

TOWN OF LANESBOROUGH, MASSACHUSETTS
CEMETARY RULES AND REGULATIONS

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For the mutual protection of lot holders and the cemeteries the following rules and regulations have been adopted by the Lanesborough Cemetery Commission as the Rules and Regulations of the Lanesborough Cemeteries, and all lot holders and visitors within the cemeteries, and all lots assigned, shall be subject to said rules, regulations, amendments or alterations as shall be adopted by the Cemetery Commission from time to time.

DEFINITIONS

1. Cemetery A burial park for earth interments.
2. Section The name of a particular cemetery area.
3. Lot A particular area measuring 7' x 12'; a sufficient size to accommodate two full adult burials.
4. Plot A lot 3 1/2 x 12 for one full burial and/ or two cremains.
5. Plate A plan held by the Cemetery Commission showing the locations of sections and lots.
6. Interment The permanent disposition of the remains of a deceased person, by cremation and interment or burial.
7. Memorial A monument, headstone, tombstone or marker used to identify burial locations.
8. Monument A memorial of natural stone, which extends above the surface of the ground.
9. Marker A memorial that is flush with the ground surface.
10. Lot marker A device set flush with the ground surface located at the upper left corner of a lot.
11. Cemetery Commissioners Three persons appointed by the Select Board to establish and administer cemetery rules and regulations and to oversee operation of the Town cemeteries.
12. Burial Agent The Lanesborough Cemetery Commission shall coordinate burial planning and burial activities with funeral directors and the DPW Superintendent, to establish lot layouts, burial locations and burial times, and to keep burial records. The Town Clerk will assume these duties if the commissioners are unavailable.
13. Superintendent The person appointed by the Lanesborough Select Board to supervise the work of the DPW.
14. Cemetery office The Cemetery Department office shall be operated at the Town Hall.

GENERAL RULES

1. All land occupied by the cemeteries is owned in perpetuity by the Town of Lanesborough. No deed, lease or title is given to a burial lot. An easement will be given solely for the right of interment.
2. The cemeteries will be open daily from 7:00 a.m. until dusk. During the winter season when snow prohibits access, the cemetery will be closed as of December 1. The cemetery committee reserves the right to change this date due to weather conditions.
3. Town maintenance personnel are not required to do any work for lot holders, except on specific order of the Cemetery Commission. Town maintenance personnel are required to be courteous to all visitors.
4. All charges and fees issued by the Cemetery Commission are payable to the Town of Lanesborough to be collected by the Town Collector/ Treasurer.
5. Persons within the cemeteries shall use only the roads and walkways to move about. Treading upon lots is not permitted, except as necessary to gain access to a particular lot. The Cemetery Commission expressly disclaims liability for all injuries sustained because of violation of this rule.
6. Persons within the cemeteries are prohibited from defacing or damaging any memorial, fence or other structure or surface in the cemeteries. Breaking, picking, or otherwise damaging any plant, shrub, tree or container is also prohibited.
7. Motor vehicles must be kept under legal control at all times. Funeral processions have the right-of-away. Vehicles must be shut off when the driver is not in the driver's seat. Vehicle speed limit is 10 miles per hour. Vehicles must travel only on the roads built for that purpose.
8. Bicycles, motorcycles and recreational vehicles are prohibited, except when used for attending a burial service or on other official business with the Cemetery Commission.
9. Children younger than their tenth birthday must be accompanied by a supervisory person capable of understanding and abiding by these rules and regulations.
10. Discarding of rubbish or debris on the cemetery grounds is prohibited.
11. The placing of trinkets, ornaments, toys, metal/ plastic/ wood/ composition/paper designs, chairs, settees, statues, figurines, emblems, insignia, photographs, artwork, clothing, **fencing, aprons , borders, curbs** or similar articles upon lots or memorials is prohibited. Any such item so placed is subject to removal by the Cemetery Commission.
12. It is of the utmost importance that there be a quiet and calm atmosphere maintained in the cemeteries. Persons in a cemetery shall avoid unbecoming conduct, such as:
 - a. Loud or boisterous talking, shouting, etc.

- b. Loafing or idle conduct.
 - c. Lunching or refreshments.
 - d. Peddling or soliciting sales.
 - e. Bringing or allowing a pet there.
 - f. Bringing a firearm there, except by a military escort participating in a burial service or attending a memorial service.
13. It is the duty of the Cemetery Commission, Burial Agent and Superintendent to see that the cemetery rules and regulations are adhered to, and it is their duty also to see that order is maintained and to protect and promote the best interests of the cemeteries. To that end, they are authorized to make temporary additional rules, which may be needed from time to time, to meet emergencies, which are not covered, by these rules and regulations.
14. Special cases may arise in which the literal enforcement of a cemetery rule or regulation may impose unnecessary hardship. The Cemetery Commission reserves the right, therefore, to make exceptions, suspensions or modifications of any of these rules or regulations, without notice when, in their judgment, such action appears necessary; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rules and regulations.
15. The Cemetery Commission hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in the rules and regulations, at any time. Sufficient notice will be given by the Commission of any rule or regulation change which will create expense, hardship or inconvenience to lot holders or other persons having business with the Cemetery Commission.

LOTS AND LOT HOLDERS

1. A Lot consists of two Plots. Each Plot consists of space for one full burial and two cremains.
2. To be eligible to purchase a lot the deceased shall have been a legal resident of the Town of Lanesborough for at least 12 consecutive months. Non-residents are also permitted to purchase lots, as long as space is available, but at a higher fee.
3. Persons desiring to purchase lots should visit the cemetery where a member of the Cemetery Commission or Superintendent will aid them in making a selection and will take all necessary information. Prices for lots will be whatever the most current price is.

4. Before any burial is made in a lot or plot, complete payment for the lot and plot must be made to the Town.
5. No lot or plot shall be used for any other purpose than for the burial of the human dead.
6. No easement or right of interment is granted to any lot holder in any road, drive or walkway within the cemeteries, but such road, drive or walkway may be used as a means of access to the cemetery or buildings, as long as the Burial Agent denotes it to that purpose.
7. The right to enlarge, reduce or change the boundaries or grading of a cemetery or a section, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof, is hereby reserved.
8. The right to install, operate, maintain, alter or change pipelines or gutters for water supply or drainage is also reserved, as well as the right to use unassigned cemetery areas for cemetery purposes, including interment of the dead or for anything necessary, incidental or convenient thereto.
9. The Town reserves to itself, and to those legally entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to or from other lots.
10. Descriptions and locations of lots and plots will be in accordance with the maps that are on file with the Cemetery Commission and at the Lanesborough Town Hall.
11. The Town will take all reasonable precautions to protect lots and memorials within the cemeteries from loss or damage. However, the Town disclaims all responsibility for loss or damage from causes beyond its control, especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
12. It is the duty of a lot holder to notify the Burial Agent (Cemetery Commission) of any change of the holder's address.
13. The instrument of conveyance of these rules and regulations, and any amendments thereto, constitute the sole agreement between the Town and a lot holder. The statement of any individual or town employee, unless confirmed in writing by the Burial Agent, shall in no way bind the Cemetery Commission.

CARE OF LOTS

1. The general care of the cemeteries is assumed by the Town of Lanesborough, which includes the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of shrubs and trees, and the maintenance of lots, roads, drives, walkways and buildings.

2. The general care assumed by the Town of Lanesborough shall in no case mean the maintenance, repair or replacement of any memorial. Nor does it mean the doing of any special or unusual work, or the reconstruction of any stone work at any section or lot, because of damage from causes beyond the Town of Lanesborough's control, whether the damage be direct or collateral.
3. After the snow melts, a waiting period is necessary for materials to dry out. The topsoil and ground is wet, causing the trucks to make deep ruts. Work is done by May 1, weather permitting. The graves are compacted, raked out, topsoil is applied, and grass seed is added. If one is missed, call the Cemetery Commission and it will be taken care of.

CORRECTION OF ERRORS

1. The Town of Lanesborough Cemetery Commission reserves and shall have the right to correct any errors that may be made by the Town of Lanesborough in making interments, disinterments or removals.

DESCENT OF TITLE

1. The laws of the Commonwealth of Massachusetts govern the descent of assignment to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Burial Agent shall assist any lot holder who desires information or advice on questions pertaining to their lot.

INTERMENTS

1. The cemeteries will be open for interments from 9:00 a.m. to 3:30p.m. daily, except for Saturdays, Sundays and Massachusetts and Federal legal holidays. During severe weather, the decision whether a grave can be prepared rests with the Cemetery Commission and the Superintendent.
2. The cemeteries will be open for interments on Saturdays from 9: 00a.m. to 12:00 p.m., except that when a legal holiday occurs on a Saturday no burials shall be permitted.
3. When immediate burial is required by the laws of the Commonwealth of Massachusetts, or under the rules and regulations of the Board of Health, interments may be made on Sundays or holidays, and an additional charge will be added to the regular interment charge.
4. All funerals, upon entering a cemetery, shall be under the charge of the Burial Agent.
5. Once a casket containing a body is within the confines of a cemetery, no person, funeral director nor his embalmer, assistant, employee or agent shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court having jurisdiction.
6. Funeral directors, upon arrival at a cemetery with the remains of a deceased, must present the necessary burial permits.

7. Lot holders shall not allow interments in their lots in return for remuneration of any kind.
8. No interment of two or more bodies shall be made in one grave, except in the case of a parent and child or two infants buried in one casket or cremation remains.
9. When an interment is to be made in an established family lot, the location of such interment shall be designated by the lot holder. Should the lot holder fail or neglect to make such designation, the Cemetery Commission reserves the right to make the interment in a location designated by the Burial Agent.
10. The Superintendent and those employed by the Town of Lanesborough are the only persons who shall be permitted to open a grave, with the following exceptions:
 - a. When the Cemetery Commission is directed to make a disinterment by order of a court of competent jurisdiction, and a certified copy of such order has been filed with the Cemetery Commission and the Burial Agent.
 - b. When the Coroner directs the disinterment for the purpose of holding an inquest and has filed his signed authorization with the Cemetery Commission and the Burial Agent to release the body to him and his lawful agents. In such case, the disinterment must be made by the Coroner or his lawful agents. Cemetery Commission/ Town of Lanesborough employees will not be permitted to assist the Coroner or his agents.
11. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it shall be required that all burials including cremains, be made within an outside container made of natural stone, metal reinforced concrete, or other approved material., All such containers shall meet with the approval of the Cemetery Commission.
12. All charges made by the Cemetery Commission for interment or services in connection therewith shall be paid to the Town of Lanesborough, which will issue a receipt therefore upon request.
13. All Cemetery Department charges shall be in accordance with current rates as established by the Cemetery Commission. The funeral director is considered responsible for full payment of all Cemetery interment charges.
14. The Cemetery Commission reserves the right to a minimum of 24 hours' notice of any interment, and a minimum of 7 days' notice of any disinterment or removal.
15. The Cemetery Commission will set the time, manner and charges of all interments, disinterments and removals.
16. Besides being subject to these rules and regulations, all interments, disinterments and removals shall be subject to the orders and laws of all properly constituted public authorities.

17. The Cemetery Commission shall not be responsible for order given by telephone nor for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
18. The Cemetery Commission shall not be liable for the interment permit nor for the identity of the person sought to be interred.

PLANTS, PLANTING, DECORATIONS

1. The Cemetery Dept. will undertake the planting of trees, bushes and shrubs, and to preserve and maintain landscape features. No other person shall plant trees, bushes or shrubs in a cemetery.
2. **Only one planting bed may be maintained at the family headstone and it may be no larger than the base dimensions of the monument it decorates at a depth no greater than 14** inches. Flowers shall be placed in unbreakable containers. Winter decorations shall be removed by April 1 and summer decorations, including planted flowers, shall be removed by November 1st. All material shall be disposed properly by the lot owners.
3. Persons may place attractive urns, vessels or containers on memorial foundations, where foundations occur, so long as their contents do not extend over adjacent lawn areas beyond the edge of the foundation. Where there is no memorial foundation exposed at a memorial, urns, vessels, containers and plantings may be placed on or in the ground to the front face of the memorial, so long as they do not extend more than 18" from the ends and face of the memorial. There shall be no glass or unsightly containers placed to hold plants or decorative bouquets. Urns, vessels or containers shall not be placed on a memorial.
4. Memorial decorations shall be only live plants or artificial plants, between April 1st and November 1. Plastic plants or artificial plants may be used as memorial decorations only between Nov. 1st and April 1st.
5. The Town of Lanesborough shall not maintain urns, vessels or containers, nor their contents, nor shall they maintain memorial decorations. The Town shall not be responsible for any damage to urns, vessels; containers, their contents, floral decorations, frames or baskets, caused by reasons beyond their control. All such decorative items placed at a memorial within the scope of these rules and regulations, shall remain the responsibility of the donor, and shall be cared for and eventually removed by the donor. **Items placed at a memorial which do not comply with these rules and regulations, shall be removed, without notice, by the Town.**
6. **The Town shall have the authority to remove and discard any plant or decoration when, in the judgment of the Superintendent, it become unsightly, dangerous, detrimental or diseased, or when it does not conform to the standards of care or appearance maintained by the Cemetery Dept.**
7. The Town shall not be liable for funeral floral pieces, baskets or frames, beyond the acceptance of such pieces for burial services held within the cemeteries.

MEMORIALS AND MEMORIAL WORK

1. Only one single-grave or family memorial shall be placed upon a lot, and it shall be located a minimum of 3 inches from the rear line of the lot.
2. Memorials, for temporary use, made of concrete, artificial stone, composition, wood, metal or plastic will be permitted with the approval of the Cemetery Commission.
3. Any person proposing to install, erect, alter, inscribe, clean or repair a memorial shall first obtain permission from the Cemetery Commission to do so, and in so doing, shall comply with the reasonable directions of the Commission and with these rules and regulations. The person or firm requesting such permission may be required to furnish satisfactory evidence of their ability to properly perform the work proposed.
4. All work in progress of any description, including memorial work, shall cease while a funeral, service or interment is being conducted nearby, and all workers and equipment shall withdraw from the area.
5. Approaching the bereaved for the purpose of soliciting any business within a cemetery is not permitted.
6. All monuments and stone markers shall be of high quality and endurance, of granite, marble, or other highly weather resistant natural stone. Markers may also be of bronze.
7. A memorial supplier, and its quarrier, shall warranty the quality of their product by correcting or replacing the product if it is found to be below trade standards, of poor quality material, or of poor craftsmanship in the finishing or inscribing, or of improper setting, all at no cost to the Town of Lanesborough or the purchaser.
8. All memorials shall be set at locations designated by the Cemetery Commission, in accordance with these rules and regulations, and in accordance with any special instructions of the Superintendent deemed necessary because of the nature of the particular location
9. A scale drawing of each proposed memorial, showing design, dimensions, materials, inscriptions and color shall be submitted to the Cemetery Commission for approval. So that the cemeteries may develop in beauty and good taste, the Burial Agent shall have authority to approve a memorial proposed, or to reject it within ten business days if it is considered unsuitable for the lot on which it would be placed. Rejection shall include an explanation of the reasons therefore. Upon request, any rejected proposal shall be promptly reviewed and judged by the Cemetery Commission.
10. A memorial may have a single legal trademark inscribed on it, providing that such mark is cut into the material, without pigmentation, and not more than two square inches in area.
11. A memorial may have legal copyright notices on it, placed so as not to detract from its appearance.
12. Advertising of any kind within a cemetery is prohibited.

13. The memorial shall be a maximum of three feet high and no more than $\frac{1}{2}$ the size of the lot. (36”H x 3’6” L) Single lot (36”H x 22”L)
14. Markers shall be of sizes approved by the Cemetery Commission and shall be located at the end of a grave farthest from the base of a monument in that lot. All markers shall be delivered to the DPW, and only the DPW. will set markers in the ground. A scheduled charge shall be made to the memorial dealer for the setting of a stone marker, and to the appropriate person for the setting of a veteran's marker.
15. The application of coloring material to the lettering or design on a memorial, if approved, shall be of a permanent nature capable of retaining its beauty without maintenance.
16. Symbols, epitaphs and historical inscriptions, in good taste, may be part of a proposed memorial design submitted for approval to the Cemetery Commission.
17. Memorial foundations shall be installed only by the DPW , and a scheduled charge shall be made to the appropriate memorial dealer for each foundation in a lot. No monuments are to be left at the cemetery until the time of installation.
18. Should any memorial become unsightly, dilapidated, or a safety hazard, in the judgement of the Cemetery Commission, the lot holder will be notified that prompt corrective action is necessary and required. All corrective action shall be at the expense of the lot holder.
19. No memorial shall be removed from a cemetery without permission of the Cemetery Commission and the lot holder.
20. Damage done to lots, walks, roads, trees, bushes, shrubs or other property, in a cemetery, by dealers, contractors, vault companies or their agents shall be repaired by the Town, and the cost of such repairs shall be charged to the party causing the damage, or to his/her principal.
21. The Cemetery Commission, at its own expense, shall without liability, correct any error made in the placing of a foundation or marker.
22. All persons, while within the cemeteries, shall abide by these Cemetery Rules and Regulations.

ENFORCEMENT OF RULES

The Burial Agent, Superintendent, and Cemetery Commission shall seek to enforce these Cemetery Rules and Regulations, and to exclude from the cemeteries any person violating them.

SEQUENCE OF INHERITANCE

The surviving spouse of the original grantee of the lot has a prior right of one burial space in the lot. This right may be voluntarily forfeited at any time.

The burial rights in the remainder of the lot descend from the interstate grantee in the following order:

1. To the children of the grantee.
2. If none of the children of the grantee are alive, then grandchildren of the grantee.
3. If no children or grandchildren, the father or mother, or both of the grantee.
4. If no one of the first three classifications is living, the living brothers and sisters of the grantee.
5. Then the nephews and nieces of the grantee.
6. To the grandparents of the grantee.
7. To the uncles and aunts of the grantee.

When there is no longer any living persons who could be classified in any of these seven groups, the burial rights in the lot will have terminated.

Each qualified heir shares equally and jointly in the burial rights while vacant graves remain in the lot. His individual right cannot be determined except at the time of his own burial which automatically gives him the right if he qualifies in the sequence of inheritance. Any qualified heir may release his right at any time. However, he cannot assign or transfer his right to any one individual, but to the other qualified heirs jointly. When all graves are occupied, the surviving heirs lose their rights.