

TOWN OF MIDDLETON
CEMETERY DEPARTMENT
MIDDLETON, MASSACHUSETTS



RULES AND REGULATIONS
OF
OAKDALE CEMETERY

1998

OAKDALE RULES AND REGULATIONS OF CEMETERY

I. Introduction

The adoption and enforcement of the following Rules and Regulations is necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of discourtesy or other breach of propriety.

The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be constructed as affecting the general application or enforcement of such rule.

The Rules and Regulations and Schedule of Prices as established by the Cemetery Commission are subject to change without notice.

All provisions of the Massachusetts General Laws, Chapter 114, shall be adhered to including penalties for infringement of the Law.

The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the Rules and Regulations, and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

II. Cemetery Hours

The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1st to March 1st, when they will close at 4:30 p.m.

Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.

The term gate as used herein shall mean any or all the established entrances to

the Cemetery, whether or not equipped with moveable barriers.

III. Office Hours

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works Office, 195 North Main Street during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m. The office will be closed on all legal holidays and weekends.

IV. Sale of Lots

"Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton with the following restrictions to former residency purchases.

- A) Any former resident of the Town of Middleton must show proof of former residency before said sale of lot, and be restricted to the sale of no more than a two grave lot.
- B) Former residency purchases shall be subject to the fee structure established by the Board of Selectmen/Cemetery Commissioners which may be adjusted from time to time. All graves are sold with Perpetual Care. The fee structure is as follows:

Single grave lot	\$600
Double grave lot	\$1200

All other interment fees shall apply at the time of interment".

Lots are sold for cash only and payment is to be made to the Town of Middleton. the deed of a lot shall not be delivered, no stone or marker may be erected, and no work will be done on the lot until the purchase price is fully paid.

V. Lots

- A) Cemetery lots shall not be used for any other purpose than as a place of burial for the human dead, and all burials therein shall be under the personal charge of the Superintendent of Burials, to whom shall be paid such fees for opening a grave as shall be established by the Cemetery Commissioners.
- B) All lots will be defined by a suitable corner marker and numbered by the Department of Public Works herinafter referred to as the Department, and

it is unlawful for any person to remove or tamper with said marker.

- C) No lot will be deeded to more than one owner, nor will a lot be divided. No objections exist to an agreement between or among families as to the parts of the lots to be used by each, but the Department will not undertake to record or enforce such agreements .
- D) In case of the decease of a Proprietor, it shall be the duty of the heirs or devisee to file with the Department satisfactory proof of ownership. (Chapter 114, Section 29, MGL.)
- E) If any monument or effigy, or any structure whatsoever or any inscription be placed in or upon any lot which shall be determined by the Cemetery Commissioners to be improper or offensive shall have the right and it shall be their duty to instruct the Superintendent of Public Works to enter upon said lot and remove such improper or offensive objects.
- F) No fence, curbing, railing, wall, hedge, embankment, ditch or other lot enclosure shall, at anytime, be erected or placed in or around any lot and the establishment of the grade of any lot shall be subject to the approval of the Superintendent of Public Works, and the work of grading shall be done by employees of the Department.
- G) Residents purchasing new graves or lots must make said purchase in the section open for sale at that time. e.g. If purchase is for a two grave lot, it must be made in the section and row being sold at that particular time.
NO EXCEPTIONS WILL BE MADE.
- H) No proprietor shall suffer the remains of any person to be interred within his lot for hire.
- I) All interments or other work shall be under the personal charge of the Superintendent or his assistants.
- J) No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K) Proprietors may erect a memorial structure on their lot subject to the regulations set forth under Section XI, **MEMORIAL STRUCTURES.**
- L) Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under Perpetual Care, the owner

must bear the expense of putting the ground in proper condition again.

- M) On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N) The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O) The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P) No lights of any kind shall be allowed in the Cemetery.
- Q) Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

VI. Trees and Shrubs

- A) If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental, to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department for the time being, and it shall have the right to enter into the said lot and remove the said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B) No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C) The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.
- D) No person shall plant a tree or shrub without approval of the Superintendent of Public Works and all such work will be done by the Department. A tree or shrub may in a few years, because of its roots or branches, become a nuisance or render the ground unfit for burial purposes and no such planting will be allowed if in the opinion of the

Superintendent it would be undesirable.

VII. Grounds

- A) Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B) On Memorial Day on vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12 noon.
- C) Motorcycles, bicycles, go-carts, (3) or (4) wheel all terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D) All persons are forbidden to injure or molest any bird or wild animal, or to molest their nest or other habitation.
- E) The taking of firearms into the Cemetery is forbidden except by authorized persons on military occasions.
- F) No tree or shrub shall be removed, except by the Department, and all persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant.
- G) No employee of the Department will be allowed to receive any fee or other compensation whatsoever for service rendered to any person.
- H) Persons within the Cemetery conducting themselves improperly will be requested to leave, and upon refusal will be compelled to do so.
- I) Dogs and horses are not allowed in the Cemetery at any time.
- J) All work done within the Cemetery shall be performed by employees of the Department, or by permission of and under the supervision of the Superintendent.
- K) No hunting is allowed within the Cemetery property and/or no vehicles are to be left unattended within Cemetery property for the purpose of hunting on adjacent properties. Vehicles found violating this regulation will be towed at the owners expense.
- L) No private vehicles will be allowed to plow out the Cemetery roads at any time. Any damage done to stones and/or the grounds, roads, trees, shrubs etc. will be at the expense of the violator of this section.

- M) The Department reserves the right to open the Cemetery at a reasonable time after any winter storm.
- N) All water faucets located in the Cemetery are to be used for the sole purpose of filling buckets/jugs with water for the caring of flowers and shrubs on ones lot. In no instance is a hose or sprinkler to be hooked up to these faucets. Care in making sure water faucets are completely shut down after use is requested. Any misuse or damage to these faucets should be reported immediately to the Public Works Office.

VIII. Funerals

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the Superintendent or his assistants.

IX. Interments

- A) Undertakers are required to have all interment orders signed by the proprietor or representative of a lot, or grave, and presented at the D.P.W. office at least eight working hours before the time set for the interment.
- B) All interments must be made in permanent containers.
- C) The Department will receive telephone orders for opening a grave, but disclaim liability of error in such cases. In no case will a grave which contains a body be opened until a properly signed order has been received and verified.
- D) No interment will be made without a regular order and burial permit.
- E) As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the proprietor should personally designate the grave to be opened in a multi-grave site.
- F) No interment will be made until all fees charged for the same have been paid.
- G) Not more than one interment will be permitted in any one grave site other than what is provided for under Section XIV Cremation of these rules and

regulations.

- H) Interments will not be made on Sundays or legal holidays. Interments on Saturday will be charged extra.
- I) In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion post-poner making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

X. Receiving Tomb

Bodies may be place in the receiving tomb at any time but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so.

While bodies are deposited in the receiving tomb the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

XI. Memorial Structures

- A) Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B) All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C) Applications for this work must be filed with the Department and shall give full particulars including size.
- D) In single grave sections, single stones shall not exceed 2'-6" x 1'-0" at the base and 2'-6" in height; base shall not be higher than 8". Double stones shall not exceed 3'-0" x 1'-0" at the base and 2'-6" in height; base stones shall not be higher than 8". On 4-grave lots the stone shall not exceed 3'-7" x 1'-1" at the base and 2'-6" in height; base stones shall not exceed

8" in height. All other monuments other than headstones or headstones greater than the dimensions state must first receive approval of the Cemetery Commission.

- E) No foundations will be constructed and no stonework will be set between May 25th and June 1st or between November 15th and April 1st, or when the ground is not in the proper condition for such work.
- F) No person shall deliver any material within the Cemetery except under the direction of the Superintendent or his assistants.
- G) All work must be done during the normal working hours of the cemetery and all contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs.

A monument is defined as any memorial structure other than a tomb, mausoleum, headstone, foot stone or grave marker.

A headstone is defined as a stone to mark the location of a particular grave and shall be erected at the head of the grave.

A foot stone is defined as a stone to mark the locations of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more than 2'-0" x 1'-0" x 8" is allowed on each grave.

A grave marker is defined as a one-piece stone set at one or all four corners of a lot to mark the location of a particular grave.

No raised letters or designs will be allowed on the base of any stonework where it can be damaged by grass cutting implements.

No more than one headstone or monument will be allowed on any one lot.

XII. Perpetual Care

The term Perpetual Care shall mean the maintenance of the lot or grave in reasonable condition. This includes cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising the sunken graves. Under this agreement the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

XIII. Disclaimer

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XIII. Disclaimer

The Department of Public Works will take every reasonable precaution to protect the private property of lot and grave owners within the cemetery from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its control, especially from the acts of thieves, vandals, malicious mischief makers and from the acts of Providence including wind, hail, snow and frost.

XIV. Cremations

Six cremations will be allowed per single grave where the Right of Burial has not been used. Since the Commission feels that cremations do not disturb the remains of a person already interred it will allow up to six cremations to be placed around the headstone area.

Cremations must be placed in permanent containers when delivered to the cemetery via parcel post.

OAKDALE CEMETERY FEES

As of 1998

GRAVE OPENINGS		\$250.00
WEEKEND FUNERAL (EXCAVATION)		\$600.00
CREMATION INTERMENT (WITH SERVICE)		\$90.00
CREMATION INTERMENT (WITHOUT SERVICE)		\$50.00
FOUNDATIONS		\$75.00
FLUSH MARKERS		\$25.00
COMPRESSOR FOR FROST		\$30.00
Infants under 18 months (includes weekend excavations)		\$100.00
SINGLE GRAVE LOT	\$150.00	FORMER RESIDENTS \$600.00

DOUBLE GRAVE LOT \$300.00 FORMER RESIDENTS \$1200.00

FOUR GRAVE LOT \$500.00 NOT AVAILABLE

NOTE: In addition to lot costs there is an additional \$5.00 fee for recording deed.