

TOWN OF MILLBURY, MA

CEMETERY RULES & REGULATIONS

Adopted: November 18, 2019



TABLE OF CONTENTS

General	Page 3
Grave Site Guidance	Page 4
Burials	Page 5
Removals	Page 5
Perpetual care	Page 6
Flowers/Decorations	Page 6
Monuments	Page 6
Monument Regulations	Page 7
Disclaimer of Liability	Page 8
<u>Appendix A - Maps</u>	
Central Cemetery	Page 9
County Bridge Cemetery	Page 10
Dwinell Cemetery	Page 11
<u>Appendix B - Burial Layout Options</u>	
Cremation & Single Graves	Page 12
Double & Triple Graves	Page 13
<u>Appendix C – Burial Rights Fees</u>	
Schedule of Burial Rights Sales	Page 14
<u>Appendix D – Interment Fees</u>	
Schedule of Burial Fees	Page 15

GENERAL

The Town of Millbury owns and operates the following cemeteries (see Appendix A):

- County Bridge Cemetery - #3 Providence Street
- Dwinell Cemetery - #54 Dwinell Road
- Central Cemetery - #24 West Street

These locations are maintained by the Department of Public Works under the supervision of the Cemetery Commission (hereinafter referred to as "Commission") in accordance with MGL Chap. 114 and subject to the following rules and regulations.

The right to bury in a Town Cemetery is restricted to residents of the Town of Millbury only. Burial rights may only be purchased at the time of death. No pre-purchasing unless otherwise ordered by the Commission. Said resident may, with Commission approval, purchase burial rights for a father, mother, son or daughter who is a non-resident.

Any change in ownership or transfer of burial rights may be done only through the Commission. The Commission reserves the sole and exclusive authority over use and/or exchange of all burial rights. In the event that circumstances require a credit or refund, such credit or refund shall not exceed the original amount paid.

Burial right purchases are limited to ONE per household at the time of death (see Appendix C). Additional burial rights may not be purchased until his/her present rights are exhausted. Family members shall advise the Commission of any change in name and/or address of legal heirs.

The purchase of burial rights is not final until confirmed and approved by the Town of Millbury DPW and Commission. Any purchase request may, upon review by the Commission, be denied, modified or rescinded by the Commission, whether or not there has been an interment in the lot in question.

From time-to-time, the Commission may set aside "NO MONUMENT PLOTS" or sections as it may deem best for the beautification of a Cemetery.

The Commission may, from time-to-time, layout, alter or eliminate roads and paths, change grades or make such rules for the government of the grounds as it may deem requisite and proper to secure and promote the general objects of a Cemetery.

To ensure proper regulation of the grounds, the grade of all lots has been determined by the Commission, and their decision in all cases is final. Markers to bind the limit of each lot are furnished by the Commission and are set flush with the surface of the ground.

All workmen in any capacity within the confines of the Cemetery, whether as masons, stone-cutters, erectors, gardeners, or helpers are subject to the direction and control of the Commission, or their designated representative.

CEMETERY RULES OF CONDUCT:

1. Dogs are not allowed in the cemeteries
2. Cemeteries are not for training or recreational use with exception of walking on paved surfaces.
3. Speed limit is 15 MPH
4. The Cemetery should not be used for driving lessons at any time.
5. All illegal activity is prohibited on the grounds.
6. Vehicles are forbidden to pass a funeral procession or a lot where services are being held.
7. Skateboards, horseback riding, bicycles and ATV's are prohibited.
8. Sitting benches are not allowed.
9. Do not place or mount anything on Town fences.
10. Only two (2) perpetual light sources are allowed per monument.
11. No stones, sticks, rods, shepherd hooks, bricks, blocks or urns are allowed for flower beds or borders.
12. Wooden, plastic, or metal fences are not allowed.
13. Flowers may only be planted 12-inches out from the foundation of the head stone and cannot extend beyond the ends of the foundation of the head stone.
14. Flowers cannot be planted at flat markers, unless it is used as a headstone.
15. No shrubs, bushes, vines or trees can be planted.
16. All winter decorations (wreaths, winter logs, faded decorations etc.) must be removed by the last Sunday in March.
17. All summer decorations must be removed by Columbus Day.

BURIALS

A designated place of burial within a cemetery may be used for a deceased human and for no other reason or purpose. (See Appendix B) for optional burial layouts.

All burials must be in a vault. Cremated remains must be in an urn vault such as a Mackenzie or Dynasty.

All funerals while within the grounds shall be subject to directions of the Commission or their designated representative.

When records regarding the location of a grave or a lot cannot be obtained or are indefinite, or when for any other reason the grave cannot be opened where specified, the Commission or their designated representative may, at his discretion, open it in such a location on the lot as he deems best and proper, so that the funeral may not be delayed.

All interments shall be restricted to owners and their legal heirs. (MGL Chap. 114)

No grave shall be opened by any workman, other than those employed by or under the direction of the Commission, or their designated representative.

No order will be issued for interment and no monument stone or decoration shall be allowed to be installed on any lot with a balance outstanding of unpaid charges.

All purchase costs and fees are to be paid in full before interment takes place unless granted special consent by the Commission (see Appendix C & D). Such consent shall be of no more than thirty days. If unpaid after thirty days, the Commission may re-enter said property and hold the same as of its former estate. The Commission shall have the right to remove any body to such single grave as it designates and also to remove any memorial that may have been placed on the grave. The opening and closing of graves must also be paid for in advance.

The only holiday interments allowed will be those falling on a Monday (i.e. in the event of the long holiday weekend when the holiday is celebrated on Monday).

No burial will be allowed on Memorial Day, July 4th, Thanksgiving and Christmas, regardless of the day of the week these holidays should occur.

No Sunday interments will be permitted.

The Commission must be notified forty-eight (48) hours prior to any burial. Service cannot be guaranteed in the case of late notification.

REMOVALS

Except as may be ordered by the Commission, no disinterment or removal of human remains will be allowed without a written order from the owner or owners of the lot, or their duly authorized representative. In any event, the approval of the Commission is necessary.

PERPETUAL CARE

Perpetual Care is defined as the care and maintenance and the reasonable administration of the cemetery grounds and buildings at the present time and in the future.

Maintenance and repair of flat foot markers, monuments stones, plantings and other items at a burial site are fully the responsibility of the deeded owner.

FLOWERS/DECORATIONS

The Commission reserves to itself the entire control of every tree, shrub, vine or plant growing within the cemetery boundaries, including the right of removal and disposal of without notice when it considers such removal advisable. All persons are forbidden to gather flowers or to break or injure any tree, shrub, vine or plant.

The Commission or its designated representative may remove and dispose of anything objectionable or injurious to the uses and purposes of the Cemetery or contrary to its rules and regulations.

Plantings, where permitted, shall be at the owner's expense. All plantings are subject to the supervision of the Commission or its designated representative.

Flower beds may not exceed the length of the foundation of the monument stone nor one foot in width, and must be maintained in weed-free condition at all times by the burial rights owner.

The Cemetery shall not be responsible for anything placed or left within the cemetery grounds. When work on burial sites is performed by others, they must remove all trash and excavated earth to such a place as provided for that purpose.

Decorations may be temporarily placed on a lot during the period of the Wednesday before Easter through the Wednesday following Easter. After such time said temporary decorations may be removed and disposed of by the Commission.

MONUMENTS

Only ONE memorial monument is allowed per burial site.

No monuments, flat marker, or other memorial may be installed in the Cemetery until a sketch or blueprint showing the design, material, finish size and proposed inscription thereon, along with proof of PERPETUAL CARE for said monument, is first submitted to the Commission or designated representative for approval, and approved.

The Commission reserves the right to reject any plan or design for a memorial that on account of size, design, inscription, finish or quality of stone is unsuited to the burial site on which it is proposed to be placed. Markers and monuments must be of natural stone. No artificial material of any description is permitted. The use of electronics shall not be allowed in/on monuments.

MONUMENT REGULATIONS

<u>Cremation Grave:</u>	One 12" x 24" flat marker mounted flush with ground surface
<u>Single Grave:</u>	One 12" x 24" upright marker with concrete foundation
<u>Double Grave:</u>	One 14" x 36" upright marker with concrete foundation
<u>Triple Grave:</u>	One 14" x 48" upright marker with concrete foundation

Notes:

- All proposed monument designs shall be approved by the Board of Cemetery Commissioners at a regularly scheduled meeting.
- The maximum allowable height for all upright monuments is 48-inches.
- Government markers for Veterans are installed at no charge at the foot of the grave.
- Proof of PERPETUAL CARE for the monument is required for all monument stones prior to installation.

Excavations and foundations must be done under the supervision of the Commission or designated representative.

All work must be done during working hours of the Cemetery, and cease at the close of the working day.

Before a stonecutter or other workman is allowed to cut inscriptions on memorials or do any other work on structures erected within the grounds, it will be necessary to obtain the permission of the Commission, or designated representative.

Foundation orders received after May 1st cannot be guaranteed for Memorial Day. No foundation will be set between May 15th and June 1st, nor between November 1st and April 1st. All foundations are marked out by the DPW staff according to a pre set schedule. Also, no work may be done in the Cemetery on a Saturday or the day before a holiday.

Monument dealers should familiarize and conform to all rules and regulations. Soliciting memorial sales or service work within the cemetery is not allowed.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Commission, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appears advisable on a case by case basis; and such temporary exceptions, suspension or modification shall in no way be construed as affecting the general application of such rule.

DISCLAIMER OF LIABILITY

Town-owned Cemeteries disclaim all responsibility for loss or damage to any burial site, monument, memorial or planting from causes beyond its reasonable control, especially from loss or damage caused by an act of God, the elements, earthquake, war, common enemy, air raid, floods, invasion, insurrection, riot, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, terrorism, unavoidable accidents or any cause, similar or dissimilar, beyond the control of the Commission whether the loss or damage be direct or related.

The Commission may, and it hereby expressly reserves the right to at any time or times, adopt new rules and regulations, or amend, alter and/or repeal any rule, regulations and/or article, section, paragraph and/or sentence in these rules and regulations.

CEMETERY COMMISSION

Gilbert Picard, Chairman
Marcia Landry, Secretary
Randy Mogren, Member

Adopted: November 18, 2019

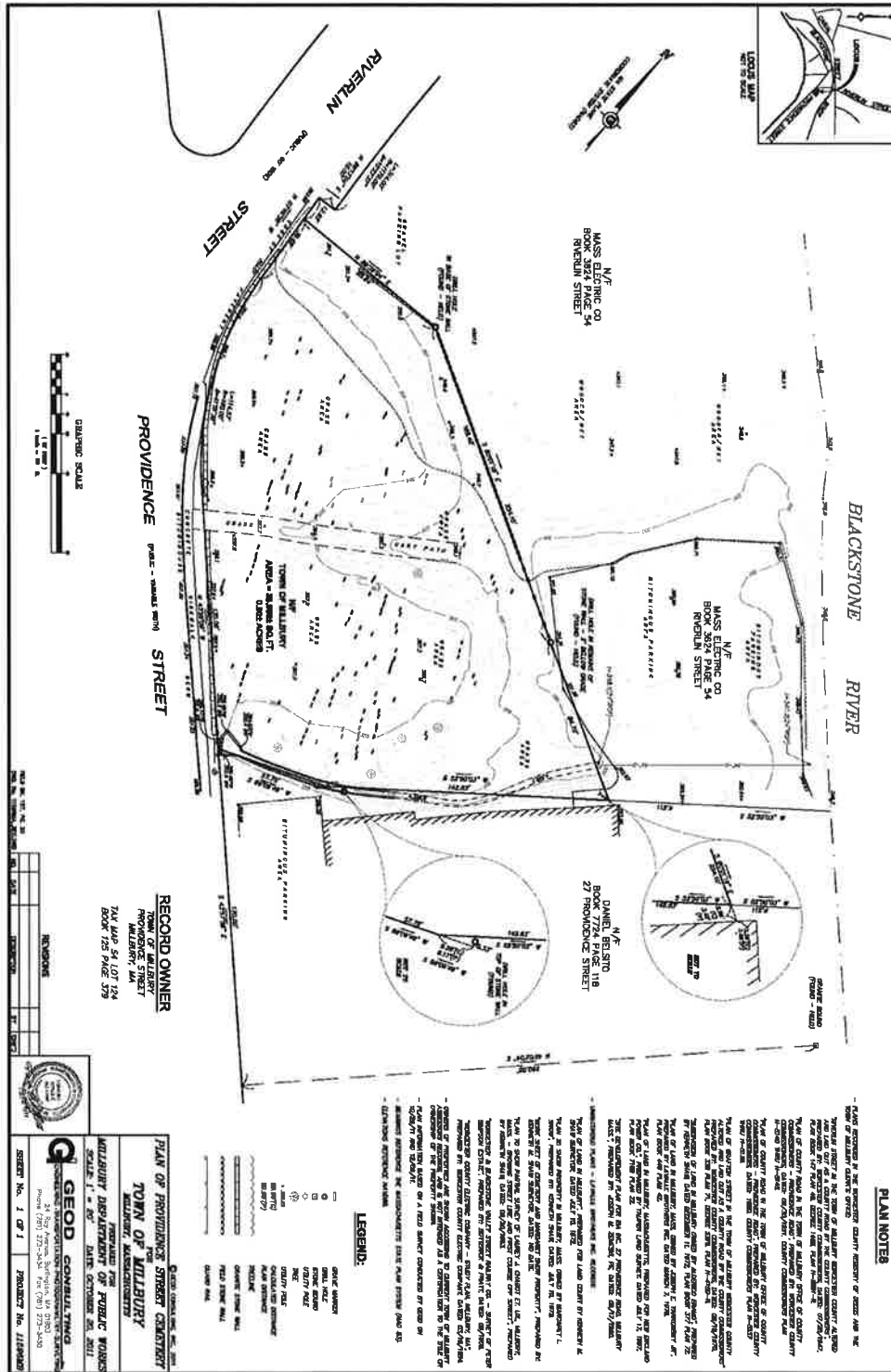
Revised: November 5, 2019

CENTRAL CEMETERY



APPENDIX A - MAPS

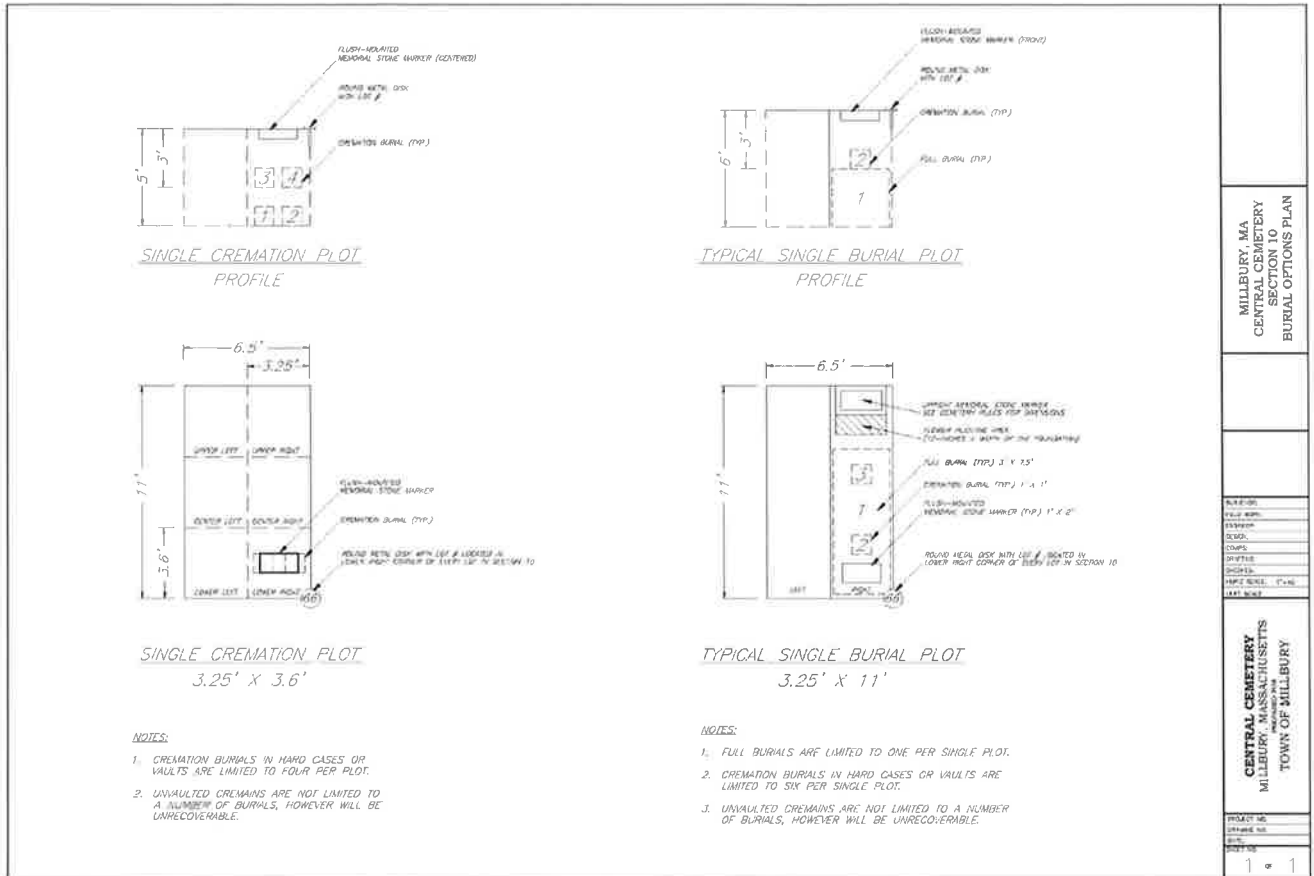
COUNTY BRIDGE CEMETERY



APPENDIX B

BURIAL LAYOUT OPTIONS

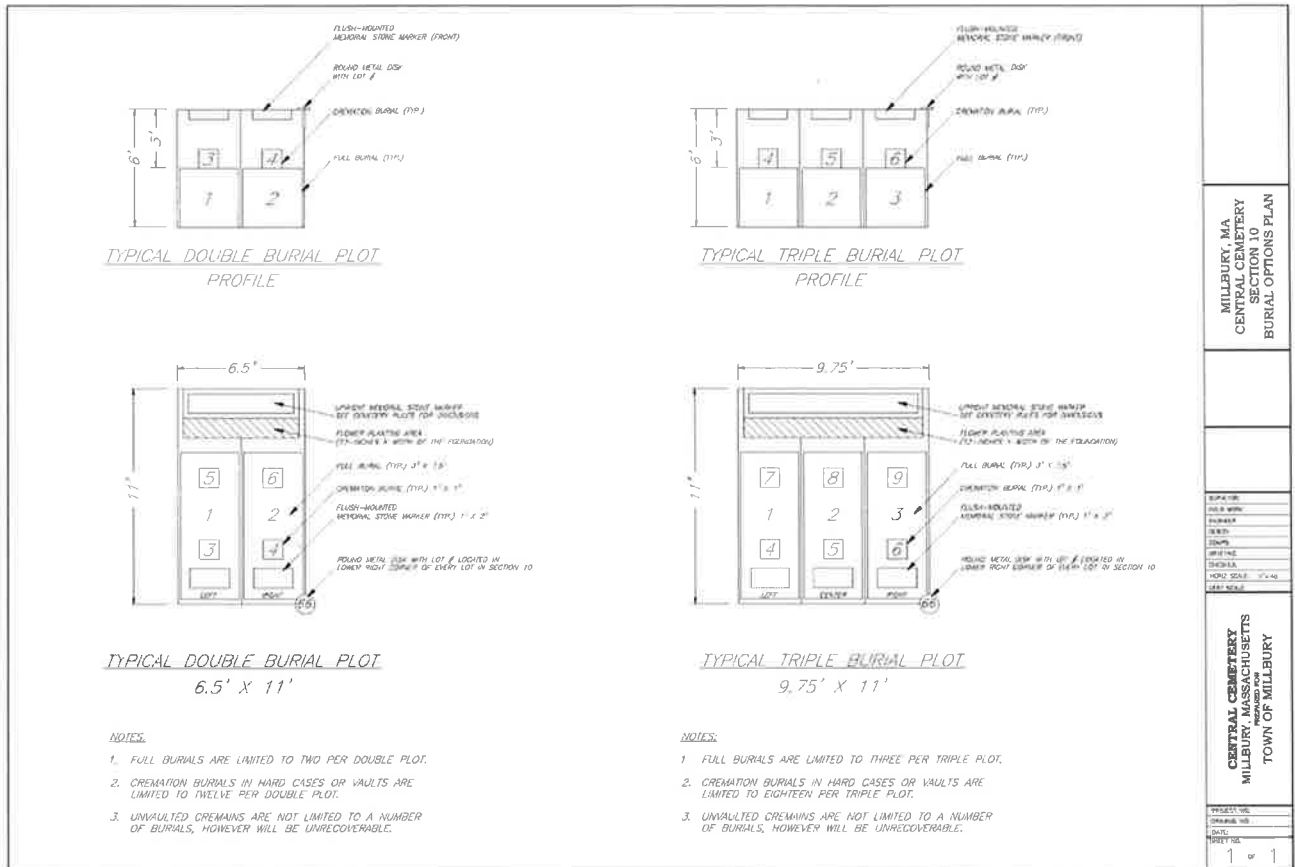
Cremations & Single Graves



APPENDIX B

BURIAL LAYOUT OPTIONS

Double & Triple Graves





Town of Millbury Department of Public Works

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 Tel. 508 / 865-9143 • Fax: 508 / 865-0843

APPENDIX C

Effective October 2, 2013

SCHEDULE OF CEMETERY BURIAL RIGHTS SALES

NO PRE-SALES AVAILABLE DUE TO SPACE LIMITATIONS.

ALL BURIAL RIGHT SALES ARE LIMITED TO MILLBURY RESIDENTS AT TIME OF DEATH ONLY.

BURIAL RIGHTS*

Cremation Grave:	\$ 200.00	(Includes Perpetual Care)
Single Grave:	\$ 600.00	(Includes Perpetual Care)
Double Grave:	\$1,200.00	(Includes Perpetual Care)
Triple Grave:	\$1,800.00	(Includes Perpetual Care)

**MGL Ch. 114 § 1. Defines burial right as "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."*

A split of 95% of fees goes to Sale of Cemetery Lot Account and 5% of fees goes to Perpetual Care Account.



Town of Millbury Department of Public Works

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APPENDIX D

Effective September July 15, 2019
SCHEDULE OF BURIAL FEES

NO PERSONAL CHECKS ACCEPTED. BANK OR LOCAL FUNERAL HOME CHECKS ONLY.

Full Interment:

Weekdays:	\$1,000.00	(Payable to Tender Touch Landscaping)
Saturdays:	\$1,500.00	(Payable to Tender Touch Landscaping)

Cremated Remains:

Weekdays:	\$500.00	(Payable to Tender Touch Landscaping)
Saturdays:	\$750.00	(Payable to Tender Touch Landscaping)

BURIAL ARRANGEMENT DETAILS

- Fees do not include vault, lowering device, tent or green fees. Contact a Funeral Director for these services.
- Fees cover cost of record research, grave mark out, opening, and closing, and final disposition record keeping.
- No Sunday burials. Also, refer to Cemetery Rules and Regulations for excluded Holidays.
- Millbury DPW must receive a minimum of **24 hours' notice** for burial during normal business hours
- Millbury DPW Office is open Monday thru Friday from 8:30 AM to 4:30 PM.
- Millbury DPW Office phone is 508-865-9143