Town of Dalton Cemetery Department
Main Street Cemetery
312 Main St.
Dalton, Massachusetts 01226
413-684-6117

TOWN OF DALTON, MASSACHUSETTS HIGHWAY AND CEMETERY DEPARTMENT CEMETERY RULES AND REGULATIONS December 2, 2016

For the mutual protection of lot holders and the cemeteries as a whole, the following rules and regulations have been adopted by the Dalton Cemetery Trustees as the Rules and Regulations of the Dalton 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 Trustees from time to time.

DEFINITIONS

1. Cemetery	A burial park for earth interments
2. Section	A numbered area of a particular cemetery.
3. Lot	A particular area of a section.
4. Plot	An area of sufficient size to accommodate one adult interment, approximately three and one half by ten feet.
5. Plate	A plan held by the Cemetery Department, showing the locations of sections, lots and plots.
6. Interment	The permanent disposition of the remains of a deceased person, by cremation and interment or by 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 which is flush with the ground surface.
10. Lot Marker	A device set flush with the ground. surface, located at the corner of a lot.
11. Cemetery Trustees	Three persons duly elected by the voters of the Town to establish and administer cemetery rules and regulations and to oversee operation of the cemeteries.
12. Burial Agent	The person appointed by the Town Select Board to coordinate burial planning and burial activities with funeral directors and the Superintendent, to establish lot layouts, burial locations and burial times, and to keep burial records.
13. Superintendent	The person appointed by the Dalton Select Board to supervise the work of the Highway and Cemetery Department.
14. Cemetery Office	The Cemetery Department office operated at the Main St. Cemetery.

GENERAL RULES

1. All land occupied by the cemeteries is owned in perpetuity by the Town of Dalton. No deed, lease or title is given to a burial lot.

2. The cemeteries will be open daily from 7:00 a.m. until dusk, weather permitting.

3. Employees of the Cemetery Department are not required to do any work for lot holders, except on specific order of the Superintendent. Employees are required to be courteous to all visitors.

4. All charges issued by the Cemetery Department are payable to the Town of Dalton. Patrons of the cemeteries are requested to refrain from offering any fee or gratuity to any Cemetery Department employee.

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 Department 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-way. 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 Department.

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 are prohibited. Any such item so placed is subject to removal by the Cemetery Department.

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 Trustees, 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 lateral enforcement of a cemetery rule or regulation may impose unnecessary hardship. The Cemetery Trustees reserve 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 Trustees hereby expressly reserve 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 Trustees of any rule or regulation change which will create expense, hardship or inconvenience to lot holders or other persons having business with the Cemetery Department.

LOTS AND LOT HOLDERS

1. A burial lot is assigned only at the time of death. A lot assignment consists of space for no more than two burials, regardless of the number of survivors. If a child under legal age passes away before the parents, space will be reserved for the parents.

2. To be eligible for assignment of a lot, the deceased shall have been a legal resident of the Town of Dalton at the time of death, as determined from the records maintained by the Town Clerk, or shall have been a legal resident of the Town of Dalton at the time of moving out of town into a staff nursing home or assisted living facility to procure necessary on-site medical care or on-site living assistance.

3. Deceased eligible for a lot assignment shall receive the assignment from the Burial Agent. The location of a lot assignment shall be determined by the Burial Agent.

4. Stillborn infants and children under 6 months of age shall be assigned burial space in special plots established for that purpose, unless a plot is available in a previously assigned family lot.

5. Cremains burials will be in the Urn Garden of the Ashuelot Cemetery. Only flush markers are allowed in the Urn Garden. Cremains burials are also allowed in existing family lots or plots, in any cemetery, if space allows. Additionally, cremains burials are allowed in Fairview Cemetery, in any new or existing lot; flush markers or standard monuments are allowed. This rule will remain in effect unless an Urn Garden is established in the Fairview Cemetery at which time cremains burials will follow the same procedure as Ashuelot Cemetery cremains burials.

6. No lot or plot shall be used for any other purpose than for the burial of the human dead.

7. 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.

8. 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 re-grade roads, drives or walks, or any part thereof, is hereby reserved. 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 Cemetery Department 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 plates which are on file at the Cemetery Office.

11. The Cemetery Department will take all reasonable precautions to protect lots and memorials within the cemeteries from loss or damage. However, the Cemetery Department 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 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 Cemetery Department and a lot holder. The statement of any employee or agent, unless confirmed in writing by the Burial Agent, shall in no way bind the Cemetery Department.

CARE OF LOTS

1. The general care of the cemeteries is assumed by the Superintendent, 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 Cemetery Department 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 Cemetery Department's control, whether the damage be direct or collateral.

CORRECTION OF ERRORS

1. The Cemetery Department reserves and shall have the right to correct any errors that may be made by the Department in making an interment, disinterment or removal.

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 3:30 p.m. daily, with the exception of Saturdays, Sundays and Massachusetts legal holidays. During severe weather, the decision whether a grave can be prepared rests with the Superintendent, the Burial Agent and the Cemetery Trustees.

2. The cemeteries will be open for interments on Saturdays from 9:00 a.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.

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 Department reserves the right to make the interment in a location designated by the Burial Agent.

10. The Superintendent and the employees of the Cemetery Department are the only persons who shall be permitted to open a grave, with the following exceptions:

    a) When the Cemetery Department is directed to make disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery Department 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 Department 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 Department 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 be made within an outside container made of natural stone, metal or reinforced concrete. All such containers shall meet with the approval of the Cemetery Department.

12. All charges made by the Cemetery Department for interment or services in connection therewith shall be paid to the Town of Dalton, 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 Trustees. The funeral director is considered responsible for full payment of all Cemetery Department interment charges.

14. The Cemetery Department 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. All interments, disinterment and removals shall be made at the time and in the manner and upon the charges fixed by the Cemetery Department.

16. Besides being subject to these rules and regulations, all interments, disinterment and removals shall be subject to the orders and laws of all properly constituted public authorities.

17. The Cemetery Department shall not be responsible for any 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 Department shall not be liable for the interment permit nor for the identity of the person sought to be interred.

19. Funeral homes will be allowed to use the Main St. Cemetery Vault, at the discretion of the Cemetery Trustees, to store bodies in their caskets while awaiting burial due to weather or other extenuating circumstances. Storage will be allowed for up to 6 months, unless special permission is granted by the Trustees. Surrounding communities not having such a facility may also use the vault with the approval of the Trustees, if space allows, at a fee designated in the "Cemetery Charges" fee schedule. Funeral homes are responsible for all damage done to the vault as a result of any action of the funeral home or casket in their care. If repair or cleaning is done by the Cemetery Department as a result such action, the responsible funeral home will be billed.

PLANTS, PLANTING, DECORATIONS

1. The Cemetery Department 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. There shall be no planting in the ground, nor placing of containers in the ground, by any person, where a lot has a memorial foundation exposed at a memorial. Planting in the ground, and placing containers in the ground, is allowed on

lots where there is no exposed memorial foundation.

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 immediately adjacent to the front face of the memorial, so long as they do not extend more than 12" from the 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 plant material or artificial plants. Plastic plants may be used as memorial decorations only between November 1 and April 1. Decorations shall be held only by urns, vessels, containers, common commercial floral frames or baskets, placed at ground level. Plant material may also be supported directly by a memorial.

5. The Cemetery Department shall not maintain urns, vessels or containers, nor their contents, nor shall they maintain memorial decorations. The Cemetery Department 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 Cemetery Department, and held at the Cemetery Office for the next seven (7) business days. Donors may retrieve their items during that holding period. Otherwise, the items will be discarded by the Cemetery Department.

6. The Cemetery Department shall have the authority to remove and discard any plant or decoration when, in the judgment of the Superintendent, it becomes unsightly, dangerous, detrimental or diseased, or when it does not conform to the standards of care or appearance maintained by the Cemetery Department.

7. The Cemetery Department shall not be liable for funeral floral pieces, baskets or frames, beyond the acceptance of

such pieces for burial services held within the cemeteries.

8. The Cemetery Department reserves the right to prevent the removal of any plant rooted in the ground within the cemeteries, unless the Superintendent gives consent.

MEMORIALS AND MEMORIAL WORK

1. Only one family memorial shall be placed upon a multi-grave lot, and it shall be located a minimum of 3" from the rear line of the lot. Single grave assignments shall have only flush markers.

2. Memorials, even for temporary use, made of concrete, artificial stone, composition, and wood, metal or plastic are not permitted.

3. Any person proposing to install, erect, alter, inscribe, clean or repair a memorial shall first obtain permission from the Cemetery Department to do so, and in so doing, shall comply with the reasonable directions of the Department 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 quarry, shall warranty the quality of their product by correcting or replacing the product if it is found to be below trade standards of quality of material, or of craftsmanship of finishing or inscribing, or of improper setting, all at no cost to the Cemetery Department or the purchaser.

8. All memorials shall be set at locations designated by the Cemetery Department, in accordance with these rules and regulations, and in accordance with any special instructions of the Cemetery Department deemed necessary because of the nature of the particular location. Memorial placement shall be limited to:

a) The location of the completed interment whom the memorial names.

b) A previously assigned lot which would serve as a suitable location for a marker memorializing a veteran whose body was lost in the military service of the United States of America.

c) A location designated by the Cemetery Trustees for placement of a memorial to veterans who served in the military forces of the United States of America.

9. A scale drawing of each proposed memorial, showing design, dimensions, materials, inscriptions and color shall be submitted to the Cemetery Department for approval. Stone memorials will not be considered as eligible if they are made as replicas of life time property. 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 Trustees.

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 face area of a new family monument shall not exceed 13 square feet. The width of a new monument, its greatest horizontal dimension, shall not exceed 4'-6". The height of a new monument, above the ground surface or foundation

surface, shall not exceed 3'-0".

14. At East Main Street Cemetery and at the oldest sections of Main Street Cemetery where colonial memorials exist, new monolith memorials may be used at each grave of a lot, rather than a central or family memorial. Monoliths shall not exceed 2 feet in width, 3 feet 8 inches in height, or 6 inches in thickness.

15. Markers, or Flush Memorial, shall be of sizes approved by the Cemetery Department, and shall be located at the end of a grave farthest from the base of a monument in that lot. At the Urn Garden, only markers will be permitted. All markers shall be delivered to the Cemetery Department, and only the Department will set markers in the ground. All Markers/Flush Memorials shall be 12 inches wide, 24 inches long and 4 to 6 inches thick. 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.

16. 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.

17. Symbols, epitaphs and historical inscriptions, in good taste, may be part of a proposed memorial design submitted for approval to the Cemetery Department.

18. Memorial foundations shall be installed only by the Cemetery Department, and a scheduled charge shall be made to the appropriate memorial dealer for each foundation in a lot.

19. Should any memorial become unsightly, dilapidated, or a safety hazard, in the judgment of the Cemetery Trustees, 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.

20. No memorial shall be removed from a cemetery without permission of the Cemetery Trustees and the lot holder.

21. 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 Cemetery Department and the cost of such repairs shall be charged to the party causing the damage, or to his principal.

22. The Cemetery Department, at its own expense, shall without liability correct any error made in the placing of a foundation or marker.

23. All persons, while within the cemeteries, shall abide by these Cemetery Rules and Regulations.

ENFORCEMENT OF RULES

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