

TOWN OF NORTON

CEMETERY RULES & REGULATIONS

(Revised October 21, 2019)

1.0 History of the Cemetery, Norton Massachusetts:

The Town of Norton has a long history dating back several years before it's incorporation as a town in 1711. The first known cemetery dates prior to 1700. However, the first recognized one dates to 1702. Called the Norton Common Cemetery, it is located on land that was once called the Chartley Common. With the passage of time and a growing population, more land was set aside and designated as burial places. Today there are 27 cemeteries recognized by the town and the Massachusetts Cemetery Association, an advocacy group established in 1944 to "help the living honor those who are dear to them and that our cemeteries tell a message of love, faith, and history to all who visit them."

See List of Cemeteries attached. (Attachment "A")

2.0 Preamble: In order to ensure the character of the cemetery, in accord with the mind and practice of the Town of Norton, and to establish and maintain the cemetery in good order, the Selectman and Town Manager, with advice from the Norton Cemetery Commission through the Highway Department, is empowered and has the right to create, revise and enforce the following Rules and Regulations as adopted herein and to exclude from the cemetery any person violating the same. The Highway Department under the supervision of the Highway Superintendent, shall act as the Cemetery Management to operate and manage the cemetery(s) for the Town of Norton.

3.0 Formal Adoption: For the mutual protection of the license holders, families, and visitors in the Town of Norton's Cemeteries, in accordance with the Massachusetts General Laws Chapter 114, the Town of Norton Cemetery Commission and Board of Selectmen hereby adopts the following Rules and Regulations. All license holders and persons within the cemetery, and all graves and other burial options shall be subject to said Rules and Regulations. The Cemetery Commission with the approval of the board of Selectmen may adopt such amendments or alterations thereof or additions thereto as needed from time to time. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

4.0 Definitions:

The terms defined in G.L.c. 114 §1 is hereby incorporated into these Rules and Regulations and the following additional words shall be defined as follows:

Burial: For purposes of this Regulation, the term Burial shall refer generally entombment and interment.

Cemetery Commission: The Cemetery Commission consists of any three members appointed by the Norton Board of Selectman to serve a term of 3 years in an advisory capacity. Referred herein as the Cemetery Commission.

Decedent: A person who has died and been or is to be buried in the cemetery.

Durable Outer Container: A vault, grave liner, lawn crypt, urn vault or other outer container approved by the Management.

Entombment: The permanent placement of remains in a crypt in a mausoleum.

Governing Body: The Board of Selectmen of the Town of Norton,

Interment: The permanent placement of a dead human body placed in a casket or other enclosure approved by the Management, in an outer burial container, and buried in the ground.

Inurnment: The permanent placement of a cremated human body contained in an urn, and inurned in a niche or chamber.

License Holder: The purchaser or heirs or designees of the licensed rights of burial in a cemetery. Also referred herein as the Licensee or Lot Holder.

Management: The day-to-day operations of the Cemetery Department shall be managed by the Highway Department under the supervision of the Highway Superintendent.

Memorials: Monuments and Markers

Traditional Monument: an upright monument, usually with a base and die made of granite, raised and set on a foundation commemorating the life of a deceased person or persons and placed at the head of a grave (s). This may be a granite bench.

Tablet Monument: a slant faced monument usually made of granite, raised and set on a foundation, at the head of the grave commemorating the life of a deceased person or persons.

Flat Marker: flush to the ground memorial usually made of bronze or granite, commemorating the life of a deceased person or persons and placed at the head of the grave.

Foot Marker: a memorial centered at the foot of an individual grave, flush to ground and usually made of bronze or granite.

Veteran's Marker: a foot marker usually made of bronze or granite provided by

the US Government specifically for a veteran.

Mausoleum: a building with crypts for the entombment of one or more deceased casketed persons.

Niche: a recess in a columbarium for the permanent placement of the cremated remains of a deceased person.

Perpetual Care: an arrangement made by the cemetery, whereby restricted funds (principal) are set aside, the income of which is used to help maintain the cemetery, indefinitely.

Tomb: a structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

Vault: a 2-piece sealed durable outer container in which the casket is placed at the time of burial in the earth for additional protection; provided, however, that such container may have an inner liner to enhance appearance and sealing ability.

5.0 Governing Body Authorization:

These regulations are enacted by the Town of Norton Cemetery Commission with the approval of the Board of Selectmen in accordance with the authority conferred upon it pursuant to G.L.c, 114, §27.

6.0 Purpose of the Cemetery:

The cemetery is intended for the burial of those to meet the requirements of G.L. c. 114, and the Town of Norton Cemetery Rules and Regulations. The Cemetery Management shall final authority on conveyance of all burial rights.

6.1 Rights of Burial and Eligibility:

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of burial in a specific grave, lot, crypt, or nice or other burial space in a cemetery. The deed may contain certain specific terms and conditions for use of the Rights of Burial, and grant the right of erecting monument or memorials on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded in the office of the Town of Clerk in books kept for that purpose. Copies of lost deeds may be obtained by contacting the Norton town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

The Cemetery Commission shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time.

The conveyance of the rights of burial shall be limited to those Norton residents or individuals who have resided in the Town and as approved by the Cemetery Management. Each household is eligible for a maximum of four (4) graves. A request in excess of four (4) graves per household must be approved by the Cemetery Commissioners. The eligibility may be waived by the Cemetery Management where a hardship is shown by the individual seeking burial rights.

7.0 Admission to Cemetery:

The Cemetery Management may deny the application for burial rights. For good cause, and shall issue a written explanation for said denial.

No organizations except those approved by the Cemetery Management will be permitted to conduct services in the cemetery.

8.0 Burial Procedures: (see also Instructions to License Holders):

Burial services shall be performed between the hours of 8:30 AM and 2:00 PM; Monday through Friday. Burials requested beyond the scheduled hours shall be at the discretion of the Cemetery Management and shall be charged according to a fee schedule, as adopted by the Cemetery Commission, with the approval of the Board of Selectmen. There will be no burial services scheduled on Sundays or days determined by the Governing Body or Cemetery Management.

A Board of Health Burial/Transit Permit, a signed Interment Authorization Form and any and all fees for each burial service must be presented to Cemetery Management before any interment is completed.

Services entering the cemetery shall be under the charge and direction of Cemetery Management or their designee. The casket or other enclosure may not be opened at any time within the cemetery without the express permission and in the presence of Cemetery Management. The Cemetery Management reserves the right to refuse permission without the consent of the legal representative of the deceased or without a court order or authority of civil authority.

9.0 Disinterment/Removal Procedures:

No disinterment or removal of all or any portion of deceased body or cremated remains shall be allowed without permission of Cemetery Management, or an authorized court order, written authorization of the License Holder and all heirs, a Disinterment/Burial permit from the Board of Health and the payment of all appropriate fees. No removal of a memorial shall

occur without permission of Cemetery Management or an authorized court order, written authorization of the License Holder and all heirs.

10.0 Correction of Errors:

The Cemetery Management reserves, and shall have the right to correct any errors that may be made by it either in making an interment, inurnment, disinterment, removal, or in the description, granting of or transfer of any rights. If, in the opinion of the Cemetery Management, the requested lot for burial is inadequate or inappropriate for the needs of the License Holder, the Cemetery Management may choose a similar location within the cemetery that is more suitable for the License Holder,

11.0 Instructions to License Holders:

11.1 Scheduling of Interments:

Persons wishing to select a grave, or arrange a burial, shall contact or call the Cemetery Management to determine the next available date for burial. All burial requests shall be in writing on a form prescribed by Cemetery Management and delivered to the Norton Highway Department, 70 Rear East Main Street, Norton, Massachusetts, in and, or by first-class mail. Applications shall be accompanied by the applicable fee, as set forth in the "Cemetery Price List" and delivered sufficiently in advance so to allow in ample time to complete the respective arrangements. Cemetery Management will be available to assist in coordination of and confirmation of the necessary arrangements. A Funeral Director as your agent may complete this for you. Arrangement by FAX or email for services will not guarantee the correct information for arrangement.

A minimum notice of forty-eight (48) hours (two business days) is requested for arrangements for burial (Monday-Friday). Services requested after 12:00 PM on Fridays will result in a Tuesday burial or later.

Saturday service requests must be received by Thursday evening at 3:30 PM to be confirmed.

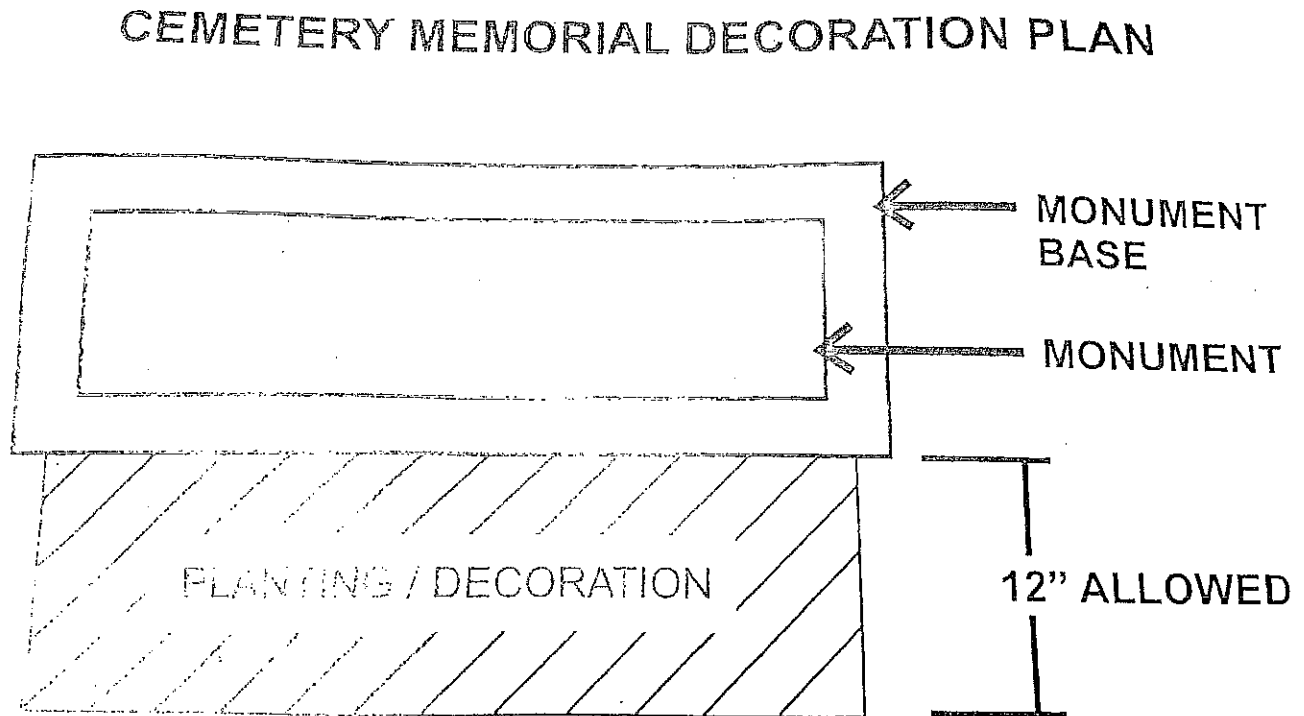
No burials dis-interments or removals shall be permitted on holidays, without the consent of the Cemetery Management.

If a Funeral Director or other authorized agent is representing the License Holder or their heirs, the arrangements made by the agent with Management are binding on said License Holder.

11.2 Memorials and Decorations:

License Holders or Heirs may, at their own expense, install a planting/decoration bed area in front of their respective upright traditional or tablet monuments only. Beds may not exceed

12" in front of the monument and be no longer than the length of the base. No planting is allowed on the side or back of the monument/memorial. The planting/decoration bed shall be maintained in a neat appearance at all times. (No planting/decoration beds are allowed at any flush to the ground surface memorials or markers.



Planting of shrubs shall be pre-approved by the Cemetery Management before planting.

No trees shall be planted in cemetery lots, except by Cemetery Management.

If any tree or planting situated in any plot or grave shall by means of its roots or branches or otherwise become detrimental to said lot/grave or adjacent lots/graves, avenues, or paths, the Cemetery Management reserves the right to remove said tree or planting or parts thereof as are determined to be dangerous, inconvenient, or which detract from the general appearance of the cemetery.

Any object placed on a grave or any cemetery grounds which, in the opinion of Cemetery Management, is deemed offensive, improper or detrimental to the general appearance and safety of the cemetery, may be removed without notice. The following are not permitted and the management has the right to remove such items should they be erected, plated, or placed:

- Placement of items or plantings within the planting/decoration bed area higher than the monument,
- The planting of trees, shrubbery, vines, ground cover or rose bushes,
- The use of fencing, curbing, borders or edging around planting beds or use of artificial turf,
- Stones and mulch used as groundcover,
- Live flamed candles or wind chimes,
- Planting beds at flush markers,
- Decorative flags that are hung on metal support frames (shepherd hooks) within the planting area shall not be higher than the Cemetery Stone/Monument.
- Glass or ceramic items or stones,
- Enclosures or any kind.

Scheduled clean-up and maintenance of the entire cemetery will occur twice a year.

11.3 Durable Outer Containers:

All interments of a casket or a cremation container shall be made using a durable outer container made of concrete or other durable material in accordance with specifications acceptable to the Cemetery Management. All interments shall be completed using lawn crypts, vaults or urn vaults. Grave liners with two-piece flat covers are prohibited. No durable outer container used for casket burial may exceed 36-inches total width and 96-inches total length, except as allowed by Cemetery Management.

11.4 Capacity:

In the case of a Single Grave:

Each single grave is granted the right of ground burial of two (2) deceased human remains, being one (1) of full casket burial and four (4) of cremated remains per designated grave as detailed in the License of Burial, unless recorded otherwise on the License of Burial. Cemetery Management may approve additional burial rights.

In the case of cremation only Graves:

Each single grave cremation only lot is granted the right of ground burial of four (4) of cremated remains per designated grave as detailed in the License of Burial, unless recorded otherwise on the License of Burial. Cemetery Management may approve additional burial rights. Cremated remains shall be placed in the durable outer container as approved by the Cemetery Management or in preinstalled containers as provided by the Cemetery Management. Cremated remains shall be placed in a container(s) of suitable size to fit within the cremation vault. The Cemetery Management will assist in determining the size but is not responsible for urns that do not fit within the vault. Reuse of cremation graves as described below is prohibited.

In the case of cremation niches:

Capacity will be determined by the Cemetery Management based on niche size but, in any event, will be no larger than a grave site.

Reuse of Previously Used Graves:

The reuse of previously used graves will only be allowed in accordance with G.L.c 114, 810A and any other applicable law.

11.5 Heirs:

The rights of burial are for the License Holder or his/her designee only, and not for resale or profit. All or any portion of a license maybe surrendered to the Town, in writing, by the license holder, or the license or portion thereof shall be deemed surrendered if the person entitled burial passes and is not buried in the licensed plot. Licenses maybe transferred to family members if a request is made in writing and a transfer is approved by the Cemetery Commission.

12.0 Service Fees and Payments:

The Cemetery Commission, with the approval of the Board of Selectmen shall establish a fee schedule for services and accept payment for each burial, installation, or removal of memorial foundations, and for the performance of any other service rendered by the cemetery. All work and services in connection with such services shall be subject to and supervised by said Cemetery Management.

Any indebtedness due for work or services performed must be paid before a burial may be made, or before a memorial is erected, as the case may be.

The current Schedule of Fees may be modified from time to time and is contained in a document titled "**Cemetery Price List**", and is incorporated herein by reference, including the latest updates. (Attachment "B")

13.0 Right to Replat and Change:

The Cemetery Management may replat sections of the cemetery at any time for the erection of buildings, grave development or for any purpose or use connected with, incident to, or convenient for, the care, preservation, or preparation for interment of the deceased or other cemetery purpose. Re-platting may include enlarging, diminishing, altering in shape or size or otherwise changing all or part of a portion of any cemetery, including establishing, closing or otherwise modifying the roadways, walks, or drives.

14.0 No Easement Granted:

No easement or right is granted to any license holder in any road, drive, walkway, or open space within the cemetery, but such roads, drives or walkways may be used as a means of

access to the cemetery, family grave(s) and its buildings as long as Cemetery Management devotes said areas for that purpose.

15.0 Conduct in the Cemetery:

The cemetery is a sacred and dignified place. Persons visiting the cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times. No persons should use the cemetery for loitering, playing, or boisterous demonstration. Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are prohibited.

The use of motorized vehicles and bicycles is limited to paved driveways and are specifically excluded from walkways and grassed areas. Speed shall be limited to five miles per hour maximum (5 MPH).

Alcoholic beverages and recreational drugs are prohibited from the cemetery grounds.

Children must be accompanied by a parent or guardian when on cemetery grounds.

No unleashed pets are allowed within the confines of the cemetery.

16.0 Grading and Improvements:

The Cemetery Management reserves the right to complete all landscape work or improvements of any kind and complete all care of lots and graves or plant, trim, cut or remove all trees, shrubs, and herbage within the cemetery grounds to maintain appearance or provide access to graves. As such, all such improvements or alterations within the cemetery shall be approved by and under the direction of the Cemetery Management.

17.0 Cemetery Hours:

The cemetery grounds are open for visitation daily from dawn to dusk.

18.0 Outside Workers:

The Cemetery Management reserves, and shall have, the right to give authorization to any non-Norton cemetery employees, workers and agents (Memorial Dealers and Funeral Directors) before they may do work in the Town of Norton Cemeteries. Any outside worker shall request and receive authorization from the Cemetery Management before they may do work in the Town of Norton Cemeteries.

19.0 Employees:

Cemetery employees are not permitted to do any work for a License Holder, heir or visitor, unless directed by the Cemetery Management. Employees are required to be civil and courteous to all visitors at all times.

20.0 Loss or Damage:

The Cemetery Management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond Cemetery Management's control, whether the damage is direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches, or crypts or any portion thereof, Cemetery Management shall give written notice of repairs and repair the area. If it is the responsibility of the license holder or its heirs to repair said damage, then said notice will be sent to the last known address of the license holder. If the license holder does not repair the damages in a reasonable time, the Cemetery Management may direct the repairs to be made and charge the expense against the lot or grave to the holder of record.

21.0 License Holder's Change of Address:

It shall be the duty of the license holder, and their heirs to notify the Cemetery Management of any changes in its post office address or mailing address. Notice sent to the license holder at the last address in the records shall be considered sufficient and proper legal notification.

22.0 Perpetual Care:

The Cemetery is a Perpetual Care Cemetery.

All money that is designated for the Cemetery's Perpetual Care Fund is used for Cemetery purposes: The principal portion is set aside for investment and the proceeds (income) thereof are used to provide general care. Perpetual Care shall consist of: care and maintenance necessitated by natural growth and ordinary wear, cutting laws, tree care, cleaning and maintenance of grounds, roadways, walks and buildings, provided there is sufficient income funds for these purposes.

Perpetual Care does not mean the maintenance, repair or replacement of any memorial (i.e. monuments or markers) placed or erected upon any lot or grave; nor the planting, culling, watering or care of any privately planted flowers, nor does it mean the reconstruction of any memorials/markers or special work on a lot or grave, Any individual having a right or rights of burial in any lot shall provide for perpetual care of such lot by paying a sum of money into a perpetual care fund.

23.0 Memorials and Markers – Rules for Memorial Work:

License Holders have the right to place one permanent memorial as detailed in the current “Specifications and Requirements for Monuments and Markers” on file at the cemetery office.

All memorial monuments shall be placed by outside workers in a location centered at the head of graves or centered on a lot if multiple graves are so licensed at the head of the graves. All memorial monuments shall be installed on a foundation as installed by the cemetery. All Veteran’s Administration (VA) and Foot Markers will be set flush to ground and, on a foundation, approved and installed by the cemetery, at the foot and center of each individual grave. A fee for the service of installing a foundation for a monument/memorial will be set by the governing body and Cemetery Management. All types of approved memorials or markers to be placed on said graves remain the property of the individual License Holder. Therefore, any safety concerns, damage due to weather, acts of God, vandalism, malicious mischief, or theft, are the owner’s responsibility and should be included on their homeowner’s policy.

All foundations for stones, markers, or memorials shall be installed by the Cemetery Management. Foundations may be 3 inches larger than the base of the memorials to minimize vegetation growth near the memorials and minimize trimming needs.

A temporary memorial when provided by the Funeral Home for a deceased individual may be placed at the head of the grave at the time of interment services; however, they will be removed in a timely manner and are considered as part of grave decoration and not a permanent memorial.

The license holder, its heir and its authorized agents (memorial dealers/stone cutters) shall abide by the following:

Prior to their placement of any memorials or markers, the License Holder and their Memorial Dealer shall submit the following to the Cemetery Management:

- 1) A Memorial Permit Authorization Form signed by the License Holder (or heirs of said grave) and the Memorial Dealer,
- 2) A detailed drawing of the design of the memorials, tablets and markers indicating dimensions, material, inscriptions and images.
- 3) A Certificate of Insurance on file.

The Cemetery Management shall review and approve or review and reject monuments, tablets and makers to be placed in the cemetery based on their size, material or inscriptions. Memorials and inscriptions thereon deemed by the Cemetery Management to be obscene, offensive, unreasonable, commercial, or oversized will be rejected. The size, location and position in which the memorial is to be placed or erected shall in accordance with current “Specifications and Requirements for Monuments and Markers” on file at the cemetery office and subject to approval of and under the supervision of Cemetery Management.

Memorial work may only be completed in the cemetery during cemetery hours listed herein.

Memorial dealer employees, in placing or erecting monuments/markers or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible always for their work as well as any damage to other monuments/memorials and/or cemetery grounds. All work must conform to the Cemetery Rules and Regulations. All outside contractors or dealers must provide proof of liability insurance to the Cemetery Management prior to conducting any work in the cemeteries.

Should any monument or marker become unsightly, dilapidated or a menace to the safety of persons within the cemetery, the Cemetery Management shall have the right to give written notice to the License Holder or heirs to correct the condition or to remove the same, at the expense of the license holder.

Soliciting memorial sales or service work within the cemetery is not permitted.

All memorials/monuments will be placed on a suitable foundation. Foundations shall be installed by the cemetery or its designee.

24.0 Private Family Estate Mausoleum Memorials:

Private Family Estate Mausoleums may be allowed in the cemetery only by special approval of the Cemetery Management. The Cemetery Management shall have final approval as to the specification, size and style.

25.0 Persons Aggrieved:

Persons aggrieved by these Rules and Regulations and/or the operations or applications by Cemetery Management may request review by the Cemetery Commission. Said request shall be in writing and shall be received by Cemetery Commission. Said request shall be in writing and shall be received by Cemetery Management within ten days of the decision complained of. The Cemetery Commission may affirm, modify or reverse and decision of Cemetery Management, in its discretion.

The Town of Norton shall in no way be liable for any delay in burial of a body under any circumstances, including but not limited to: where a protest to the burial has been made; the Rules and Regulations have not been complied with or forbid such burial; or where an appeal has been filed with the Cemetery Commission; and further, Cemetery Management reserves the right to require that agent or family to hold the body until the body can be buried.

26.0 General:

The Town of Norton through its Cemetery Management reserves the right, without notice, to make temporary exemptions, suspensions, or modifications of any of the rules and regulations when in its judgment; the same appears necessary and/or advisable. In no way will it be regarded as affecting the general application of such rules and regulations.

The Town of Norton does not discriminate in its programs and activities based on age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, race, religion, gender orientation, or veteran status, as applicable.

The Cemetery Management expressly disclaims liability for any injuries sustained by anyone violating these rules.

The Cemetery Management is not liable for damage to monuments or markers, shrubs or plants. The Cemetery Department shall take reasonable precaution to protect lot owners within the cemetery from loss or damage to the aforementioned items but it distinctly disclaims all responsibilities for loss or damage beyond its reasonable control, especially from damage caused by the elements, an act of God, thieves, vandals, or unavoidable accidents.

Any damage within any town cemetery shall be repaid for at the expense of the person or persons responsible.

27.0 Authorization:

The above revised Rules and Regulations were approved by the Town of Norton's Cemetery Commission and Board of Selectmen.

Approved

DATE:

_____	_____
_____	_____
_____	_____
_____	_____

TOWN SEAL:

ATTACHMENT "A"

LISTING OF TOWN OF NORTON CEMETERIES

First Burial Cemetery

This is a town-owned cemetery. It was established before 1700. To get to the cemetery, follow the path that leads from the Norton Historical Commission sign on Bay Road to the cemetery. The path extends along the southern end of a meadow and along a tree line. There is a wooden bench at the half way point and at the front of the cemetery. This cemetery is overgrown and many of the rails are bent.

The Massachusetts Historical Commission does not refer to this cemetery in MACRIS.

This cemetery is referred to in the Norton, MA Vital Records to 1850 Published by: New England Historic Genealogical Society as "G.R.1 - First Burial Place".

Babbit Cemetery

Briggs Cemetery

Crane Cemetery

Crane-Newcomb Burial Place

Dyer Burial Place

Eddy-Lincoln Cemetery

First Burial Ground

George Coddington Burial Place

Hall Cemetery

Hannah Woodward Gravesite

John Eddy Burial Place

Josiah Newcomb Cemetery

Lincoln Burial Place

Lincoln Cemetery

Newland Cemetery

Norton Common Cemetery

Seneca Lincoln Family Burying Ground

Timothy Plain Cemetery

White Family Cemetery

Winnepesaukee Cemetery

Woodward & Pugh Cemetery

ATTACHMENT "B"

TOWN OF NORTON CEMETERY DEPARTMENT