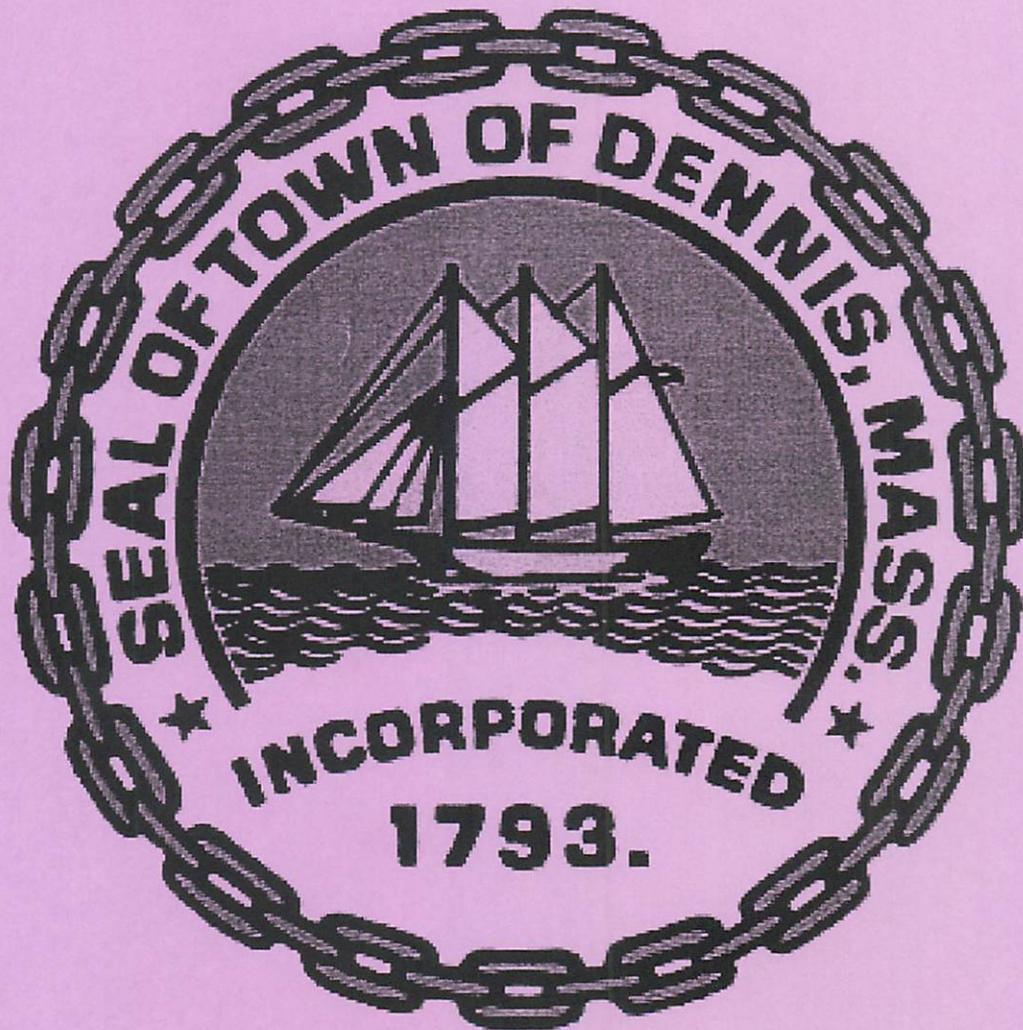


TOWN OF DENNIS

CEMETERY RULES & REGULATIONS



Adopted by the Dennis Board of Selectmen - April 12, 2005

Amended December 1, 2015

Amended January 7, 2020

RULES & REGULATIONS TOWN OF DENNIS CEMETERIES

The following rules and regulations, shall govern the operation and management of all Town Cemeteries, as provided for under Massachusetts General Law Chapter 114 *and any other pertinent State or Federal legislation.*

CEMETERIES WITHIN THE TOWN LIMITS

The Town of Dennis maintains and operates active and inactive cemeteries. 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 (see M.G.L. 114:18 Care of neglected burial places within limits of Town).

ACTIVE CEMETERIES

Dennis Village Cemetery, Rte. 6A, Dennis
Oak Ridge Cemetery, Rte. 134, South Dennis
South Dennis Congregational Church Cemetery, Main St., South Dennis
Swan Lake Annex Cemetery, Depot St., Dennis Port
West Dennis Cemetery, Fisk St., West Dennis

INACTIVE CEMETERIES

Baker Family Burying Ground - Swan River Road, West Dennis
Hall Family Cemetery - Behind Cape Playhouse, off Whig Street, Dennis
Howes Family Cemetery - End of Bramble Lane, Dennis
Indian Cemetery - Off Rte. 6A, near Scargo Lake, Dennis
Old South Dennis Cemetery - Behind Town Hall, Main Street, South Dennis
Paddock Cemetery - East of Paddock's Path, East Dennis
Quaker Cemetery - Off Mayfair Road, South Dennis
Worden Cemetery - Off Rte. 6A, East Dennis
Wixon Family Burying Ground - Summer St. /Morris Road, Dennis Port

DEFINITIONS

Administration refers to the DPW Director and staff under the direct supervision of the Town Administrator that are duly authorized by the Cemetery Commissioners to be responsible for the day to day administration, operation and physical maintenance of Town cemeteries and the enforcement of these rules and regulations adopted by said Board.

Cemetery Advisory Committee shall be a (5) member committee appointed by the Board of Selectmen. They shall work with the Director of Public Works and shall report directly to the Town Administrator and the Board of Selectmen. The Committee shall be involved in the review of Town cemetery rules and regulations. The meetings serve as a forum for future planning and development of Town cemeteries. The public is welcome to attend monthly meetings to express any concerns and comments.

Cemetery - is hereby defined as a park for the burial of human remains.

Cemetery Lot - shall apply to the numbered subdivisions as shown on the record plan showing the boundaries of the burial location(s).

Cremation lot - shall apply to a space limited to the permanent disposition of cremated remains.

Deed to Right of Burial – shall refer to the original conveyance of burial rights and the placement of approved memorials and plantings (see license of burial).

Disinterment - to exhume the remains of a deceased person.

Former Resident – is defined as any person who had been included in the Town of Dennis annual census report for (2) two consecutive years. The Administrative Office requires proof, in writing, of an individual's principle domicile in Dennis of not less than (2) two years, in order to meet this requirement. The residency proof shall be kept as a record with the license of burial.

Grave Space - shall apply to a space that may accommodate one full casket burial. Additional subdivisions may be permitted if compliant with the reuse bylaw.

Immediate Family - Shall refer to spouse (husband or wife), parent (father or mother), and child (son or daughter) sibling (brother or sister).

Interment - shall mean the permanent disposition of the remains of a deceased person by inurnment or entombment (burial).

License of Burial – shall refer to the original conveyance of burial rights and the placement of approved memorials and plantings (supersedes "deed to right of burial" certificate).

Lot Corner - means a concrete, marble, or granite post, flush with the ground, used to locate corners of the lot.

Management - refers to the Town Board of Cemetery Commissioners (The Board of Selectmen). Said Board shall have sole care, superintendence and management of all public burial grounds in the Town (M.G.L. 114:23).

Marker - means a memorial for an individual grave area.

Memorial - shall include a monument (tombstone/headstone), bench, marker, tablet, private mausoleum or tomb, floral urn, crypt and niche place.

Monument - shall include a tombstone or memorial of an appropriate material, which shall extend above the surface of the ground.

Non-Resident/Taxpayer – is defined as any person who owns commercial or residential buildings or land that has a tax bill issued with a total annual tax amount owed of at least \$350 and land that is not shown on Board of Assessors record as a "500 Account" indicating lack of information to determine property location.

Resident – is defined as any person who has been included in the most recent Town of Dennis annual census. The Administrative Office requires proof, in writing, of an individual's principle domicile in Dennis of not less than (1) one year, in order to meet this requirement. The residency proof shall be kept as a record with the license of burial.

QUALIFICATIONS FOR SALE OF LOTS

To qualify to purchase any *License of Burial* an individual must be at least 18 years old.

Resident

Full time residents of the Town of Dennis, as defined previously, who wish to purchase a *License of Burial*, should contact the Cemetery office. DPW staff will coordinate an amicable time to view available burial spaces. After a selection is made, the department will issue a *License of Burial* after payment is received. Any full time resident family may purchase burial rights to no more than (4) four single grave space. Requests for additional spaces must be by petition to the Board of Cemetery Commissioners (Board of Selectmen).

Former resident

Proof of former residency for a minimum of (2) two years may be allowed to purchase a maximum of (2) two single grave spaces.

Non-Resident/Taxpayer

Any non-resident taxpayer (must be legal adult), as defined previously, may purchase a *License of Burial* for up to (2) two single grave spaces. Requests for additional spaces must be by petition to the Cemetery Commissioners (Board of Selectmen).

Non-Resident "Immediate Family Member"

Proof of *"Immediate Family"* member (see definition) buried within cemetery may be allowed to purchase a maximum of (2) two single grave spaces.

GENERAL RULES

The Town of Dennis is a municipal corporation organized and existing under the laws of the Commonwealth of Massachusetts. The Town of Dennis operates its municipal cemeteries in accordance with the laws of the Commonwealth of Massachusetts and the rules and regulations adopted by the Board of Cemetery Commissioners (The Board of Selectmen).

1. The cemeteries will be open from dawn to dusk year round.
2. Persons within the cemeteries shall use only the avenues, roads, walks and alleys. For persons who walk upon or cross lots or lawns, other than to gain access to one's own lot, the management expressly disclaims liability for any injury sustained.
3. Persons visiting the cemetery are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds.
4. Vehicles within the cemetery:
 - A. Vehicles must be kept under complete control at all times.
 - B. When meeting a funeral procession vehicles must stop until the procession passes.
 - C. Vehicles must not pass a funeral procession going in the same direction.
 - D. Vehicles must not be left with the engine running.
 - E. Vehicles must be driven at a slow rate of speed through the gates and within the cemetery.
 - F. Vehicles must remain on roadways within the cemeteries.
 - G. No reverse or u-turns are permitted by vehicles.
5. Children visiting the cemeteries must be accompanied by an adult.
6. The Management reserves the right to remove any inappropriate materials from a gravesite.

7. All persons within the cemetery should avoid conduct unbecoming a sacred place:
 - A. Loud or boisterous talking is discouraged.
 - B. Idling, loitering and littering on the grounds or in any of the buildings is prohibited.
 - C. No soliciting is allowed within the cemetery.
 - D. Placing of signs, notices, or advertisements of any kind within a cemetery, is prohibited.
 - E. Domesticated animals are not allowed into the cemetery unless approved by The Town Board of Cemetery Commissioners (Board of Selectmen).
 - F. Scavenging, foraging and/or salvaging within the cemeteries of the Town of Dennis is strictly prohibited. Use of any devices, such as metal detectors or other devices is also prohibited.
 - G. Motor biking, roller blading, skateboarding or other similar activities are prohibited.
 - H. Stone rubbings are not allowed.

8. It is the duty of the Town to provide one or more suitable places for the interment of persons dying within its limits (MGL 114:10). It is the duty of Administration to see that the rules and regulations adopted by the Board of Cemetery Commissioners are complied with, to maintain order and protect the property within the Town cemeteries. The Administration is authorized to make decisions that are required to meet any deficiencies, which are not covered, by these Rules and Regulations.

9. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Administration, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these Rules and Regulations, without notice, when in the judgment of the management 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.

10. "Indigent" person as defined by MGL Chapter 261, Section 27A to 27G may be eligible for waiving of fees, if no other means are available. Administration will determine eligibility. Minimum requirements include:
 - Administration must receive a written request to waive fee.
 - Administration must receive documentary confirmation of "Indigent" status of deceased.
 - The Indigent person must be a resident at the time of death (proof required).
 - The Indigent person can't obtain waiver prior to death.

LOTS AND BURIAL RIGHTS

1. Owners purchasing grave spaces (or lots) acquire only the right and privilege of burial of the dead and of the placement of approved memorials and plantings, subject to the adopted rules and regulations or as amended by the Board of Cemetery Commissioners (Board of Selectmen).
2. No lot shall be used for any other purpose than for the burial of the human dead.
3. The right to enlarge, reduce, subdivide or change the boundaries of a section or sections, from time to time, including the right to modify or change the locations of or remove or grade roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual license holders for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The management reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over lots for passing to and from other lots.
4. Descriptions and plans of cemetery lots are kept on file in the Administration's office. Individual death certificates are available at the Town Clerk's office. The Board of Health is responsible for issuing burial permits.
5. The Management will take all reasonable precautions to protect persons holding burial rights within the Town cemeteries from loss or damage; but the Management disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act 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 as herein provided.
6. It is the duty of persons holding burial rights to notify the Management of changes of their address.

CORRECTION OF ERRORS

The Management reserves the right to correct any errors that may be made by it either in making the transfer or conveyance of any interment property either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management, or, in the sole discretion of the management, by refunding the amount of money paid on account of said purchase.

DESCENT OF TITLE

The laws of the Commonwealth of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, advises, trust deeds and inalienability. It is the sole responsibility of the owner/heirs, or any other lawful person to provide documentation to show control of burial rights and to designate burial authorization.

To ensure the correctness of our records, no burial rights can be transferred except by filing with the Administration a copy of the will and probate, or in the case of intestacy, or where the burial right has been listed in the will, the board will recognize as owner those persons listed as receiving the residue of the estate, or that part designated in a signed agreement, executed by the immediate heirs. It is recommended that license holders bequeath burial rights to avoid confusion.

INTERMENTS

1. No interment shall be allowed until a burial permit and/or cremation certificate is provided to the Town.
2. No interment shall be allowed until payment of all cemetery fees have been made to the Town.
3. The cemeteries will open for interments daily with the exception of Thanksgiving Day, Christmas Day, and New Year's Day. When these holidays fall on Saturday or Monday, or where delay would cause unreasonable hardship, interments may be made on such days.
4. Where 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 and holidays.

5. All funeral processions and contractors must notify the Administration prior to entering the Cemetery grounds.
6. Once a casket containing a body is within the confines of the Cemetery, neither funeral director nor his embalmer, assistant, employee or agent, shall be allowed 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 of competent jurisdiction.
7. Prior to interment, family member, funeral director or grave opener, must provide the Dennis DPW with the necessary disposition permit, as directed by the Commonwealth of Massachusetts Secretary of State's office. The location of the interment shall be designated in writing or on site by the licensee or authorized representative.
8. The Management will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.
9. License holders shall not allow interments in any grave space(s) in return for remuneration of any kind.
10. When an interment is to be made in a lot, the location of such interment shall be designated by the licensee or authorized representative. Should the license holder fail or neglect to make such designation, the Administration reserves the right to designate the location of interment.
11. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all burials must be made in burial vaults made of natural stone, or of metal, or of fiberglass, or of reinforced concrete. All such containers must be so made and installed as to meet specifications established by the management. Burial vaults may be procured from any source provided they meet the established specifications (see reuse bylaw).
12. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.

RE-USE OF OCCUPIED GRAVE SPACE(S) BY-LAW

Dennis Code – Chapter 67

In accordance with the provisions of Massachusetts General Laws Chapter 114, Section 10A, the Town shall allow for the re-use of occupied grave space(s) in Town cemeteries under the following conditions:

1. The License holder or his or her heir(s) shall make a formal request to the Town in writing and provide an interment order and a statement that all descendants of the decedent occupying the grave have consented to the request.
2. The burial request must be for a relative or descendent of the decedent occupying the grave.
3. The remains of the decedent occupying the grave must be vaulted, or in the case of cremated remains, must be in a durable container or urn and the location of remains duly noted in the appropriate records.
4. The re-use burial shall have a minimum of 18 inches of backfill cover.
5. The layout of the grave space(s) and the number of permitted re-use burials shall be determined by the Town. The License holder or his or her heir(s) shall designate the location of the re-use burial within the confines of the Town's layout.
6. All re-use burials shall be placed within an approved durable (non-biodegradable) container.
7. No more than two cremated remains shall be permitted in grave spaces where an existing full burial vault is located. One vaulted burial of a child is permitted where an existing full burial vault is located, if space permits and if the proposed vault does not exceed 36 inches in length. Lots designated as two cremation grave space or as a cremation lot will remain as such with no additional burials permitted. An unused grave space may be subdivided into no more than six cremated burial plots.

Approved by Kelli E. Gunagan, Assistant Attorney General on October 27, 2004

CARE AND BEAUTIFICATION OF LOTS

The general maintenance of the Town cemeteries is conducted by the DPW staff under the direct supervision of the Administration. This maintenance includes the intermittent mowing of grass, fall cleanup of leaves and providing grounds to be in a general neat appearance. License holders and/or heirs of burial rights are encouraged to care for their lots as permitted within the adopted rules and regulations.

1. Flowerbeds not exceeding eighteen inches in width may be planted in front of the base of the monument, or where the monument would normally be placed. Care must be taken to plant only on your own lot, and only in the area indicated.
2. Shrubs and non-invasive plants may be planted on lots, but only such varieties that will not interfere with the roads, paths and/or other lots. This can only be done if space permits, on sides of monument and within eighteen inches of front of monument. Please note single grave spaces may not have sufficient space for shrubs if a monument is to be placed.
3. The Administration may remove such trees, shrubs, or any parts thereof that cause encroachment or access problems.
4. There shall be no jars, or glass receptacles, used on the premises for the holding of floral bouquets or part of any ornamentation.
5. The DPW staff under the supervision of the Administration shall have authority to remove all floral pieces, baskets or frames, flowers, weeds, or herbage of any kind from the cemetery as soon, as in the judgment of the Administration, they become unsightly, dangerous, or diseased.
6. The Administration shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached.
7. Bird feeders are not allowed.
8. Sprinklers are not allowed, hand watering only.

A list of recommended plantings for Town cemeteries is available at the DPW office for guidance in appropriate selection.

MEMORIALS

Lot Size

Maximum Monument Size

1 grave lot	2'0" x 1'0", with or without base, centered at head of lot.
2 grave lots	3'6" x 1'8" base, centered at head of lot.
4 (consecutive) grave lots	5'0" x 1'8" base, centered at head of lot.
4 (front to back) grave lots	3'6" x 1'8" base.

BENCH

* A marble or granite bench will be allowed on a lot as the only permanent memorial, it must be centered at head of lot and may be inscribed; therefore, both a monument and a bench are not allowed.

Marker Size

Markers (centered at foot of space) not to exceed 2'0" x 1'0" per grave space.

Designated Cremation Plots - Marker Size - No Monuments allowed

Single markers not to exceed 2'0" x 1'0" per cremation lot.

Any deviation exceeding the above monument/marker sizes will need prior approval by the Administration or the Board of Cemetery Commissioners (Board of Selectmen).



TOWN OF DENNIS NOTICE

THE DENNIS CEMETERY ADVISORY COMMITTEE MEETS MONTHLY TO DISCUSS CEMETERY ISSUES. YOUR COMMENTS AND SUGGESTIONS ARE WELCOME AND SINCERELY APPRECIATED. ALL MEETINGS ARE OPEN TO THE PUBLIC. GENERALLY, THE MEETING IS ON THE LAST MONDAY OF THE MONTH AT 4:00 P.M. NOTICES ARE POSTED AT TOWN HALL.

CEMETERY ADMINISTRATION OFFICE HOURS ARE:

MONDAY - FRIDAY 8:30 A.M. - 4:30 P.M.

Please direct your cemetery concerns to:

Dennis Department of Public Works
Cemetery Administration Office
120 Theophilus Smith Road
South Dennis, MA 02660-3413

Telephone: 508-760-6220

Facsimile: 508-760-6233