



# City of Fitchburg, Massachusetts

## PUBLIC BURIAL GROUNDS

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## RULES and REGULATIONS

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

### Definitions:

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

**Columbarium** – A permanent structure, owned by the City of Fitchburg, containing niches or other suitable spaces for the permanent memorialization of cremated human remains.

**Cremation Niche** – see Niche

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

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

**Governing Body** – The Cemetery Board of Trustees of the City of Fitchburg, Massachusetts

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

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

**Interment** –The term “Interment” shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment in crypt or ground burial.

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

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

**Management** – The person or persons duly appointed by the governing body for the purpose of conducting and administering cemeteries owned and operated by the City of Fitchburg. Currently this is the Department of Public Works Superintendent that has been duly appointed.

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

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

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

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

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



Hartwell Cemetery



South Street Cemetery



Laurel Hill Cemetery



Dean Hill Cemetery



West Street Cemetery



Forest Hill Cemetery

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

**Forest Hill Office Hours:** Monday –Friday from 7:00 A.M. to 3:00 P.M.

2. **Perpetual Care:** Provides for mowing, trimming, loaming, seeding and general maintenance by cemetery staff. Repair of markers, monuments, flowerbeds and shrubs are the complete responsibility of the lot owners.

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

Maximum size for base of monument permitted:

6 grave lot wide — 6 feet x 1 foot

4 grave lot wide — 5 feet x 1 foot

3 grave lot wide — 4 feet x 1 foot

2 grave lot wide — 3 feet x 1 foot

1 grave lot wide (single)—2 feet x 1 foot

All headstones that are not to these specifications need prior approval of the cemetery Trustees. No monument, memorial plaque or flat/slanted marker may be installed and not until all outstanding cemetery charges are paid in full.

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

Existing shrubs may not be higher than the monument beside which they are planted and must not interfere with another lot or with cemetery operations. Shrubs in violation of these regulations **will** be removed at the discretion of the cemetery commissioners and a fee of \$75 per shrub will be assessed and placed as a lien on the owner's lot. If you desire removal of existing shrubs, the removal fee is \$75 per shrub. This will include topsoil and seeding of the area.

5. **Flowers:** Flower beds may be planted up to **one foot**, directly in front of monument and only the width of the base of said monument. Planting on the sides or behind the monument is prohibited. The cemetery staff is not responsible for damage to any plants or items placed beyond the **one foot** in front, sides or behind the monument.

**No flowers will be planted on any flat markers.** Potted plants that are removable are acceptable. Hanging flower baskets (Shepard's hooks) are not allowed anywhere in the cemetery.

Plucking flowers, plants, or shrubs, whether cultivated or wild, breaking or injuring any property whatsoever, including birds, and other animals is prohibited.

6. **Artificial Flowers and Decorations:** The following regulations have been added, due to the safety of employees and visitors of the cemetery. **Starting April 1, 2007 artificial flowers will no longer be allowed** as the wires may become a projectile if caught by the mowers. The placement of fences, ditches, curbing, boxes, shells, stone chips, toys, ornaments, or similar objects around the markers/monuments is prohibited.

**Summer / Live Flowers:** May be placed between **May 10<sup>th</sup> and October 5<sup>th</sup>.**

**Winter / Evergreens and Live Flowers:** May be placed between **November 15<sup>th</sup> and April 1<sup>st</sup>.**

These dates are set to allow cemetery staff to effectively conduct Spring and Fall cleanup procedures.

**7. Automobiles:** A speed limit of **15 mph** will be strictly enforced. Automobiles must be operated or parked on paved areas only. Driving or riding in any vehicle, in any cemetery, with the intent to pass through is prohibited. Any person causing damage with the motor vehicle in the cemetery shall be held liable for the cost of the damage.

**8. Recreational Activities:** No ball playing, dirt bikes, rollerblading, skateboarding, or bicycle riding is allowed on cemetery property. Drinking of alcohol on cemetery property is prohibited.

**9. Liability for Injury:** Due to the age and terrain of Fitchburg cemeteries, they have many inherent hazards. Entry upon cemetery grounds is the acceptance of these risks, releasing the City of Fitchburg of any and all liability and/or claims.

**10. Lot Ownership:** No lot or portion of a lot may be sold except by or through the hands of the Trustees, and no division of a lot may be made unless expressly authorized by them. On the death of the person having charge of a lot, the survivors shall arrange with the Trustees as to who shall succeed to the charge of the lot. If a lot owner wishes to assure burial privileges to an individual in said lot, he may do so by notifying the Cemetery Trustees in writing. This must be signed, dated and notarized.

**11. Firearms and Dogs:** All firearms and dogs are prohibited on the grounds of all cemeteries with the exception of special ceremonies, seeing-eye dogs, and law enforcement.

**12. Interment / Disinterment:** Only human remains may be interred in the cemeteries.

Funeral processions, upon entering the cemetery, shall be entirely under the control of the Superintendent or his agent. Interment or disinterment will be made only by the designated employees of the City, or by others authorized by the Trustees or their agent

No interment or disinterment will take place on any Legal Holiday unless required for public health, or at the discretion of the Superintendent.

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

## **FOREST HILL CEMETERY COLUMBARIUM REGULATIONS**

### ***Rules Pertaining to Placement of Remains***

1. The columbarium in the Forest Hill Cemetery contains 12x12x15 inch niches that may be used to house the cremated remains of one or two persons. No non-human remains may be placed in the columbarium.

2. Placement of cremated remains within a niche is called inurnment. No inurnments will be made in any niche except upon written order of the rights-holder of that niche, or if the rights-holder be deceased or otherwise unavailable, upon the presentation of such appropriate evidence of the rights-holder's intentions as may be required by the Cemetery Department.

3. No inurnments can be permitted in any niche in the columbarium until all applicable payments have been made.

4. The grant of inurnment-right in a niche gives only a right of placement of cremated remains; the ownership

of the land and structure remain always with the City of Fitchburg. A grant of inurnment-right is not a deed.

5. Cremated remains to be placed in a niche must be housed in a durable container (an urn) approved by the Cemetery Department. The Superintendent or his representative shall have full authority to refuse to accept for inurnment any receptacle deemed unsuitable. Information on acceptable urn types and sizes is available from the Cemetery Office.

6. Inurnments will take place during normal cemetery operating hours, and will be conducted under the direction of the Superintendent or his representative.

7. The Cemetery Department shall not be liable for the identity of remains being inurned.

8. To insure uniformity of appearance, the inscription on the front panel of each niche will be made by the Cemetery Department or its agents. Inscriptions will typically consist of the deceased's name and dates only, and an optional religious or military symbol. Forms are available in the Cemetery Office that details these options.

9. No floral memorials, decorations, or other ornamentation may be physically attached to the columbarium. Funeral decorations placed in the vicinity of the columbarium will be removed after an inurnment at the discretion of the Superintendent or his representative. The Cemetery Department will assume no responsibility for the safekeeping of any floral memorial or container, and it reserves the right to remove any such ornamentation without being deemed guilty of any manner of trespass.

#### ***Rules Pertaining to Removal of Remains***

10. When cremated remains have been placed in a niche and the niche has been sealed, the niche is ordinarily considered to be sealed in perpetuity. Only rarely are sealed niches opened, most often for re-inurnment at another location or for placement of a second urn in the niche.

11. No cremated remains will be removed from the columbarium except upon written order of both the rights-holder of the niche and appropriate heirs of the person whose remains are to be removed, or upon order of a court of competent jurisdiction.

12. All removals of cremated remains shall be done by or under the supervision of the Superintendent and shall be fully documented. The Cemetery Department will exercise reasonable care when making such a removal, but it assumes no liability for damage to any urn in the process of making removal.

#### ***Cemetery Responsibilities***

13. If a niche is destroyed or damaged for any reason the Cemetery Department may cause any remains inurned therein to be either promptly interred elsewhere in the cemetery or delivered on written request to the rights-holder of the niche, or temporarily placed in a secure location pending restoration of the niches.

14. All inurnments will be made in accordance with applicable federal, state and local laws, ordinances, and regulations.

15. The Trustees of the Public Burial Grounds may amend these regulations at any time as deemed necessary.