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Superintendent of Cemeteries

# *City of Fitchburg, Massachusetts*

## **PUBLIC BURIAL GROUNDS**

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### **RULES AND REGULATIONS**

For the mutual protection of the lot holders in the Cemeteries in the City of Fitchburg, the Board of Trustees, in accordance with Massachusetts General Laws Ch. 114, §15, do hereby adopt the following rules and regulations. These rules and regulations are designed for the protection of the Lot Owners interment rights and are intended to help preserve and protect the beauty of the Cemeteries on behalf of the Lot Owners. All owners of interment rights, visitors and contractors performing work within the Cemeteries, are subject to these Rules and Regulations and to any amendments hereto which the governing body may adopt from time to time.

### **DEFINITIONS**

**Burial Right:** The right to burial in a grave or lot held by the licensee of the grave or lot; however, the license is not equivalent to title to the property. Burial right to the entire lot or individual grave or rights may be granted or transferred by the licensee and with approval of the governing body of the cemetery.

**Cemetery:** All property within the City of Fitchburg dedicated for the final disposition of the remains of a deceased person.

**Columbarium:** A permanent structure, owned by the City of Fitchburg, containing niches or other suitable spaces for the permanent placement of cremated remains of a deceased person.

**Cremation Niche:** See Niche

**Cremated Remains Grave:** A space of ground in a cemetery used or intended for use, for the burial of deceased human remains of one (1) burial of human cremated remains.

**Crypt:** A chamber in mausoleum of sufficient size generally used to contain the casketed remains of a deceased person.

**Decorations:** The adornment, ornamentation, embellishment, memorialization, care or beautification of a grave in accordance with rules and regulations established by the governing body of the cemetery.

**Family Lot:** Four or more graves with one monument in center of the lots.

**Governing Body:** The Cemetery Board of Trustees of Public Burial Grounds for the City of Fitchburg, Massachusetts.

**Grave:** A space of ground in a cemetery used or intended for use, for the burial of deceased human remains. Each grave has the right of interment of one (1) full casket burial and one (1) burial of human cremated remains or two (2) cremated human remains.

**Grave Box Liner:** An unsealed concrete receptacle of two or more pieces in which the casket is placed at the time of interment.

**Interment:** The permanent disposition of the remains of a deceased person by cremation and inurnment, entombment in crypt or ground burial.

**Inurnment:** The permanent placement of cremated human remains in a niche, space in columbarium, or ground burial.

**License of Burial:** The right given for the use of a specific grave, lot, crypt, niche or other burial space.

**Lot:** A place designated in a Cemetery comprised of one or more grave spaces.

**Management:** The Superintendent of Cemeteries, duly appointed by the Trustees of Public Burial Grounds for the purpose of conducting and administering cemeteries owned and operated by the City of Fitchburg.

**Mausoleum:** A building containing crypts for the entombment of a deceased, casketed person.

**Niche:** A recess in a columbarium used for the permanent placement of the cremated remains of a deceased person.

**Perpetual Care:** An arrangement made by the cemetery whereby restricted funds are set aside, the income of which is used to maintain the cemetery, indefinitely.

**Urn:** A durable container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground.

**Vault:** A two-piece sealed receptacle for additional protection of the casket and or an urn

1. **All Cemetery Hours:** Sunrise to Sunset

- **Forest Hill Office Hours:** Monday – Friday, 7:00 A.M. to 3:00 P.M.
- South Street – 40 South Street – established 1766 – First Burial Ground
- West Street – 1370 Main Street – established 1801
- Dean Hill – 91 Caswell Road – established 1800
- Laurel Hill – 150 Franklin Street – established 1792
- Forest Hill – 115 Mt. Elam Road – established 1856 – Mausoleum – Forest Hill Abbey – established - 1920
- Hartwell – 299 Ashby West Road – established 1865

2. **Perpetual Care:** All lots are sold with Perpetual Care. The funds designated for perpetual care are deposited into a perpetual care fund and are administered by the City Treasurer and Board of Trustees of Public Burial Grounds. Perpetual care provides for mowing, trimming, loaming, seeding and general maintenance by cemetery staff. Repair of markers, monuments, flowerbeds and existing shrubs is the responsibility of the lot owners.

3. **Lot Markers/Monuments:** Only flat markers are allowed on designated cremated remains infant graves. Monument specifications are determined by the Cemetery Trustees. Temporary grave markers shall be removed within six (6) months following interment, or at the time of installation of a permanent memorial, if before six (6) months.

Permitted maximum size for base of monument:

- 6 grave lot wide — 6 feet x 1 foot
- 4 grave lot wide — 5 feet x 1 foot
- 3 grave lot wide — 4 feet x 1 foot
- 2 grave lot wide — 3 feet x 1 foot
- 1 grave lot wide (single)—2 feet x 1 foot

All headstones that are not to the specifications listed above require prior approval of the Cemetery Trustees. No monument, of any type, may be installed until all outstanding cemetery charges are paid in full and a signed monument consent form.

4. **Shrubs-Trees-Curbing and Stones:** New shrubs, bushes, trees, spreading perennials, fencing, curbing or stones of any kind are prohibited. No trees within the lot or border shall be cut down, destroyed, or altered, neither shall any change be made in a lot except with the approval and under direction of the said Trustees, who may make such change when in their opinion it becomes necessary for the safety and/or improvement of the cemetery.

Existing shrubs may not be higher than the monument beside which they are planted and must not interfere with another lot or with cemetery operations. Shrubs in violation of these regulations will be removed at the discretion of the cemetery commissioners.

5. **Flowers:** Flowerbeds may be planted up to one foot, directly in front of the monument and only the width of the base of said monument. Planting or mulching on the sides or behind the monument is prohibited with the exception of the Family lots. The cemetery staff is not responsible for damage to any plants or items placed beyond the one foot in front, sides or behind the monument. Plant materials which are overgrown or in disrepair and which detract from the overall appearance of the cemetery are subject to removal without notice.

**No flowers will be planted on any flat markers.** Potted plants that are removable are acceptable. Hanging flower baskets (Shepard's hooks) are not allowed anywhere in the cemetery. Plucking flowers, plants, or shrubs, whether cultivated or wild, breaking or injuring any property whatsoever, including birds, and other animals is prohibited.

6. **Artificial Flowers and Decorations:** The following regulations have been added for the safety of employees and visitors of the cemetery. Artificial flowers will no longer be allowed from April 1<sup>st</sup> to October 31<sup>st</sup>, as the wires may become projectiles if caught by the mowers. The placement of fences, ditches, curbing, boxes, shells, stone chips, rubber mulch, toys, ornaments, or similar objects around the markers/monuments is prohibited. Only two solar lights located in your planting space on an upright monument area are allowed. Solar lights may not exceed 12 inches in height.
- **Summer/Live Flowers:** May be placed between **April 1<sup>st</sup> and October 31<sup>st</sup>.**
  - **Winter/Evergreens and Flowers:** May be placed between **November 1<sup>st</sup> and March 31<sup>st</sup>.**

These dates are set to allow cemetery staff to effectively conduct spring and fall cleanup procedures. The cemetery will not be responsible for artificial flowers and/or dead evergreens and plants left beyond these dates. Cemetery staff may remove such items during cleanup periods.

7. **Automobiles:** A speed limit of **15 mph** will be strictly enforced. Automobiles must be operated or parked on paved areas only. Driving or riding in any vehicle, in any cemetery, with the intent to pass through is prohibited. Any person causing damage with the motor vehicle in the cemetery shall be held liable for the cost of the damage.
8. **Recreational Activities:** No ball playing, dirt bikes, rollerblading, skateboarding, or sledding is allowed on cemetery property. The use of drugs and alcohol on cemetery property is prohibited. No recreational activities are allowed in any of the following cemeteries: Laurel Hill, Dean Hill, West Street, South Street, Alpine Hill and Hartwell without written consent from the Cemetery Superintendent.
9. **Liability for Injury:** Due to the age and terrain of Fitchburg cemeteries, they have many inherent hazards. Entry upon cemetery grounds is the acceptance of these risks, releasing the City of Fitchburg of any and all liability and/or claims.
10. **Lot Ownership:** No lot or portion of a lot may be sold, or no division of a lot may be made except by or through the authorization of the Superintendent. On the death of the person having charge of a lot, the survivors shall arrange with the Superintendent as to who shall succeed to the charge of the lot. If a lot owner wishes to assure burial privileges to an individual in said lot, they may do so by notifying the Cemetery Superintendent in writing. The grave owner is responsible to notify the cemetery of any change in address. Notice sent to last address on file should be considered sufficient and proper legal notification.
11. **Firearms and Dogs:** All firearms and dogs are prohibited on the grounds of all cemeteries, with the exception of special ceremonies, service dogs and law enforcement. Dogs must be leashed at all times.
12. **Interment / Disinterment:** Only human remains may be interred in the cemeteries. All full interments must be in a casket and a grave box liner or vault. Funeral processions, upon entering the cemetery, shall be entirely under the control of the Superintendent. Interment or disinterment will be made only by the Superintendent, or by others authorized by the Trustees. No interment or disinterment will take place on any Legal Holiday unless required for public health, or at the discretion of the Superintendent. The Cemetery Department shall not be liable for the identity of remains being interred. All interments will be made in accordance with applicable federal, state and local laws, ordinances, and regulations. The Cemetery shall exercise the utmost care in making a removal but is not liable for damage to any

casket, burial case or urn incurred in making the removal. The cremated remain urn must be in a retrievable container for disinterment to take place.

13. **Enforcement of Rules:** The Trustees are hereby empowered to enforce all Rules and Regulations and to exclude from the cemeteries any person violating the same. The Trustees shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, lot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

Special cases may arise in which the literal enforcement of a rule, condition or privilege may impose unnecessary hardship. Cemetery reserves the right, in such cases to make administrative exceptions, suspensions or modifications. Any such temporary administrative exception, or modification shall in no way be construed as affecting the general application of the City of Fitchburg's Cemetery Rules and Regulations or serve as a waiver to the enforcement of the Rules and Regulations. Furthermore, the failure of the Cemetery to enforce a Rule, Regulation or Privilege does not serve as a permanent waiver to enforce the Rules and Regulations.

### **FOREST HILL CEMETERY COLUMBARIA REGULATIONS**

1. The columbaria in the Forest Hill Cemetery contain 12 x 12 x 15 inch niches that may be used to house the cremated remains of one or two persons. No non-human remains may be placed in the columbaria.
2. No inurnments will be permitted in any niche in the columbaria until all applicable payments have been made.
3. Placement of cremated remains within a niche is called inurnment. No inurnments will be made in any niche except upon written order of the rights-holder of that niche, or if the rights-holder is deceased or otherwise unavailable, upon the presentation of such appropriate evidence of the rights-holder's intentions as may be required by the Superintendent.
4. The grant of inurnment-right in a niche gives only a right of placement of cremated remains; the ownership of the land and structure remain always with the City of Fitchburg.
5. Cremated remains to be placed in a niche must be housed in a durable container (an urn) approved by the Trustees. The Superintendent shall have full authority to refuse to accept for inurnment any receptacle deemed unsuitable. Information on acceptable urn types and sizes is available from the Cemetery Office.
6. Inurnments will take place during normal cemetery operating hours, and will be conducted under the direction of the Superintendent.
7. The Cemetery Department shall not be liable for the identity of remains being inurned.
8. To insure uniformity of appearance, the inscription on the front panel of each niche will be authorized by the Superintendent. Inscriptions will typically consist of the deceased's name and dates only, and an optional religious or military symbol. Forms are available in the Cemetery Office that detail these options.
9. No floral memorials, decorations, or other ornamentation may be physically attached to the columbarium. Funeral decorations placed in the vicinity of the columbarium will be removed after an inurnment at the discretion of the Superintendent. The Cemetery Department will assume no responsibility for the safekeeping of any floral memorial or container, and it reserves the right to remove any such ornamentation.
10. No cremated remains will be removed from the columbaria except upon written order of both the rights-holder of the niche and appropriate heirs of the person whose remains are to be removed, or upon order of a court of competent jurisdiction.

11. All removals of cremated remains shall be done by or under the supervision of the Superintendent and shall be fully documented. The Cemetery Department will exercise reasonable care when making such a removal, however, it assumes no liability for damage to any urn in the process of making removal.
12. If a niche is destroyed or damaged for any reason the Cemetery Department may cause any remains inurned therein to be either promptly interred elsewhere in the cemetery or delivered on written request to the rights-holder of the niche, or temporarily placed in a secure location pending restoration of the niches.
13. All inurnments will be made in accordance with applicable federal, state and local laws, ordinances and regulations.
14. The Trustees of the Public Burial Grounds may amend these regulations at any time as deemed necessary.