



Rules and Regulations of the Montague Cemetery Commission
Adopted April 10, 2001
Revised and approved May 8, 2023

Montague Cemetery Commission
Montague Town Hall
One Avenue A
Turners Falls, Massachusetts 01376

INTRODUCTION

The cemeteries within the bounds of the Town of Montague, Massachusetts and under the aegis of the Montague Cemetery Commission are historically and aesthetically of significant importance and irreplaceable. Therefore, it is assumed that those persons visiting our cemeteries will respect both those who lie within each cemetery as well as for the cemetery facility itself.

These rules and regulations apply to the eight (8) existing town cemeteries of the Montague Cemetery Commission: Burnham Cemetery, Chestnut Hill Cemetery, Dry Hill Cemetery, East Mineral Cemetery, Fairway Cemetery, Highland Cemetery, Old South Cemetery, and Town Cemetery.

General cemetery rules:

1. Cemetery grounds will be open from sunrise to sunset.
2. All persons are prohibited from any disrespectful use of the cemetery grounds.
3. All persons are prohibited from cutting trees, shrubbery or plants, or defacing or otherwise damaging monuments or other structures including stone walls.
4. No disposal of rubbish is allowed in the cemetery.
5. Snowmobiles are prohibited. Bicycles must be walked within the cemetery boundaries.
6. No signs, notices or advertisements of any kind are allowed in the cemetery unless placed by the Cemetery Commission.
7. No archery or firearms are allowed except by a military escort accompanying a veteran's funeral or attending memorial services.

Care of cemetery:

1. The general care of the cemeteries is assumed by the Cemetery Commission. A contractor paid by the town cuts the grass at regular intervals and conducts seasonal cleanup.
2. This general care in no case means the maintenance, repair or replacement of any memorial, nor the ordering of any special or unusual work in the cemetery for the benefit of any individual gravesite. Additionally, excluded from the general

care of the cemetery is the reconstruction or repair of any individual gravesite, marker, headstone, planting, decoration or any other item in the cemetery, where damage or destruction is caused by the elements, an act of God, thieves, vandals, explosions, unavoidable accidents, riots or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.

3. Any monument or structure or any inscription placed in or upon any plot which is determined by the Cemetery Commission to be offensive or improper, said commission has the right to enter upon said plot and remove the offensive or improper object. The proprietors, having been given due notice of said removal, will be charged with the cost of the removal.
4. No work shall be performed on graves or lots unless authorization has been obtained from the Cemetery Commission, in order to preserve as much as possible the natural appearance of cemeteries.

Individual plots:

1. All work done in the cemetery must be approved by the Montague Cemetery Commission.
2. A plot is a single gravesite: 3-1/2' x 10'. A plot in the Highland Cemetery lawn section is 4'x8'. A lot in Highland Cemetery consists of 8 plots. Grave size in Highland Woods is 4x8.
3. The proprietor of any plot will have the right to erect 1 (one) stone or monument per plot, subject to approval of the Cemetery Commission. No proprietor shall have the right to materially grade or alter the surface of their plot.
4. Vaults are not required for burial.
5. Only granite, marble or other natural stone will be allowed for headstones. The base of each monument must be level on the bottom so as to set solid and erect on the foundation. The footings must be below frost line. All foundations and monuments must be installed by the monument contractor and are subject to the final approval of the Cemetery Commission.
6. So-called "Green Burials" or "Natural Burials" shall comply with the Town of Montague Cemetery Commission Policy for Natural Burials and in the event any provisions of said policy are inconsistent herewith, the terms of the policy shall prevail.

Grave plantings and decorations:

1. The Cemetery Commission has the authority to remove all floral designs, flowers, weeds, trees, shrubs, or plants of any kind from the cemetery as soon as, in the judgment of the commission, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standard maintained.
2. No trees or shrubbery will be planted upon any plot.
3. No fence, curbing or railing will be put around any plot.
4. Summer decorations must be removed by Oct. 15th and winter decorations must be removed by April 15th.
5. The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot. The Town of

Montague shall not be liable for damage, destruction or theft of flowers, flags, decorations, monuments or other objects left at a gravesite.

6. Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.

Administrative:

1. The Cemetery Commission reserves the right to:
 - a. Enlarge, reduce, replat, or change the boundaries or grading of the cemetery, or a section or sections, from time to time;
 - b. use cemetery property not sold to individual grave owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto.
2. The Cemetery Commission reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over graves for the purpose of passing to and from other graves or plots.
3. The Cemetery Commission will endeavor take all reasonable precautions to protect plot owners and the property rights of grave owners, within the cemetery from loss or damage, provided that nothing herein shall be deemed to be a waiver of the Town's disclaimer or all liability for any injury or property damage occurring on cemetery property.
4. It is the duty of grave owners to notify the Cemetery Commission of any change in their mailing address.

Interments:

1. Individual plots will be used only for the purpose of burial of the remains of the human dead.
2. One body or one body and one cremated remains or two cremated remains will be made in one grave, except in the case of a parent and infant.
3. All interments, disinterments and removals are subject to the rules of the Cemetery Commission and must be made at the time and in the manner and subject to such charges as fixed by the Cemetery Commission.
4. No interment or inurnment shall be made until the Cemetery Commission or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the plot in which interment is to be made. No grave shall be opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.
5. The body of the deceased may be brought to the cemetery by a funeral director, or by family of the deceased with the proper paperwork from the Board of Health.
6. A Burial Consent Form must be completed before opening of a gravesite. Completed forms will be delivered to the Montague Cemetery Commission, 1 Avenue A, Turners Falls, MA 01376.

7. When an interment is to be made in a plot, the location of such interment may be designated by the plot owner, however the Cemetery Commission reserves the right to make the interment in a location designated by them.
8. The instrument of conveyance, these Rules and Regulations, and any amendments thereto, constitute the sole agreement between the Cemetery Commission and the grave owner.
9. The Cemetery Commission reserves, and may waive, the right to insist upon at least 36 hour notice prior to any interment and at least one week notice prior to any disinterment or removal.
10. Where immediate burial is required by state law or under the rules and regulations of the Board of Health, interments may be made on Sundays and holidays.
11. The cemetery will be open for interments from 8:00 AM to 3:00 PM daily. Overtime charges will be applied to weekend, holiday, and after-hour burials.
12. No burials will take place in town cemeteries between the dates of December 1st and March 31st without the permission of the Montague Cemetery Commission.

Disinterment etc.:

1. No disinterment will be made without permission from the Cemetery Commission.
2. Disinterment will be open to the inspection of the said grantee.
3. Only the Cemetery Commission will be permitted to open graves with the following exceptions:
 - a. when the cemetery is directed to make a disinterment by judicial order and a certified copy of such order has been filed with the Commission, or
 - b. when the Coroner/Medical Examiner directs the disinterment for the purpose of holding an inquest and has filed with the Commission his/her signed authorization to release the body to himself/herself or his/her lawful agents. In such a case, the disinterment must be made by the Coroner/Medical Examiner or his/her lawful agents.
4. The utmost care will be exercised in making a disinterment or removal, but the Cemetery Commission will assume no liability for damage to any casket, burial case or urn incurred in making the removal. The Burial Consent Form must be signed before disinterment can occur.

Financial:

1. All plots will be sold by authority of the Cemetery Commission. In addition, before any stone or marker is placed on a grave, complete payment for the plot must be made to the Town Treasurer unless waived by the Cemetery Commission.
2. When a plot is purchased, a certificate of ownership for burial purposes only will be issued by the Cemetery Commission.
3. Plot owners will not allow burials in their plots for remuneration of any kind. Burial rights in a plot may only be sold back to the Cemetery Commission at the original purchase price, and only if a new buyer is available.
4. The plot may not be sold for financial gain but may be assigned through survivorship to others.

5. Pursuant to MGLc114 sec 25 the town may receive gifts or bequests for maintenance of the cemetery. These funds will be paid to the town treasurer, kept separate from other town funds and accounts and be invested in accordance with any stipulations from the grantor, if any. Proceeds of plot sales or rights of burial will be paid into the town treasury and appropriated to reimburse the town for cemetery maintenance and expenditures.
6. Pursuant to MGLc114 sec 19 the town may receive, hold and apply any funds, money or securities deposited with the town treasurer for the preservation, care, improvement or embellishment of the cemetery or of lots in the cemetery. The town treasurer will invest these monies to ensure a maximum income.

Legal information:

1. The Cemetery Commission and the Town of Montague will in no way be held liable for any injuries or damage to property sustained by anyone while in the cemetery.
2. The Cemetery Commission will enforce all policies, rules and regulations.
3. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Commission reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these policies, rules and regulations when it seems advisable. Such temporary exception, suspension, or modification will in no way be construed as affecting the general application of such rule.
4. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to local and state laws, by-laws, ordinances or regulations.
5. The laws of the Commonwealth govern descent of title to cemetery plots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Cemetery Commission will assist plot owners who desire information or advice on questions pertaining to their plot.
6. The Cemetery Commission will not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave and location of a grave where interment is desired. The Burial Consent Form must be completed before interment can take place.