



TOWN OF MARBLEHEAD CEMETERY DEPARTMENT



RULES AND REGULATIONS

Section I

Cemetery Commissioners

- A. The Town Board of Cemetery Commissioner's election of and duties of members are set by MGL c. 114 §22 and §23. The Cemetery Commission shall comply with all applicable laws regarding the conduct of a public body in the Town of Marblehead and the Commonwealth of Massachusetts including but not limited to the provisions of MGL. c. 268A's, the "Conflict of Interest Law", the Sexual Harassment Policy of the Town of Marblehead as well as the Code of Conduct adopted by the Cemetery Commission.
- B. It is the duty of the Commissioners to see that the bylaws of the Town and these rules and regulations are complied with and to protect and promote the best interests of the cemetery. To that end they are authorized to make additional rules which may be needed from time to time to meet emergencies which are not covered by these rules and regulations or to amend, alter or repeal any rule.
- C. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Proof of hardship may be required by the Commission. The Commissioners, therefore, reserve the right, without notice, to make exceptions, suspensions, or modifications in any of these rules and regulations when, in their better judgment, the same appears advisable, and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of the rule.
- D. The Board oversees the budget and sets precedent. They appoint a Superintendent to handle every aspect of running the Department. Should a case arise where the Superintendent is unable to make a satisfactory adjustment, the matter will be referred to the Commission for final decision.

Section II

General Provisions

- A. All rules formerly adopted which are contrary to these rules and regulations are hereby repealed and declared void.
- B. These rules and regulations of the Marblehead Cemetery are adopted to protect and promote the general welfare of the cemetery as a whole.

Section III

Purchase of Burial Rights

- A. Burial rights are purchased with the agreement and limitation that said burial rights are to be used solely for members of the Purchaser's family. When a lot is purchased, only the exclusive right of burial is secured, not the land itself. Deed and bond instruments with the Town of Marblehead Cemetery Department Seal affixed thereto will be issued.
- B. In order to purchase burial rights, one must be a Marblehead resident who does not have a lot in their name. Pre-need purchases are available to those who are **Marblehead resident taxpayers** of five years or more who **pay taxes on the property in which they reside**. A Marblehead resident who rents shall only be permitted to have their estate purchase burial rights upon their death. Because of space restrictions, purchases have been limited to two graves.
- C. No person, not an inhabitant or taxpayer of the Town, shall hold title to burial rights, except as provided in the Town bylaws or MGL c.114, §29. If the owner finds the lot cannot be used, they shall release lot back to the Town and refunded the original purchase price. No transfer or assignment by a lot owner of any interest in his lot will be valid, except to the Town.
- D. On the decease of a proprietor a lot passes to the individual's heirs at law, unless specifically devised by will or by a deed or trust. A notarized statement should be filed with the office listing the names and addresses of all the heirs, and a majority of the heirs should also designate one of their number as representative. If no such statement is filed, the Superintendent may designate one of the heirs as representative.
- E. In transactions where legal papers are necessary, there will be a nominal charge made for the same.

Section IV

Funerals & Interments

- A. Reasonable advance notice for openings is required by owners and funeral directors. Inquiries should also be made in advance to see if there are any existing encumbrances on the lots. No Sunday or Holiday burials.
- B. Interments being planned without a Funeral Home will take place only after the cemetery has received full payment for the lot, and all appropriate fees associated with the burial and permits have been submitted to the Cemetery office.
- C. The scattering of cremated remains is **not** permitted anywhere within cemetery grounds. If found, a fine equal to the then current charge, including applicable miscellaneous fees, consistent with the cost of a cremation burial will be assessed. Lots upon which fines are outstanding shall be closed to further use until the fine is paid in full.
- D. The Superintendent has the authority to refuse a funeral, when in the Superintendent's judgement, the conditions within the cemetery make the burial unsafe and/or impossible.

Section V

General Rules

- E. All business is to be conducted through the office during regular working hours.
- F. Patrons are asked not to pay any fee or gratuity to any employee. Employees of the cemetery are not permitted to do any work for lot owners, unless arranged through the office. A printed order must be signed by the lot owner and be approved by the Superintendent.
- G. All openings and all foundations must be made by the employees of the Department.
- H. The cemetery will not be used for any active recreational purposes, ie skateboarding, winter sports, wading in the Hourglass Pool, bicycling, golfing, fishing etc. Passive recreation like walking and nature observation is encouraged.
- I. The Superintendent may eject any persons or vehicles from the premises for violations of any of these rules and regulations.
- J. The Cemetery Department will not be held responsible for monuments, flag holders, containers, flowers or decorations of any kind placed on lots.
- K. No temporary markers will be placed on any lots without permission from the Superintendent.
- L. It is forbidden to pick flowers, mark trees or monuments, break glass, throw stones, or injure anything within the cemetery. No shooting is allowed except at a military service. Wildlife must not be disturbed. No fast driving or riding is permitted over 15 miles per hour. No motorcycling, bicycling, skateboarding, rollerblading, horseback riding, snowmobiling, skiing or sledding allowed.
- M. No dogs will be allowed in the cemeteries under the jurisdiction of the Town. Dog bylaws and ordinances apply and are in effect within the cemeteries and will be enforced.

§ 13-11. Seasonal prohibition of dogs from certain areas. [Added 5-4-1992 ATM by Art. 51; amended 5-1-2006 ATM by Art. 39; 5-7-2007 ATM by Art. 31]

No person owning, harboring or having custody or control of a dog shall permit such dog to be on any public cemetery of the Town at any time throughout the year, nor shall such person permit such dog to be on any public beach, athletic area, playground or park of the Town between May 1 and October 1 of each year, provided, however, that this prohibition shall not apply to Chandler Hovey Park, Crocker Park, Fort Sewall, Fountain Park, Upper Seaside Park, Riverhead Beach or the Town designated Dog Park. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:

A. First offense in calendar year: \$25. B. Second or subsequent offense within calendar year: \$50

- N. No littering. All rubbish including clippings, weeds and plant containers shall be carried out by the individual who carried them in.
- O. No solicitation of any commodity within the cemetery. (includes signs, notices or advertisements)
- P. Cars parked within the cemetery for parties, boating, fishing, skin diving, or swimming will be towed.
- Q. No alcoholic beverages whatsoever permitted.
- R. Loitering is prohibited in or about the cemetery buildings.
- S. There are penalties and fines imposed for vandalism and desecration of graves within cemeteries per MGL c. 277, as amended, also pertaining to defacing of memorials. The Commissioners are empowered to enforce the same.
- T. The Cemetery Commission reserves the right to make changes in the price schedules as warranted without notice.

Section VI

Veterans Lot

Veterans Lot sections may be used for the interment of the **cremated remains** of qualified honorably discharged American veterans.

- A. Proof of service to be established through the Marblehead Veterans Agent – subject to approval of the Superintendent.
- B. Deceased must be a Marblehead resident at the time of their enlistment into the service.

OR

Be a current Marblehead resident for at least ten years at the time of their death.

- C. There will be a fee of \$500.00, along with standard fees associated with a grave opening.
- D. Only one white marble headstone will be allowed and can be applied for by the family through the Marblehead Veterans Agent 781-631-0990.
- E. A spouse's ashes can be interred after or at the same time as a qualified deceased veteran. After interment, a spousal inscription will be allowed on the rear of the existing memorial and is the responsibility of the family.
- F. Following the guidelines of the Massachusetts Veterans' Memorial Cemeteries the placement of items on graves, other than on the day of interment is subject to the following conditions:

DECORATIONS:

The United States, POW/MIA and Armed Forces Flag are flown all year round honoring all veterans buried in the Vets Lot.

- No flags other than those placed by Cemetery personnel or those placed by the Veterans Agent for Memorial Day – The Marblehead Veterans Agent will place flags on each gravesite on the Saturday before the holiday. These flags will remain until Veterans Day.
- No flag standards (holders) or grave medallions.
- Fresh cut flowers are permitted at any time – and will be removed at the discretion of the Cemetery.
- A potted plant, no larger than 8 inches round, will be permitted and will be removed at the discretion of the Cemetery. Pots are to be placed on the ground and not below grade.
- Freshly cut green wreath with one bow, or a small log basket of fresh cut greens with a bow allowed from December 1 through January 15. Wreaths must be laid on the ground in front of headstones and are not to be attached to the headstone.
- All coins left by those visiting our deceased veterans are collected periodically to be used to help with the upkeep of this area.
- In ground plantings are not permitted. The lifting of the turf for flower beds has always been prohibited.
- All other decoration other than what is stated above is prohibited.

These graves are to be kept clean and squared away as is consistent with the honor, dignity and respect our fallen heroes deserve.

Section VII
Welfare and Stillborn Lots

- A. In the case of persons on government programs not covered by reimbursement or who are indigent and pass away within the Town, a single grave will be used in the single grave areas, and there will be the normal charge made for opening and closing.
- B. Memorials will be restricted to rules and regulations as set by the Commission for single graves.

Section VIII
Perpetual Care

- A. Perpetual care of the plots shall consist of the following services only: grading, seeding, grass cutting and trimming and raising of the graves as depressions occur.
- B. Lot owners desiring additional care of their lots may arrange for such care with the cemetery office, where an estimate of the cost of the work desired may be obtained.
- C. Heirs at law will issue payment for all unpaid perpetual care charges on available unused graves in lots obtained by inheritance or transfer, before lot can be used.

Section IX Decoration of Plots

- A. There will be no trees, evergreens, shrubs, rosebushes, hosta, vegetable plants or similar vegetation allowed on any lots. **The turf on any grave space shall not be disturbed.** Outlining a lot or grave space with anything including curbing, railings, bushes, plants or other items, along with the building of mounds on any grave or in front of an upright stone or marker, is not allowed.
- B. Small flower beds will be allowed directly in front of an upright memorial only (not to the rear or the side). The flower bed shall not come out any further than one foot from the base of the memorial. Outlining a flower bed with anything such as fencing, rocks, shells etc. is not permitted.
- C. No in ground plantings of any kind allowed in single grave areas, on the bell tower knoll, AM section or in the hourglass pool area.
- D. No artificial flowers, statues, toys, solar lights, wind chimes, shepherd's hooks, breakable objects or ornaments will be allowed. No pumpkins or similar items permitted.
- E. The Cemetery Department reserves the right to remove any tree, planting or decoration that is contrary to these rules without notice.
- F. All floral designs and cut flowers shall be removed by the cemetery employees as soon as they become unsightly.
- G. Persons desiring to retain seasonal flower baskets, pots, containers or other items shall remove them before clean ups are done which generally occur in the beginning of March and October. Any items remaining will be disposed of during the respective clean up.

Section X Memorials

- A. Only one (1) upright monument will be allowed per lot. Maximum base of 2'x1' and overall height of 3' for the base and die. Only conventional stones may be used.
- B. All foundations must be processed through a monument company. Orders for foundations, inscription work, cleaning, repairing, or removal of monuments require permits. All permits submitted by a monument company are to be signed by the lot owner or current representative. Dealers are to perform all work during Department business hours only. No weekend or holiday work is allowed.
- C. All foundations are poured in the order in which they are received. Foundations orders received between May 1 and Memorial Day will not be installed until after Memorial Day. Orders received after October 31 will be held until the Spring or until weather permits.
- D. This Department reserves the right to remove corner posts and curbing deemed necessary for the benefit of the cemetery.
- E. This Department will not be responsible for any engraving on monuments and/or markers.
- F. Restrictions on memorials:
 - 1. Hourglass pool, inside hedge – max 2'x1' flush marker
 - 2. Bell Tower Knoll – max 2'x1' bronze marker
 - 3. Single grave and AM sections: max 2'x1' flush marker

Section XI Chapel; Columbarium

The Nonsectarian Chapel at Waterside Cemetery is a building where memorial services may be held for the residents of the Town of Marblehead. It will accommodate approximately 50 people and may be used for services prior to burial within Waterside Cemetery. Details regarding current rental fee and Niche purchase are available at the Cemetery office.

Adopted April 19, 1945, Effective May 1, 1945, amended May 16, 1956, amended February 25, 1976, effective April 6, 1976, amended February 1, 1981, amended January 1, 1988, amended April 6, 1991, amended July 1, 1998, amendments adopted into By-Laws May 1, 2001, amended July 1, 2009, amended May 11, 2010, amended October 12, 2011, amended December 5, 2012, amended October 9, 2018, amended July 12, 2022, amended September 10, 2024