of not more than \$1,000.00, or imprisonment.

***Use of Chapel and/or Shelter*** (At the Maplewood Cemetery)

***Open Air Shelter*** – available to all comers on a first come first serve basis during normal hours of operation and when the gate to cemetery is open to the public provided that everything brought to the site is removed from the site at the end of each and every visit.

***Stone Chapel*** – This building is always secured by lock and key. However, arrangements may be made with the Cemetery Commission to rent and/or use this facility for small group gatherings of 25 or fewer individuals, weather permitting, and provided the organizer can provide proof of liability insurance, is willing to pay the then current fee, and can supply any amenities they may need such as chairs, tables, podium, lighting, etc. Anything brought to such event must be removed at the completion of the event by the user.