

PUBLIC HEARING NOTICE
Town of Chatham Cemetery Commission
Proposed Changes to Rules and Regulations

Department of Public Works Building
Conference Room
221 Crowell Road, Chatham MA
December 17, 2010 - 9:00 AM

Strikethrough indicates language proposed for deletion
Underline indicates language proposed for inclusion

~~In the Town of Chatham the cemetery grounds, both public and private are maintained and controlled by the Cemetery Commission. All burial grounds in the Town are under the control of the Cemetery Commission, both public and private. All visitors are requested to keep in mind that the cemeteries are consecrated to the memories of those who are buried within. Dignified behavior is expected and will be required. In the many years of cemetery operation, it has been shown that it is necessary to adopt and enforce regulations to govern the conduct of visitors, to ensure respect for the dead, protection of the grounds, and the safety of the visitors. The rules and regulations are fair and common sense guidelines.~~

Rules for Visiting a Cemetery:

- The speed limit is 15 MPH.
- Park on roads only.
- Walk on roads and paths only.
- Do not trespass on private lots and graves.
- Sunbathing, picnicking, and drinking of alcoholic beverages is prohibited and playing in cemeteries is not permitted. Any person found to be intoxicated shall be removed from the cemetery.
- Ball playing, roller-skating, sledding, the riding of bicycles, mini-bikes, go-carts, skateboards, and/or any other types of similar recreational sports are strictly forbidden.
- Loud boisterous or undignified behavior will not be tolerated.
- Dogs and other pets are not permitted on the grounds.
- Picking of blossoms, flowers or foliage is prohibited.
- Gravestone repairs or rubbings require prior authorization of the Cemetery Commission, or their Coordinator.
- No household trash shall be disposed of in the rubbish containers.

Any person found in violation of the above subsection shall be deemed a trespasser and subject to prosecution therefore.

Purchase of a Cemetery Lot:

The sale of any lot may be made to any Chatham one resident listed on the registered voting list, or a real estate tax payer or any resident in the Town of Chatham. For this rule, a parent or parents, and their children living at the same address will be considered as one residence. In the event a resident of over ten years has been forced to live outside of Chatham due to health conditions beyond his or her control, he they may purchase a lot as a special condition of this regulation with the Cemetery Commission's approval. The person or ~~his~~their estate must show evidence of residency to qualify. In any case, not more than two (2) two grave lots will be conveyed to any person, and for the purpose of this regulation a married couple will be considered as one entity in the Chatham Cemeteries where there are single lots, not more than four grave lots maybe sold as a group to anyone person.

The sale of any lot will in no case include any part of a roadway, path or walkway, and in no case may a lot be purchased for the sole purpose of resale, for profit, or to circumvent the residency rule. In the event that the purchaser of a lot is unable to use the lot, or wishes to dispose of a lot(s), the lot must be returned to the Town of Chatham, Cemetery Commission. The owner of any lot(s) being returned shall be paid the current price for an equal size lot. Any portion of the original ~~purchase~~ fee that was indicated to be put into a perpetual care fund will not be refunded. The original fee including the perpetual care fees may be refunded if the lot has not been used and the current owner has owned the lot for two years or less, from the date of purchase.

The title of the owner of a lot may not be changed without the written permission of the Cemetery Commission, and all requests must be ~~made~~ in writing.

Use of a Burial Lot(s):

No earth burials or the burial of cremated remains may be made in any cemetery or burial ground in the Town of Chatham without the prior approval of the Cemetery Commission. All requests for burial must be made in writing with a minimum of a forty-eight hour notice. A separate burial permit is required for each individual burial in accordance with M.G.L. Chapter 114, Sections 45, 46 and 47.

No grave may be opened or re-opened without a written request to the Cemetery Commission, and all arrangements must be made with a licensed funeral director being present from beginning to end.

No lot owner shall permit a burial on any lot if the deceased is not a relative, or an heir of the lot owner without written ~~approval~~permission of the Cemetery Commission.

No lot maybe used for any other purpose than the burial of human remains. The use of a burial vault or a concrete burial box is required for all burials. No ashes shall be spread on the surface of any lot, and all ashes being buried on any lot shall be in an urn or a similar type container.

Following a burial in any cemetery or burial ground, the funeral residue must be removed from the lot within two weeks of the burial. Any residue found on any lot after two weeks from the time of the burial may be removed at the discretion of the Cemetery Commission.

Items of personal remembrance maybe left on any burial plot between November 15th and April 15th. At any other time of the year the items must be removed within two weeks of the burial for the ~~maintenance and care~~ and maintenance of the cemetery. In the event the items of personal remembrance have not been removed within ~~at~~ the two week period after the date of the burial, the items may be removed at the discretion of the Cemetery Commission, and ~~will be disposed of in the customary manner~~ as trash.

Cemetery Commission Liability:

The Cemetery Commission will exercise all reasonable care to protect the monuments, markers, and plantings on all burial sites. The Commission will not be responsible for any and all damage caused by routine maintenance, or ~~vandalisms~~ in any cemetery or burial ground in the Town of Chatham, ~~or damages caused by a private contractor providing either burial or maintenance services.~~

Any personal injuries sustained by anyone violating the rules and regulations of the Cemetery Commission will not be the responsibility of the Commission or of the Town of Chatham.

Any damage to a lot or grave markers caused by a ~~burial or by a private contractor~~ working in at ~~the~~ cemetery or burial ground shall be the responsibility of the contractor, the burial company, or the burial vault company. No responsibility will be assumed by the Commission or the Town of Chatham.

Correction of Errors:

The Cemetery Commission reserves, and shall have, the right to correct any errors that may be made by it, the Cemetery Coordinator, or employees of the Commission or the Town of Chatham, either in making interments, disinterment or removals, or in the description, or conveyance of any interment rights, or lots. Corrective action may be either by canceling such conveyance and substituting and conveying in lieu thereof other interment rights or a lot of equal value and similar location as far as possible, as may be selected by the Cemetery Coordinator, or, in the sole discretion of the Cemetery Commission, by refunding the amount of money paid for the purchase price of the burial plot. In the event of any such error shall involve the interment of the remains of any person in any lot, the Cemetery Commission reserves, and shall have the right to remove and re-inter the remains in such other lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

Monuments, Markers, and Permanent Amenities:

No Monuments, markers, headstones, or borders shall be placed on any lot without prior approval of the Cemetery Commission. This rule shall apply to any type of bench, fence, or curbing. All monuments, markers and headstones shall be placed on concrete footings, which are adequate to support the weight of said amenities, ~~and any.~~ No borders or curbing shall be set flush with the ground so as to not permitted on any lot or lots which hinder the general maintenance of the cemetery grounds.

Markers for cremation plots, ~~when developed in a cemetery in the Town,~~ shall be limited to flat markers, approximately 1' by 2' set flush ~~with~~ to the ground on a concrete foundation footing.

Any markers, headstones, or corner markers improperly set shall be moved and placed in the proper location on a concrete foundation at the expense of the lot owner.

The maintenance, repair, and cleaning of any headstones or grave markers ~~are~~ is the responsibility of the lot owner. In the event that the lot owner is deceased, and there are no heirs of the ~~original owner of the lot,~~ the Cemetery Commission shall have the right to maintain, repair, and to clean any headstones or grave markers, as funds ~~will~~ allow.

~~When installing corner markers, lot corner pipes may not be removed. When corner markers are installed, they are to be set flush with the ground and the original corner marker must be left in place. Original lot markers are usually pipe.~~

Use of Lots Regarding Plantings and Ground Cover:

No type of ground cover or plantings shall be permitted on any lot or within any cemetery in the Town of Chatham without the prior approval of the Cemetery Commission ~~prior to any work being done.~~ Plantings of and trees shall be of such size, variety, and located in such a manner as to not hinder the general maintenance of the cemetery grounds. This regulation shall also cover sodding and seeding of cemetery lots.

The use of lawn sprinklers is not permitted in any cemetery. No watering device is to be left unattended. Only hand held nozzles, which are attended, may be used. Any water found ~~to be left~~ on and ~~not~~ unattended shall be turned off ~~without notice,~~ by any member of the Cemetery Commission, staff members, or the Chatham Police Department.

There shall be no glass jars or any type of glass receptacles used for any purpose in a cemetery.

Potted plants, baskets and floral arrangements are to be removed from any area of the cemeteries when the arrangements have served their useful life. This is the responsibility of the lot owners. Christmas wreathes and greens ~~shall~~ will be allowed to decorate a burial plot from the last week in November, to February 1st of the following year.

Any flag standards on any lot are not the responsibility of the Cemetery Commission. In the event that a flag or a standard is missing, from a lot, it is the responsibility of the lot owner to contact the proper organization for the replacement of the same, such as the V.F.W., Legion, Fire and Police Departments, or any other organization to have it replaced. In the event a member of the family is a veteran and has been buried in a Chatham Cemetery, for information regarding flag standards and flags, please, the family may contact the V.F.W. or Legion at 1-508-945-0554. The Cemetery Commission may does collect and properly dispose of any flags found in the cemeteries that are all damaged and broken or damaged flags.

Existing plantings that are in the cemeteries that, and have over grown and are interfering with the use of any ways, roadways, or the use of adjoining lots, or are deemed to be causing damage to adjoining lots shall be removed by the lot owner of said lot. The Cemetery Commission shall have the sole right to make the determination if plantings or trees are causing an obstruction or are a problem to adjoining lots, or are a maintenance problem for the Commission. In the event the trees or plantings are restricting the immediate burial on an adjoining lot, the Cemetery Commission shall have the sole right to take whatever action necessary to permit the burial. Other than the conditions created by an immediate burial, the Cemetery Commission shall make a reasonable effort to contact a lot owner regarding obstructions caused by overgrown trees and plantings, or trees and plantings, or heir of the owner, regarding the problem with the over grown conditions, or plantings of any kind improperly placed in the cemetery. In the event that the Cemetery Commission owner cannot locate or contact the owner or heirs of the owner be found, the Commission shall will put one notice in the local newspaper of said condition. Said notice shall give the common name of the cemetery, the name of the lot owner, the lot number, and a short description of the work to be done. Fourteen days after the notice appears in the newspaper, if the Commission has not been contacted, the Commission may take whatever action that the Commission feels is necessary to correct the matter. The cost shall be billed to the record owner or to their heirs.

SEASIDE CEMETERY – SECTION “A”

In Section “A” of Seaside Cemetery the following shall apply and shall be strictly enforced by the Commission and any employees thereof.

1. All single lots will be use in the following manner. One full size earth burial and one cremation will be permitted, or the single lot maybe used for up to four cremation urns.
2. All work performed on graves or lots by the owner, or by their order, shall be performed only with prior written authorization of the Cemetery Commission, in order to preserve as much as possible the natural appearance of the cemetery.
3. Only flat markers will be allowed in Section “A”, being made of bronze, granite, marble, or slate. All markers shall be centered on the lot at either the head of the lot, or at the med-line. No upright markers shall be permitted in this Section “A”.
4. Corner markers maybe placed in the corners of the lots, and must be set flush to the ground.

5. Fences, borders, curbing, hedges, trees, invasive plantings, crushed stone, shells, or any other material, other than grass, shall be prohibited.
6. No signs, lettered boards, Sheppard hooks, wind chimes, novelty items, votive candles will be permitted at any grave site in section "A".
7. No more than four single lots shall be sold to any one resident listed on the registered voting list, or a real estate tax payer in the Town of Chatham. For this rule, a parent or parents, and their children living at the same address will be considered as one residence.

Every effort is being made to keep Section "A" as natural as possible, and to not distract attention from the Old Methodist Cemetery or the Veterans War Memorial which are adjacent this new section.

These rules and regulations shall replace any and all prior rules and regulations of the Town of Chatham Cemetery Commission. Each section reserves the right to enforce these rules and regulations shall be construed as separate to the end that if any clause, phrase, section, or sentence thereof shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force and effect. These rules and regulations may be amended from time to time by the Cemetery Commission for the Town of Chatham as provided for in the Commonwealth of Massachusetts General Laws, and to cause a person or persons who have knowingly violated a rule or regulation to attend a hearing. In the event there is information presented at the hearing to show wrong doing, The Cemetery Commission may impose a fine of \$ 50.00 dollars for each violation of these Rules and Regulations.

These rules and regulations shall take effect upon their acceptance by the Chatham Town Meeting. Current Rules and Regulations were effective May 9, 2005.

Rules and Regulations as amended are to become effective December 2010.

APPENDIX 1

PROPERTY UNDER THE CARE OF THE CHATHAM CEMETERY COMMISSION

<u>No.</u>	<u>Name</u>	<u>Street Address</u>	<u>Remarks</u>
<u>1</u>	<u>William Nickerson</u>	<u>A. Leonard Way</u>	<u>At the end on right</u>
<u>2.</u>	<u>Dr. Samuel Lord</u>	<u>Training Field Rd.</u>	<u>On right side.</u>
<u>3.</u>	<u>Smallpox Cemetery</u>	<u>South off Old Comers</u>	<u>In Golden Triangle</u>
<u>4.</u>	<u>Old South Cemetery</u>	<u>Geo. Ryder Rd</u>	<u>At end on Left</u>
<u>5.</u>	<u>Old North Cemetery</u>	<u>Old Queen Anne Road</u>	<u>Int. with G. Ryder</u>
<u>6.</u>	<u>Old Baptist Cemetery</u>	<u>Old Queen Anne Road</u>	<u>West side</u>
<u>7.</u>	<u>Eldridge-Pratt Cem.</u>	<u>Bar Cliff Ave</u>	<u>Behind Cod Lane</u>
<u>8.</u>	<u>Seaside Cemetery</u>	<u>Crowell Road</u>	<u>Old Methodist</u>
<u>9.</u>	<u>Union Cemetery</u>	<u>Route 28</u>	<u>On right</u>
<u>10.</u>	<u>Seamen's Cemetery</u>	<u>Main Street</u>	<u>In back of McMack</u>
<u>11.</u>	<u>Samuel DeChamplain</u>	<u>Stage Harbor Rd.</u>	<u>East side of road.</u>
<u>12.</u>	<u>Clark Cemetery</u>	<u>Cockle Cove Rd.</u>	<u>On West side.</u>
<u>13.</u>	<u>Eldredge Cemetery</u>	<u>Juniper Lane</u>	<u>On East side</u>
<u>14.</u>	<u>Eldridge Cemetery</u>	<u>Bay View Road</u>	<u>On West side</u>
<u>15.</u>	<u>So. Chatham Cemetery</u>	<u>Route 28</u>	<u>On South side</u>
<u>16.</u>	<u>People Cemetery</u>	<u>Crowell Road</u>	<u>On West side.</u>

TOWN OF CHATHAM
BURIAL INFORMATION

TODAY'S DATE: _____

NAME OF DECEASED: _____

ADDRESS AT TIME OF DEATH: _____

LOT NO: _____ **CEMETERY:** _____

LOT OWNER: _____

CALL FROM: _____ **RETURN NO.:** _____

FUNERAL HOME: _____

TYPE OF BURIAL: _____ **CREMATION:** _____

DATE OF BURIAL: _____

SPECIAL INSTRUCTIONS: _____

FAMILY MEMBER TO CONTACT: _____

ADDRESS: _____

TEL. NO.: _____

RETURN BY FAX TO: 1-508-945-5157 CHATHAM CEMETERY COMMISSION

TOWN OF CHATHAM
CEMETERY DEPARTMENT
Buy back of cemetery lot by the town

We/I _____ of _____

_____,
County; grant to the Town of Chatham, a corporation duly
established by law, in consideration of _____ dollars (\$ _____) the
following:

_____ burial lots in the Cemetery called _____
Cemetery situated in Chatham, Massachusetts in the County of Barnstable.

Said lot(s) is in Section _____, and is numbered _____, and is shown on the plan of
said cemetery. The lot(s) contains a superficial area of _____ square feet.

The above named grantor _____ hereby warrants with
the Town of Chatham, that lot(s) are seized in fee simple, and that the granted premises are
free from all encumbrances, and that the grantor has a good right to sell and convey the same
to the Town of Chatham and will warrant and defend the same unto the Town of Chatham
forever against the lawful claims and demands of all other persons.

In witness whereof, we/I _____

Hereunto set our/my hand and seal(s) this _____ day of _____, 20____.

County _____ ss. _____ Date: _____

On this _____ day of _____, 2008, before me, the
undersigned notary public, personally
appeared _____, proved to me
through satisfactory evidence of identification, which
were _____
_____, to be the person who's named is signed
hereon.

Notary Public: _____

My commission expires: _____