

CEMETERIES

Chapter 19

Town of Ware Rules and Regulations of the Cemetery Commission

The following rules and regulations apply to all Town of Ware Cemeteries under the control and care of the Cemetery Commission and the Department of Public Works, and any other property in the Town under the jurisdiction now and hereafter, as provided for under Massachusetts General Laws Chapter 114 and any other pertinent State or Federal legislation.

EFFECTIVE DATE

These Rules and Regulations and any amendments thereto become effective upon passage by Town Meeting.

All lot owners and visitors within any Town owned cemetery, shall be subject to said Rules and Regulations. All are subject further to such other Rules and Regulations, amendments and/or alterations adopted, pursuant to state and local law. Reference to these Rules and Regulations in the Deed to a lot shall have the same force and effect as set forth in full therein.

TOWN MAINTAINED CEMETERIES

The Town of Ware maintains and operates both active and inactive (ancient) cemeteries within the town boundaries. Active cemeteries are those in which burials and/or sale of burial rights are being conducted. Inactive cemeteries are those in which limited maintenance activities are conducted within the town boundaries.

Town maintained cemeteries are non-denominational and all burial lots are available to qualified town residents regardless of religious affiliation.

ACTIVE CEMETERIES

Aspen Grove Cemetery located on approximately 31 acres of land, bordering Snow's Pond. The main gate is located on Pleasant Street in Ware.

INACTIVE CEMETERIES

*East Cemetery (Indian Cemetery) – Robbins Road
East Church Cemetery – located next to the United Church
Ware Center Cemetery – Greenwich Plains Road*

PURPOSE

These rules and regulations have been developed in order to maintain the Town owned cemeteries in a condition wherein individual solace and memory may be sought, and the memorial intent of those whom care for those interred can be accommodated to the greatest degree possible without unduly disturbing the peaceful and reverent intent of the Town of Ware cemeteries.

GOALS OF THE CEMETERY COMMISSIONERS

- To provide a place reflective of the culture and sentiment of the community;
- To provide a permanent and secure resting place for those who have gone before us;
- To provide a dignified setting for the interment services;
- To create a hallowed sanctuary for the departed, a place of beauty, peace and comfort for the living;
- To gain and retain the confidence, patronage, respect and good will of those served;
- To maintain the natural beauty of our cemeteries;
- To provide perpetually beautiful burial grounds;
- To create a legacy for the future of the Town of Ware;
- To create a sense of dignity and serenity in order to provide comfort for the loss of a loved one.

For the mutual protection and benefit of lot owners and the Town owned Cemeteries, as a whole, these Rules and Regulations are proposed for adoption by the Town of Ware Cemetery Commissioners and approval by Town Meeting vote, pursuant to G.L. c 114, § 23.

§ 19.1	Meetings of Cemetery Commissioners
§ 19.2	Regulations concerning lots
§ 19.3	Care of lots
§ 19.4	Interments
§ 19.4.1	Memorial Garden
§ 19.5	Monuments, headstones, markers, and foundations
§ 19.6	Fees and charges
§ 19.7	Conduct of visitors
§ 19.8	General Rules
§ 19.9	Prohibited Activities
§ 19.9.1	Gravestone Rubbings
§ 19.9.2	Automobiles and Recreational Vehicles
§ 19.9.3	Closure of the Cemetery in an Emergency

HISTORY

Adopted: 3-26-1900 by Annual Town Meeting of the Town of Ware.

Amended: 05-19-2014 by Annual Town Meeting of the Town of Ware.

SEVERABILITY

The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision hereof.

19.1 Meetings of Cemetery Commissioners

- A. The annual meeting of the Commissioners shall be held in April, within two weeks after the town elections, when a Chairman, Clerk, and Veteran's Affairs Liaison shall be elected, to serve during the municipal year or until their successors are chosen.
- B. There shall also be chosen at said meeting a Superintendent of Cemeteries to serve for the year, unless sooner removed by a majority vote of the Board.
- C. The annual and special meetings shall be held when called by the Chairman, or by the Clerk upon request of a majority of the Board.

19.2 Regulations Concerning Lots

- A. To purchase a lot in any town owned cemetery, a person has to be a resident of the Town of Ware
- B. Sales of lots shall in each case be consummated by the payment of an amount determined by the Cemetery Commission and by the execution and delivery of the following deed: and no lot shall be considered sold or any rights gained therein until delivery of such deed.
- C. The Town of Ware limits Family Lot purchases to eight (8) lots (16'x16'), without a special waiver from the Cemetery Commission.
- D. No single plot may exceed one (1) traditional burial, or four (4) cremation remains per lot or one traditional and two (2) cremation remains per lot.
- E. Lots are to be conveyed by deed of the Cemetery Commissioners, which deeds and all subsequent deeds of lots made by owners thereof, and a copy of such deed shall be recorded in the office of the Town Clerk in books kept for that purpose.

19.3 Care of Lots

Upon payment to the Town Treasurer of an amount to be determined by the Cemetery Commission, by the owner of or any person interested in any lot, the Commissioners will give perpetual care to said lot, keeping it tidy at all times and maintaining its monuments and memorials in their proper position and condition, to the best of the Commissioners or their agents ability. The following form shall be executed in duplicate in such cases, one (1) copy to be kept by the Commissioners and the other by the beneficiary or his or her legal representative.

Receipt

TOWN OF WARE – CEMETERY DEPARTMENT

The Cemetery Commissioners hereby certify that they approve the sum of _____ dollars as sufficient to warrant the Town assuming the preservation and care of Lot No ___ in Section ___ in _____ Cemetery, in accordance with the following conditions.

First. The Commissioners shall expend annually such sums of money, not exceeding four per cent on the above named sum, as they shall deem necessary to keep in suitable condition and preservation the soil, grass and memorials on said lot.

Second. To suffer the surplus, if any, of the interest on the said sum to accumulate for such time as the said Commissioners may deem expedient, or in their discretion to apply the said surplus, or any part thereof, from time to time, to the ornamentation and preservation of the said Cemetery.

Third. That the said Town of Ware shall never be responsible in the premises, except for good faith and such reasonable diligence as may be required of mere gratuitous agents.

Authorized Agent of the Cemetery Commissioners

The Treasurer of the Town of Ware hereby acknowledges the receipt of _____ dollars from _____, on the conditions above mentioned which are hereby made a part of and included in this receipt.

Town of Ware Treasurer

Approved:

(Signature of beneficiary or legal representative)

19.4 Interments

- A. All interments on any lot shall be restricted to the members of the family or immediate relatives of the lot owner. Any exception will require the owner to get written approval by the Cemetery Commission, pursuant to the Rules and Regulations in the deed.
- B. No owner shall permit the remains of any other person to be buried within the bounds of their lot for hire.
- C. All burials shall be at least five (5) feet deep to the bottom of the grave from the lowest point of the natural grade of the ground and the bottom of the grave shall be level or with no more than six (6) inches incline from head to foot. Cremations shall be at least two (2) feet deep to bottom of the grave. Four (4) cremations are the maximum allowed in a single traditional grave lot. Cremated remains are allowed on top of vaults. A maximum of two (2) cremations are allowed on top of vaults. Cremated remains containers in the General Cemetery, unless otherwise stated, shall follow the guidelines of Massachusetts General Laws, Chapter 114.
- D. All graves shall be filled level to conform with the grade of lot, and shall be suitably designated. Mounds will not be allowed except by special permission.
- E. Funeral Parties must be at the cemetery no later than noontime on Saturday, unless permission is granted by the Cemetery Commission. No Sunday burials are allowed.
- F. The legal representative of a deed holder shall have two hundred seventy (270) days to indicate to the Town of Ware, upon the death of said lot holder, the rightful proprietor of the lot.
- G. A deed holder, prior to his or her death may designate a successor to the legal rights of the burial lot. This can be accomplished by sending a notarized letter to the Cemetery Commission, indicating the lots new proprietor.
- H. Should no heir of the lot be declared in the designated time, the Cemetery Commission shall have the right to determine the proprietor, based on MGL C 114.

19.4.1 Memorial Garden

- A. Lots will measure approximately 4 feet x 3 feet in the Memorial Garden at Aspen Grove Cemetery.
- B. Upright gravestones and monuments are not permitted in the Memorial Garden (MG); only flat in-ground stone or metal markers, measuring 2' wide x 1' deep are permitted at a location approved by the Cemetery Superintendent.
- C. Massachusetts General Laws requires cremations to be placed in concrete vaults or urns that meet endurance standards. Wood or corrugated containers are not permitted for cremations.
- D. There may be up to two remains maximum interned per lot.
- E. Flags and Flag Holders for Veterans are allowed.
- F. No trees, shrubs, or plantings of any sort are allowed on individual lots in the Memorial Garden.
- G. Live Flowers are allowed in the Memorial Garden between the dates of May 1st and October 1st.
- H. Flowers will be collected after October 1st by cemetery staff and held for ten (10) days if you wish to have them back.
- I. Artificial flowers are not allowed in the Memorial Garden
- J. In purchasing a lot in the Memorial Garden, you agree on behalf of you and your heirs to these conditions as well as those contained in the regular cemetery deed and the sale of lots section of the Town code. You will receive a copy when the lot purchase is completed.

19.5 Monuments, headstones, markers, and foundations.

Fees for foundations will be set by the Cemetery Commission. Fees for foundations are payable prior to work being done. There shall be no fee charged for the installation of government veteran headstones or markers.

19.6 Fees and Charges.

Fees for interments and cremations will be determined by the Cemetery Commission. These charges shall apply to removals, with a suitable additional charge for dis-interments. All such charges shall be payable in advance.

19.7 Conduct of Visitors

Persons within the Cemetery grounds shall only use the avenues, walks, and roads, and no one is permitted to walk upon or across lots or lawn unless it is necessary to do so to gain access to one's own lot. Any person injured while walking on the grass, except if that is the only way to reach his lot, or while on any portion of the Cemetery other than the avenues, walks, or roads shall in no way hold the Town of Ware liable for any injuries sustained.

No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or other trash in any Ware Cemetery. No such refuse or trash shall be placed in any waters in or contiguous to any Ware Cemetery or left anywhere on the grounds thereof, but shall be placed in proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the cemetery by the person or persons responsible for its presence and properly disposed of elsewhere. This rule may only be superseded by local, state or federal rules which apply to sources of public drinking water.

Persons visiting a Town-owned cemetery are prohibited from picking wild or cultivated flowers, disturbing any floral design, or writing upon, moving, damaging, rubbing, or defacing any memorial, monument, marker or fragment thereof, fence or other structure within cemetery grounds.

19.8 General Rules

- A. The cemeteries will be open from dawn to dusk year round
- B. The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited.
- C. All live flowers are to be removed from the gravesite after they have wilted.
- D. The Cemetery Superintendent will have charge of the planting of trees and shrubs.
- E. Trees given in memory of loved ones are encouraged but before purchasing, all trees must be approved by the Cemetery Superintendent
- F. If any trees or shrubs in said lot shall become in any way detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient, it shall be the duty of the Director of Public Works or his agent, to enter into said lot and remove said tree or shrubs, or other obstruction.
- G. The Department of Public works or their agent reserve the right to trim or remove any plantings that become overgrown, unsightly, unkempt or affecting the maintenance of the cemetery grounds.

19.9 Prohibited Activities

In order to maintain the solemnity of the Cemeteries, the following actions and activities are prohibited at all Town-owned cemeteries:

- A. Loud or disruptive actions or noise;
- B. Recreational Activities are not allowed on Cemetery grounds; these include but are not limited to: bicycling, jogging, roller skating/blading, skateboarding, golfing, cross country skiing, etc;
- C. The use of recreational vehicles such as mini-bikes, quads, ATV's, snowmobiles, go-carts, etc;
- D. Instructing persons in the use and operation of a motor vehicle;
- E. Idling or loitering on the grounds of the cemetery;
- F. Bringing food or refreshments into the cemetery or consuming them on the grounds;
- G. Peddling or soliciting the sale of any commodity or service within the cemetery;
- H. Placing of signs, notice or advertisements of any kind within the cemetery, except by the town;
- I. Lighting of fires;
- J. The use of metal detectors is prohibited in any area used for burials without the written permission of the Cemetery Commissioners;
- K. Alcohol and Illegal Drugs and the consumption thereof;
- L. Dogs (except for Certified Guide Dogs or Animals) are prohibited in all Town-owned cemeteries;
- M. No person shall, except as otherwise permitted in this section, carry any firearm, cross bow, hunting bow, or any other potentially dangerous weapons that may inflict bodily harm within cemetery limits;
- N. No person shall, within cemetery limits, disturb, destroy, injure, remove or harm any bird, squirrel, or other animal of any kind.

Any person found to be in violation of any of the above provisions of the Town ordinances, or of any cemetery rule or regulation, shall be subject to prosecution to the maximum extent allowable under all applicable laws, regulations, rules and ordinances.

The provisions of this section shall not be applicable to any cemetery employee, any member of the police or fire departments, or any other town employee if compliance with such provision would interfere with the ability of the employee to properly perform the duties of his position.

19.9.1 Gravestone Rubbings

The practice of gravestone rubbing is permissible by a lot owner on their family monument only. All other request must receive written permission from the town Cemetery Commission.

19.9.2 Automobiles and Recreational Vehicles

Automobiles and vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going the same direction.

Automobiles must proceed at a rate of speed not exceeding ten (10) miles per hour. No vehicle shall be driven upon lawns or grass next to any road or driveway. Any person causing damage with the motor vehicle in the cemetery shall be held liable for the cost of the damage.

Private vehicles must be kept off the grass. No driving or riding will be allowed on lots or upon the lawns or walkways except for those vehicles used to assist the disabled. This may include, but not limited to bicycles, scooters, skateboards or any other wheeled vehicle.

19.9.3 Closure of the Cemetery in an Emergency

The Town of Ware and the Cemetery Commission want the public to have safe access to the Town of Ware Cemeteries, therefore: Should conditions in the cemeteries risk becoming a public hazard or in a declared Town emergency, the Cemetery Commission in consultation with the Department of Public Works or Town Manager shall have the authority to close the cemeteries to the public. The cemeteries would remain closed until the Department of Public Works and the Cemetery Commission determine they are safe for public access.

The Cemetery Commission and the Department of Public Works and the Town of Ware will not be held liable for unauthorized entrance to the cemeteries when the cemeteries are closed.

These regulations, upon adoption by Town Meeting, supersede any pre-existing regulations in effect, and are intended to provide guidance for the use, operation and maintenance of all the cemeteries under the jurisdiction of the Town of Ware.

Respectfully Submitted: 03-11-2014

Town of Ware Cemetery Commissioners



Craig R. Simmons



Margaret D. Sorel



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