

# Wareham Cemeteries

## Rules & Regulations



Town of Wareham  
Municipal Maintenance Department  
Cemetery Division  
Wareham, Massachusetts

**August 18, 2017 Draft with CC changes 9/2/17**

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## **1.0 History of Wareham Cemeteries, Wareham, Massachusetts:**

The Town of Wareham has three municipal cemeteries: Agawam, Centre, and Long Neck.

**Agawam Cemetery**, located on Great Neck Road and R.D. Stillman Memorial Drive is probably the oldest, as it was originally laid out by Israel Fearing as a private cemetery. Over the years the cemetery grew, as the Bumpus family purchased adjacent land for burial. Originally this cemetery also contained the Town Pound, an enclosure to contain stray animals until claimed by their owners. The cemetery was purchased by the Town in 1747. The cemetery lies at the head of Broad Marsh and encompasses low lying as well as hilly ground. The cemetery contains over 2000 burials.

**Centre Cemetery** on Tihonent Road is the largest of the Town Cemeteries, and lies across the road from Saint Patrick's Catholic Cemetery. Parts of this very old cemetery date to the mid-1700s, although it is likely that older graves may lie hidden or lost, as it, too, was a family burying ground. As parcels were added to the cemetery different sections were named, and it appears that land purchased in 1974 should, in fact, be referred to as the Wankinquoah Cemetery, a portion of cemetery. Centre Cemetery contains over 5,000 burials.

**Long Neck Cemetery** is located in the Onset or Butlerville section of Wareham, off Onset Avenue. It is the smallest of the cemeteries, and may also have begun as a family burial ground, as there are many very few different names on the headstones. The cemetery is 'full' and contains approximately 240 burials.

**2.0 Preamble:** In order to ensure the character of the cemetery(ies), in accord with the mind and practice of the Town of Wareham, and to establish and maintain the cemetery(ies) in good order, the Board of Selectman and Town Administrator, with advice from the Wareham Cemetery Commission through the Municipal Maintenance Department, is empowered and has the right to create, revise and enforce the following Rules and Regulations as adopted herein and to exclude from the cemetery any person violating the same. The Town's Director of Municipal Maintenance shall operate and manage the cemetery (ies) for the Town of Wareham.

**3.0 Formal Adoption:** For the mutual protection of the license holders, families, and visitors in the Town of Wareham's Cemeteries, in accordance with the Massachusetts General Laws Chapter 114 The Town of Wareham hereby adopts the following rules and regulations. All license holders and persons within the cemetery, and all graves and other burial options shall be subject to said Rules and Regulations. The Governing Body shall adopt such amendments or alterations thereof or additions thereto as needed from time to time. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein. Recommended by the Wareham Cemetery Commission on \_\_\_\_\_, 2017.

#### **4.0 Definitions:**

**Burial Rights-** This is not a purchase of property, but the rights to burial within a grave(s) or lot, which is defined as grave spaces.

**Cemetery/ Cemeteries-** all property within the Town of Wareham Cemeteries dedicated for the burial of deceased human remains.

**Cremation Niche** - see Niche.

**Cremated Remains**- the final processed substance remains of the reduced composition of the body to inorganic bone fragments.

**Cemetery Commission**- The Wareham Cemetery Commission serves in an advisory capacity to the Board of Selectman and its Town Administrator. The Wareham Municipal Maintenance Department will manage, maintain and care for the cemeteries in the Town of Wareham.

**Decorations**- the adornment, ornamentation, embellishment, memorialization, care, or beautification of a grave in accordance with the rules and regulations established by the Governing Body of the Cemetery.

**Deed**- see License of Burial and Burial Rights.

**Durable Outer Container**- A vault, grave liner, lawn crypt, urn vault or other outer container approved by the Management.

**Entombment**- the permanent placement of remains in a crypt in a mausoleum.

**Flag Etiquette**- the requirement that a flag of the United States placed upon a grave to honor a Veteran shall not touch the ground and shall not be allowed to remain if torn or faded or beyond a specified time as determined by regulations of the Department of Defense Veteran Affairs and the Governing Body of the cemetery.

**Flag Holder**- known also as a **Commemorative Marker**, a device made to hold a flag of the United States which identifies the branch of service during observances honoring military.

**Funeral Director** - Under 239 CMR 3.00, Funeral Director means any individual engaged, or holding himself or herself out as engaged, and licensed in the Profession and Business of Embalming and Funeral Directing.

**Governing Body** - the independent managing authority of a cemetery as applied to a national, state veteran's cemetery, municipal cemetery, religious cemetery or private non-profit cemetery. For Wareham Cemeteries the Governing Body is the Town Administrator through the Director of the Department of Municipal Maintenance, or his/her designee with advice from the Wareham Cemetery Commission.

**Grantee** - See License Holder and Licensee.

**Grave** - a space of ground in a cemetery used, or intended for use, for the burial of deceased human remains. (Please see License of Burial for the number of burial rights granted and specification for ground burial.)

**Grave Liner** - an unsealed durable outer container of two or more pieces in which the casket is placed at time of burial in the earth.

**Interment** - the permanent placement of a dead human body contained in a casket or other enclosure approved by the Management, in an outer burial container, and buried in the ground.

**Inurnment** - the permanent placement of a cremated human body contained in an urn, and inurned in a niche or chamber.

**Lawn Crypt** - a pre-installed, durable, permanent liner, placed in a double-depth earth burial grave that allows for two (2) traditional casket burials of the human dead, with one casket being interred above a second casket burial with a durable partition dividing the two areas.

**License Holder** - the sole purchaser of the licensed rights of burial of a grave, mausoleum crypt or cremation niche.

**License of Burial**- a written document that records the sole purchaser of licensed burial rights of a grave (s), lot, crypts or niches located in a cemetery.

**Licensee**- License Holder

**Lot**- a place designated in a cemetery comprised of more than one grave spaces.

**Lot Holder**- See License Holder.

**Management** - the person or persons duly appointed by the Governing Body for the purpose of conducting and administering the operations of the cemeteries owned and operated by the Town of Wareham. The Cemetery office is currently located at 95 Charge Pond Road, Wareham, Massachusetts.

**Memorials** - Monuments and Markers

***Traditional Monument:*** an upright monument, usually with a base and die and made of granite, raised and set on a foundation commemorating the life of a deceased person or persons and placed at the head of a grave(s). This may be a granite bench.

***Tablet Monument:*** a slant faced monument usually made of granite, raised and set on a foundation, at the head of the grave commemorating the life of a deceased person or persons.

**Flat Marker:** flush to the ground memorial usually made of bronze or granite, commemorating the life of a deceased person or persons and placed at the head of the grave.

**Foot Marker:** a memorial centered at the foot of an individual grave, flush to ground and usually made of bronze or granite.

**Veteran's Marker:** a foot marker usually made of bronze or granite provided by the US Government specifically for a veteran.

See "Specifications and Requirements for Monuments and Markers" for requirements in various sections within the cemetery.

**Niche** - a discrete chamber designed, constructed, and intended for use as a permanent repository, for the interment of cremated human remains, encased in an urn.

**Perpetual Care** - an arrangement made by the cemetery whereby restricted funds (principal) are set aside, the income of which is used to help maintain the cemetery, indefinitely.

**Rights of Interment** - the rights given to a License Holder for the use of a specific burial grave, crypt or niche.

**Tomb** - a structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

**Vault** - an outer burial container that is a two-piece sealed receptacle for additional protection of the casket.

**5.0 Purpose of Cemetery:** The cemetery is intended for the interment of those entitled to burial according to the requirements of the General Laws of Chapter 114 and the Town of Wareham Cemetery Rules and Regulations.

The conveyances of the rights of interment shall be exclusively limited to those Wareham residents or individuals approved by the Management of Wareham Cemeteries, Town of Wareham. Management shall have final authority on conveyance of all burial rights. The Governing Body may determine residency requirements.

**6.0 Admission to Cemetery:** The Management reserves the rights to refuse admission to the cemetery and the use of any cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and traditions may dictate.

No organization, except those approved by the Management will be permitted to conduct services in the cemetery.

The Management shall be in no way liable for any delay in an interment of a body where a protest to the interment has been made, or where Rules & Regulations have not been complied

with, or forbid such interment; and further, said Management reserves the right under those circumstances for the agent or family to hold the body until rights have been determined. Any protest shall be required to be in writing and filed in the office of the cemetery

**7.0 Interment / Entombment Procedures:** (see also Instructions to License Holders)

Burial services shall be performed between the hours of 8:30 AM and 2:00 PM; Monday through Friday. Interments and inurnments requested beyond the scheduled hours shall be at the discretion of the Management and shall be charged according to the “Cemetery Price List”.

There will be no interment services scheduled on Sundays and the following legal holidays: New Year’s Day, Martin Luther King Day, Memorial Day, July 4<sup>th</sup> (observed), Labor Day, Memorial Day, Thanksgiving Day and Christmas Day, or days determined by the Governing Body or cemetery Management. A list of all “No Service Days” is available at the cemetery office.

A Board of Health Burial / Transit Permit, a signed Interment Authorization Form and any and all fees for each burial service must be presented to Management before any interment is completed.

Services entering the cemetery shall be under the charge and direction of cemetery Management or their designee. The casket or other enclosure may not be opened at any time within the cemetery without the express permission and in the presence of Management. Management reserves the right to refuse permission without the consent of the legal representative of the deceased or without a court order or authority of civil authority.

**8.0 Disinterment / Removal Procedures:** No disinterment or removal of a deceased body or cremated remains shall be allowed without permission of Management, or an authorized court order, written authorization of the License Holder and all heirs, a Disinterment/Burial Permit from the Board of Health and the payment of all appropriate fees. No removal of a memorial shall occur without permission of Management or an authorized court order, written authorization of the License Holder and all heirs.

**9.0 Correction of Errors:** The Management reserves, and shall have the right to correct any errors that may be made by it either in making an interment, inurnment, disinterment, removal, or in the description, transfer, or conveyance of any rights. This may be done by canceling such conveyances and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as best possible selected by Management.

**10.0 Instructions to License Holders:**

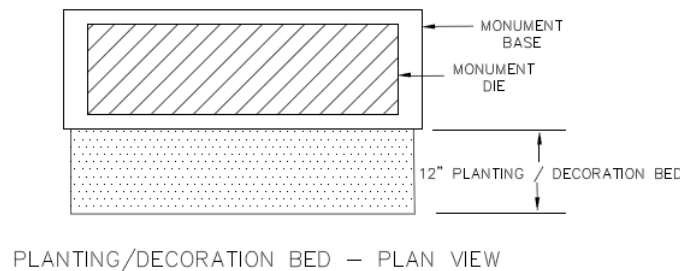
**10.1 Scheduling of Interments:** Persons wishing to select a grave, or arrange an interment, shall contact or call the cemetery office in ample time to complete the respective arrangements in accordance with information on the “Interment Authorization Form” and “**Cemetery Price List**”. Management will be available to assist in coordination of and confirmation of the necessary arrangements. A Funeral Director as your agent may complete this for you. Arrangement by phone for services will not guarantee the correct information for arrangement. A minimum notice of forty-eight (48) hours (two business days) is requested for arrangements for interment (Monday—Friday).



Services requested after 12:00 PM on Fridays will result in a Tuesday interment or later. Saturday service requests must be received by Wednesday to be confirmed.

If a Funeral Director or other authorized agent is representing the License Holder or their heirs, the arrangements made by the agent with Management are binding on said License Holder.

**10.2 Memorials and Decorations:** License Holders may, at their own expense, install a planting/decoration bed area in front of their respective upright traditional or tablet monuments only. Beds may not exceed 12" in front of the monument and no longer than the length of the base. No planting is allowed on the side or back of the monument/memorial. The planting/decoration bed shall be maintained in a neat appearance at all times. (No planting/decoration beds are allowed at any flush to the ground surface memorials or markers.)



Sample drawing of planting / decoration area

Any object placed on a grave or any cemetery grounds which, in the opinion of Management, is deemed offensive, improper or detrimental to the general appearance and safety of the cemetery, may be removed without notice. Examples of such decoration are, but not limited to the following: borders, wind chimes, large shepherd's / witch's hooks, decorative flags that are hung on metal support frames, glass items or stones.

The following are not permitted:

- Placement of items or plantings within the planting/decoration area higher than the monument,
- The planting of trees, shrubbery, vines, rose bushes or other growing perennial boundaries,
- The use of fencing or edging around planting beds or use of artificial turf
- Stones and mulch used as groundcover,
- Live flamed candles,
- Planting beds at flush markers.

Scheduled clean-up and maintenance of the entire cemetery will be posted twice a year (refer to Clean-up Document Spring/Fall on file at the cemetery office).

**10.3 Durable Outer Containers:** All interments of a casket or a cremation container shall be made using a durable outer container made of concrete or other durable material in accordance with specifications determined by the Management. Use of a grave liner, lawn crypt, vault or urn vault is approved. No durable outer container used for casket burial may exceed 36-inches total width and 96-inches total length.

**10.4 Capacity:** Each single grave is granted the right of ground burial of two (2) deceased human remains, being (1) of full casket burial and one (1) of cremated remains per designated grave as detailed in the License of Burial, unless recorded otherwise on the License of Burial. Management may approve additional burial rights.

The Management reserves the right to permit or authorize more than one human remains in one grave. The Town of Wareham, where acceptable, allows the burial rights of two deceased persons in a single grave. (Please review your License of Burial).

**10.5 Heirs:** The use of the lot or grave is for the license holder and his designee only, and not for resale or profit. The rights of interment in an unoccupied lot or grave may only be relinquished to the cemetery first with a written request or transferred to a family member if approved. In the event of the death of the license holder, any and all rights and privileges remaining shall pass to the family legal heirs. Management will follow the Commonwealth of Massachusetts Laws pertaining to the rights of heirs. All rights of the License Holder and the heirs will be documented with the use of an Interment Authorization Form for each interment right granted.

**11.0 Service Fees and Payments:** The Management shall establish fees for services and accept payment for each interment, disinterment, installation or removal of memorial foundations, and for the performance of any other service rendered by the cemetery. All work and services in connection with such services shall be subject to and supervised by said Management.

Any indebtedness due for work or services performed must be paid before an interment in the grave may be made, or before a memorial is erected, as the case may be.  
The current Schedule of Fees may be modified from time to time and is contained in a document titled "**Cemetery Price List**".

**12.0 Right to Replat and Change:** The Management may re-plat sections of the cemetery at any time for the erection of buildings, grave development or for any purpose or use connected with, incident to, or convenient for, the care, preservation, or preparation for interment of the deceased or other cemetery purpose. Re-platting may include enlarging, diminishing, altering in shape or size or otherwise changing all or part of a portion of any cemetery, including establishing, closing or otherwise modifying the roadways, walks, or drives.

**13.0 No Easement Granted:** No easement or right is granted to any license holder in any road, drive, walkway or open space within the cemetery, but such roads, drives or walkways may be used as a means of access to the cemetery, family grave (s) and its buildings as long as Management devotes said areas for that purpose.

**14.0 Conduct in the Cemetery:** The cemetery is a sacred and dignified place. Persons visiting the Cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times. No persons should use the cemetery for loitering, playing, or boisterous demonstration. Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are prohibited.

The use of motorized vehicles and bicycles is limited to paved driveways and are specifically excluded from walkways and grassed areas. Speed shall be limited to five miles per hour maximum (5 MPH).

Alcoholic beverages and recreational drugs are prohibited from the cemetery grounds.

Children must be accompanied by a parent or guardian when on cemetery grounds.

No pets are allowed within the confines of the cemetery.

**15.0 Grading & Improvements:** Management reserves the right to complete all landscape work or improvements of any kind and complete all care of lots and graves or plant, trim, cut or remove all trees, shrubs and herbage within the cemetery grounds. As such, all such improvements or alterations in the cemetery shall be by the cemetery and under the direction of and subject to the approval of Management.

**16.0 Cemetery Hours:** The office hours are 7:00 A.M. to 3:00 P.M. Monday through Friday. The cemetery grounds are open for visitation daily from dawn to dusk.

**17.0 Outside Workers:** The management reserves, and shall have, the right to give authorization to any non-Wareham cemetery employees, workers and agents (Memorial Dealers & Funeral Directors) before they may do work in Town of Wareham Cemeteries. Any outside worker shall request and receive authorization from the Management before they may do work in the Town of Wareham's Cemeteries.

**18.0 Employees:** Cemetery employees are not permitted to do any work for a License Holder, heir or visitor, except upon the order of the Management. Employees are required to be civil and courteous to all visitors at all times.

**19.0 Loss or Damage:** The Management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond Management's control, whether the damage is direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches or crypts or any portion thereof, Management shall give written notice of repairs and repair the area. If it is the responsibility of the license holder or its heirs to repair said damage, then said notice will be sent to the last known address of the license holder. If the license holder does not repair the damages in a reasonable time, the Management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

**20.0 License Holder's Change in Address:** It shall be the duty of the license holder, and their heirs to notify the Management of any changes in its post office address or mailing address. Notice sent to the license holder at the last address in the records shall be considered sufficient and proper legal notification.

**21.0 Perpetual Care:** Wareham Cemeteries are Perpetual Care Cemeteries. All money that is designated for the Cemeteries' Perpetual Care Fund is used for Cemetery purposes: The principal portion is set aside for investment and the proceeds (income) thereof are used to provide general care. Perpetual Care is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes efforts of the Management and staff in the care of the cemetery including tasks such as cutting of lawns, tree care, cleaning and maintenance of grounds, roadways, walks and buildings, provided there is sufficient income funds for these purposes. Perpetual Care does not mean the maintenance, repair or replacement of any memorial (i.e. monuments or markers) placed or erected upon any lot or grave: nor the planting, cutting, watering or care of any privately planted flowers, nor does it mean the reconstruction of any memorials/markers or special work on a lot or grave.

**22.0 Memorials & Markers - Rules for Memorial Work:** License Holders have the right to place one permanent memorial as detailed in the current "Specifications and Requirements for Monuments and Markers" on file at the cemetery office.

All memorial monuments shall be placed by outside workers in a location centered at the head of graves or centered on a lot if multiple graves are so licensed at the head of the graves. All memorial monuments shall be installed on a foundation as installed by the cemetery. All Veteran's Administration (VA) and Foot Markers will be set flush to ground and on a foundation approved and installed by the cemetery, at the foot and center of each individual grave. A fee for the service of installing a foundation for a monument/memorial will be set by the governing body and cemetery Management. All types of approved memorials or markers to be placed on said graves remain the property of the individual License Holder. Therefore, any safety concerns, damage due to weather, acts of God, vandalism, malicious mischief, or theft, are the owner's responsibility and should be included on their home owner's insurance policy.

A temporary memorial when provided by the Funeral Home for a deceased individual may be placed at the head of the grave at the time of interment services; however, they will be removed in a timely manner and are considered as part of grave decoration and not a permanent memorial.

The license holder, its heirs and its authorized agents (memorial dealers/stone cutters) shall abide by the following:

Prior to their placement of any memorials or markers, the License Holder and their Memorial Dealer shall submit the following to the Cemetery Management:

- 1) A Memorial Permit Authorization Form signed by the License Holder (or heirs of said lot or grave) and the Memorial Dealer,

- 2) A detailed drawing of the design of the memorials, tablets and markers indicating dimensions, material, inscriptions and images,
- 3) A Certificate of Insurance on file.

The Management shall review and approve or review and reject monuments, tablets and markers to be placed in the cemetery based on their size, material or inscriptions. Memorials and inscriptions thereon deemed by the Management to be obscene, offensive, unreasonable, commercial, or oversized will be rejected. The size, location and position in which the memorial is to be placed or erected shall be as outlined in current “Specifications and Requirements for Monuments and Markers” on file at the cemetery office and shall be entirely subject to approval of and under the supervision of Management.

Memorial work may only be completed in its cemetery during cemetery hours listed herein.

Memorial dealer employees, in placing or erecting monuments/markers or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible always for their work as well as any damage to other monuments / memorials and/or cemetery grounds. All work must conform to the Cemetery Rules and Regulations.

Should any monument or marker become unsightly, dilapidated or a menace to the safety of persons within the cemetery, the Management shall have the right to give written notice to the License Holder or heirs to correct the condition or to remove the same, at the expense of the license holder.

Soliciting memorial sales or service work within the Cemetery is not permitted.

All memorials/ monuments will be placed on a suitable foundation. Foundations shall be installed by the Cemetery or its designee.

**23.0 Private Family Estate Mausoleum Memorial:** Private Family Estate Mausoleums are allowed in the cemetery only by special approval of the Management. Management shall have final approval as to the specification, size and style.

**24.0 Persons Aggrieved:** Persons aggrieved by these Rules and Regulations and/or the operations or applications by Management have the right of appeal when made in writing to the Management. The Management will have final approval.

**25.0 General:** The Town of Wareham and its Department of Municipal Maintenance Cemetery Division, through its Management reserves the right, without notice, to make temporary exemptions, suspensions, or modifications of any of the rules & regulations when in its judgement, the same appears advisable. In no way will it be coincided as affecting the general application of such rules and regulations.

The Town of Wareham, through its Management, reserves the rights at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its cemetery or anything pertaining thereto.

The Town of Wareham does not discriminate in its programs and activities based on age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, race, religion, gender orientation, or veteran status, as applicable.

**26.0 Authorization:** The above revised Rules and Regulations were approved by the Town of Wareham's Governing Authority, Board of Selectman, and the Management of the cemeteries on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved as to form

By Town Counsel \_\_\_\_\_ Date \_\_\_\_\_

Approved  
Town Administrator \_\_\_\_\_ Date \_\_\_\_\_

Approved  
Wareham Board of Selectmen \_\_\_\_\_ Date \_\_\_\_\_

## Notes