



City of Fall River

Cemeteries

CEMETERY OFFICE
765 Prospect St.
Fall River, MA 02720

508.324.2750
cemetery@fallriverma.org

More information can be found at the City of Fall River Website
www.fallriverma.org

CEMETERY RULES AND REGULATIONS

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The Board of Park Commissioners of the City of Fall River (hereinafter “The Board”), hereby adopts the following Rules and Regulations for the use and operation of public cemeteries of the City, in accordance with Massachusetts General Laws, Chapter 114, Sections 23 and 24.

These Rules and Regulations apply to the following public cemeteries:

Oak Grove Cemetery
765 Prospect St.

North Burial Ground
North Main St.

Cemetery Office

The Cemetery office, located at Oak Grove Cemetery, 765 Prospect St., is open weekdays from 7:00 AM to 3:00 PM. It is closed on Saturdays, Sundays, and Holidays.

Section 1: General Provisions

1A: The Director of Cemeteries and Trees (hereinafter “The Director”) shall have general supervision of all public cemeteries, including the grounds and any buildings thereon, and the employees, agents, volunteers, and contractors that maintain, operate, and improve said public cemeteries, subject to the oversight, direction, and control of the Board of Park Commissioners.

1B: The Director is hereby empowered to enforce these Rules and Regulations.

1C: From time to time, and as often as it finds useful, the Board of Park Commissioners (hereinafter “The Board”) shall set reasonable fees for the initial conveyance of the burial lot, for the perpetual care of lots, for the transfer of burial rights, for burials (including opening the grave), for exhumations and removals, for the creation and installation of a lot marker in accordance with Massachusetts General Laws, Chapter 114, Section 15, for the installation, replacement, and repair of gravestone foundations, and for such other purposes as are required by these Rules and Regulations. All such fees shall be published in a Schedule of Fees.

1D: Copies of these Rules and Regulations, as well as the Schedule of Fees that is promulgated by the Board pursuant to the same, are available at the Cemetery Office, as well as on the website (<https://www.fallriverma.org/departments/cemeteries/>).

Section 2: Visiting

2A: City Cemeteries are open to visitors and the public seven days a week throughout the year, typically from sun-up to sundown. Visitors are requested to bear in mind that cemeteries are consecrated to the memories of those who are buried within. Dignified behavior shall be required at all times.

2B: The gates located on Prospect St. are open 7 days a week, typically from sun-up to sundown. The gates located on Oak Grove Ave. are open Monday through Friday, 7:00 AM to 3:00 PM with the exception of Holidays.

Section 3: Conduct within Cemeteries

3A: Motor vehicles may be driven only upon such roads within the grounds of any public cemetery as are designated and designed for that purpose.

3B: No person shall sit or lounge on or against any of the grounds, graves, or gravestones in any public cemetery unless they are visiting a particular grave and paying respects to the deceased.

3C: The following activities are prohibited within the grounds of public cemeteries: the presence of a dog, whether leashed or unleashed, with the exception of service animals; drinking alcoholic beverages; defacing any buildings, walls or gravestones; disturbing graves or removing gravestones.

3D: No littering is permitted in any public cemetery. All refuse must be placed in proper trash receptacles.

3E: Parking is limited to paved areas only. Parking is not permitted on the grass.

3F: No talking or other noise shall be permitted in a public cemetery within 200 feet of an ongoing funeral service, except by those persons in attendance at the same.

Section 4: Purchase and Transfer of Burial Lots

4A: Burial lots and Columbarium Niches may be obtained only by residents of the City of Fall River for their use and the use of their families.

4B: Burial Lots and Columbarium Niches may be transferred by the holder of the same with prior approval of the Board. In any transfer that involves the sale of burial rights, the Board shall ensure, prior to approving the same, that said sales are not being made for speculative purposes in violation of Massachusetts General Laws, Chapter 114, Section 43B.

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Section 5: Burials, Exhumations, and Removals

5A: In addition to being subject to these Rules and Regulations, all burials, exhumations, and removals are undertaken subject to all local, state, and federal statutes and regulations, including, without limitation, Massachusetts General Laws, Chapter 114, as well as any orders of the properly constituted authorities of those jurisdictions, including, without limitation, The Board of Health of the City.

5B: Only the Division of Cemeteries and Trees (hereinafter “The Division”) may undertake burials and exhumations. In order to obtain a burial, exhumation, or removal, the individual seeking the same must submit a written request to the Division on the Internment Order Form provided by the Division. The Division is not responsible for orders and location of graves received by telephone. Internments cannot be made without the Board of Health/Agent permit and properly signed orders. Twenty-four hours notice is required before internments can be made. Said written request shall include detailed information and instructions regarding the desired burial, exhumation, or removal.

5C: The Division shall act in complete reliance upon the information and instructions that are provided in the written request for burials, exhumations, or removal, including with respect to the size and location of a grave on a particular lot. The City shall not be responsible for any errors, inaccuracies, or vague or confusing language in said written request. The individual signing the Internment Order Form agrees to hold the City of Fall River, Oak Grove Cemetery, boards, committees, commissions, officers, officials, and employees harmless against any liability on account of said authorization of internment, exhumation, or removal. Language to this effect shall be included in the burial, exhumation, or removal request form, and any individual submitting that form shall sign his agreement to the same.

5D: The Division shall have no duty to verify independently that an individual seeking a burial, exhumation, or removal has represented accurately his or her stated legal authority for seeking the same, and said individual, in submitting a written request for burial, exhumation or removal, accepts and agrees to indemnify and hold harmless the City and all of its boards,

committees, commissions, officers, officials, and employees against any liability, damages, claims, causes of action or attorney's fees that arise from any error, misstatement or misrepresentation regarding, or any challenge to, said stated legal authority, as well as from any decision made by said individual with respect to said burial, exhumation or removal. Language to this effect shall be included in the burial, exhumation, and removal request form, and any individual submitting that form shall sign their agreement to the same.

5E: No burials, exhumations, or removals shall be made until and unless the individual requesting the same has obtained all required certificates and permits for the same, including, without limitation, as provided in Massachusetts General Laws, Chapter 114, Section 44 through 48.

5F: No burials, exhumations or removals shall be made until and unless the required fee(s) for the same has been paid.

5G: Burials, exhumations, and removals are not to be made on the following days: New Year's Day, Martin Luther King Day, President's Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day or Christmas Day.

5H: Under no circumstances will the Division take physical possession of remains until and unless said remains have been buried at a public cemetery. The individual seeking a burial, exhumation, or removal is responsible for any remains prior to burial and after exhumation, and is responsible for ensuring the storage and protection of any such remains during any delay, cancellation, or rescheduling of the burial of the same, regardless of the basis for such delay, cancellation, or rescheduling.

5I: The remains of up to five (5) persons may be buried in a one casket grave, depending on the type of remains and method of burial. The possible burial combinations for any one grave are as follows:

1. One (1) body within a casket within a liner, along with up to four (4) cremations in urns within a cement liner
2. If no body is being buried, then up to four (4) cremations in urns within a cement liner.

5J: The designated cremation lots may contain no more than two (2) or four (4) burial container or urns within a cement liner.

5K: In the columbarium each niche can hold up to two (2) standard size cremation urns not to exceed 9" X 10". The urns must be of a material suitable for inurnment (no cardboard).

Section 6: Perpetual Care

6A: Pursuant to Massachusetts General Laws, Chapter 114, Sections 15 and 25, the City is solely responsible for the maintenance and care of the grounds in public cemeteries, including the mowing of grass on individual lots and graves. This perpetual care shall not include either the preparation, planting, or tending of any individual flower beds that are allowed by these Rules and Regulations, or the maintenance, repair, or replacement of any gravestones, said flowerbeds and graves stones being considered individual personal property. However, this perpetual care shall include the maintenance, repair, or replacement of the foundation under the gravestone, where the Director determines that such work is necessary in order to ensure the structural soundness of the foundation, or where a written request and accompanying fee for such work has been submitted as provided in Section 7 of these Rules and Regulations.

6B: The income from the perpetual care fund shall be expended by the Board of Park Commissioners in such manner as will, in its judgment, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the State applicable to the expenditure of such funds.

Section 7: Monuments and Foundations

7A: No monuments or other memorials may be brought into the Cemetery, until a sketch or blueprint, showing the design, materials, finish size, and proposed inscriptions thereon, is first submitted to the Commissioners or designated representative for approval. Commissioners or the designated representative may reject the gravestone if it does not adhere to the following Rules and Regulations.

7B: Upright monuments shall not exceed 42" in height, including base.

7C: Only one flush marker shall be allowed on designated cremation lots. Flush marker shall not exceed 3' wide and 1' 2" tall.

7D: Only one upright marker shall be erected per lot at the head-end of the lot. An additional flat marker may be placed on the foot-end of each burial space within a lot.

7E: Gravestones must be made of stone; provided, that foot markers for veterans may be either stone or bronze. No artificial material of any description is permitted. All die stones shall be finished at least on front and back. These restrictions shall not apply to any gravestone that had been installed prior to the promulgation of these Rules and Regulations.

7F: Persons that are engaged in erecting gravestones are prohibited from attaching ropes to other gravestones, trees and shrubs, or from scattering their material over adjoining lots or

from blocking avenues or walks, or from leaving their material on the cemetery grounds for longer than absolutely necessary. They must do as little injury to the grass as possible, and must remove all debris and removed gravestones.

7G: All gravestone dealers/ installers/ engravers must have a certificate of insurances on file with the Division for both general liability (\$1,000,000/\$3,000,000) and workers compensation (amount required by law) insurance, prior to commencing any work on Cemetery Grounds. The Director shall not approve a gravestone request involving a dealer/ installer/ engraver for which such certificates are not on file.

7H: Neither the material, machinery, or other things that are used for the construction/ installation, removal or modification/ repair of gravestones, nor gravestones themselves, may be brought into a public cemetery prior to being required for immediate use, while a funeral procession or burial is occurring, or on weekends or the holidays.

7I: The installation/ construction, modification/repair or removal of a gravestone may not take place while a funeral procession or burial is occurring, or on weekends or the holidays.

7J: Foundations:

7J.1: Employee(s) of the Division shall perform all foundation work.

7J.2: The charges for such foundation work shall be reasonable and uniform per gravestone size categories as determined from time to time by the Board and published on the Fee Schedule.

7J.3: A minimum of fourteen (14) business days will be required after the receipt of a request for the installation or repair of a gravestone foundation, weather permitting.

7J.4: Foundation orders received after May 1 cannot be guaranteed for Memorial Day, as no foundations will be set between May 15 and May 31. Furthermore, no foundations will be set between November 1 and at least April 1; provided, that the commencement of such work may be delayed further into the Spring when it is necessary in order to ensure the ground is fully settled and in proper condition.

7J.5: The Division shall act in complete reliance upon the information and instructions that are provided in the written request for the foundation, including with respect to the size and location of the same. The City shall not be responsible for any errors, inaccuracies or vague or confusing language in said written request, and the individual submitting the same, in so submitting the request, agrees to indemnify and hold harmless the City and all of its boards, committees, commissions, officers, officials, and

employees against any liability, damages, claims, causes of action or attorney's fees that arise from their acting in reliance of said information or instructions.

7K: The Division and the City of Fall River are not responsible for monument orders placed with an online monument dealer. The Cemeteries will not accept shipments of a monument sent directly to the Cemeteries.

Section 8: Engraving of Niche Covers:

8A: Engraving of the niche cover will be done only by City approved monument dealers and will be the responsibility of the niche owner. A list of reputable monument dealers or providers will be provided to the owner.

8B: To maintain the columbarium in a uniform manner, the Cemetery mandates that covers will follow the following requirements:

8B.1: Maintain a 1" border free of engraving around all sides of the cover and .5" spacing between lines of engraved text.

8B.2: Family Names not to exceed 1.5" in size, Given Names not to exceed 1.25" in size, and dates not to exceed 1" in size.

8B.3: Engravings are limited to 11 characters per line and 6 lines maximum per cover. Dates shall only include four digit year of birth and four digit year of death.

8B.4: Both letters and dates must be in upper case, sandblast letter style. Numerals are to be of Arabic Style (not Roman Numerals). Lettering smaller than $\frac{3}{4}$ " in height may be illegible.

8B.5: The existing texture (thermal) of the panel must not be changed, i.e., it must remain the background of the engraving.

8B.6: No other materials such as bronze or brass plaques, or decals and stickers may be attached to the granite panels.

8B.7: Coloring of the lettering or any other portion of the granite panel with paint or any other medium is not allowed.

8C: Should engraving need correcting, the cost of replacing any engraving and any panel(s) impacted, is to be the responsibility of the Owner requesting the engraving correction, not the Board of Park Commissioners or the City of Fall River.

8D: The cost to replace the granite door is \$200.00 and is subject to change, without notice based on cost from vendor.

8E: A template of the desired inscription must be presented for approval to the staff at the Oak Grove Cemetery Office. If the standard requirements are not met, that official request will be reviewed by the Board of Park Commissioners.

8F: Pending approval of the template, the lettering will be sandblasted on the front of the panel. If the sandblasting is performed at the engraver's facility a temporary panel will cover the vault while granite panel is being engraved.

8G: The Board of Park Commissioners nor the City of Fall River will be responsible for any damage during transportation to and from an engraver's facility or during the engraving process.

8H: Niche covers are not required to be engraved. Engraving of niche cover is allowed before inurnment of the cremains.

8I: Full description of niche cover engravings, examples, and engraving order forms are available at the Cemetery Office in Oak Grove Cemetery, 765 Prospect St.

Section 9: Shrubs, Flowers, Decorations:

9A: Shrubs: The planting of shrubs or trees on lots by individuals is no longer allowed. Furthermore, if a preexisting privately planted tree or shrub encroaches on another lot, or on a walkway or road, it may be pruned or removed without notice at any time at the discretion of the Board or its designee.

9B: Flowers

9B.1: An owner of a lot, whether the original purchaser(s) of the lot or otherwise, shall have the privilege of planting a single flower bed on said lot at his or her own expense, and shall be solely responsible for the planting and maintenance of the same; provided that said plantings are not placed on cremation lots or lots with flush gravestones. Such flower beds may not exceed the length of the monument and not to exceed one (1) foot in width from the gravestone, and must be located toward the front (grave) side of the

monument only. All such flower beds must be maintained in weed-free condition at all times by the lot owner. Any flower beds that are not planted or maintained in accordance with these requirements may be removed without notice at any time at the discretion of the Board or its designee. Any trash, excavated earth, or other debris that is created by the planting and maintenance of flower beds must be removed from the lot and discarded in the receptacles that are provided for that purpose.

9B.2: Cut flowers may be placed on a grave at any time. Any such flowers will be removed from a lot as they become faded and unsightly in the determination of the Director.

9B.3: Flowers in non-breakable containers will be allowed from May 1 to October 31. Any such flowers will be removed from a lot as they become faded and unsightly in the determination of the Director.

9C: Decorations: Decorations in compliance with the Rules and Regulations are allowed from May 1 to October 31.

9C.1: Plastic Flowers are not allowed at any time. Plastic flowers will be removed and discarded without notice.

9C.2: Glass and or breakable items of any nature are prohibited and will be removed and discarded without notice.

9C.3: Driving metal, wood, wire, nails, or posts into the ground is not allowed. Items in violation of this rule will be removed without notice and held until claimed or up to thirty (30) days.

9C.4: Enclosures of any kind are not allowed. This includes fences, ditches, rocks, decorative curbing or other landscape/ edging items. Items in violation of this rule will be removed without notice and held until claimed or up to thirty (30) days.

9C.5: Pinwheels, balloons, wind chimes, metal stands and hooks (including Shepard hooks and other metal rods) and stuffed animals are prohibited. Items in violation of this rule will be removed without notice and held until claimed or up to thirty (30) days.

9C.6: After October 31 ground level flowers and decorations are allowed only on a lot:

- o 3 days before or after a holiday or special anniversary; said special anniversary date must be engraved on grave marker.

- o Christmas flowers and decorations are allowed December 1 through the first full week of January. Items remaining on graves after the first full week of January will be removed and discarded without notice. Items that families wish to keep shall be removed before the end of the first full week of January.
- o Veteran's flags/ markers are permitted. Veteran's flags and markers shall be placed at the headend of the grave next to the family monument only. Flags deemed to be in poor condition will be removed by staff and properly retired.

9C.7: No drilling or mounting any items on any trees. Items in violation of this rule will be removed without notice and held until claimed or up to thirty (30) days.

9C.8: No crushed stone or bark shall be placed around monuments or cremation garden.

9C.9: The City, Board, and Cemeteries are not responsible for loss or damage to flowers, planters, flags, containers, holders, or other decorative items due to weather, vandalism, theft, maintenance procedures, or any other cause.

9C.10: Solar lights are allowed within a flower bed, so long as said flower bed is planted and maintained in accordance with these rules and regulations. See 9B.1 for specific information pertaining to flower beds. Solar lights that are not in compliance with this rule will be removed without notice and held until claimed or up to thirty (30) days.

9D: Cremation Garden and Columbarium: No ornamentation, structural change, or additions shall be made on or about any niche, planting area, and walkway. The City of Fall River reserves the right to remove any such ornamentation or correct any such alteration at the expense of the Purchaser without being deemed guilty of any manner of trespass.

Section 10: Cemetery Maintenance and Repair:

10A: The Division staff and such other Department of Community Maintenance (DCM) employees as may be authorized by the DCM Director shall have the right to enter upon any columbarium, lot, or other part of any city maintained cemetery to inspect, view or perform such work as deemed appropriate.

10B: The Division with the approval of the Board of Park Commissioners may, at any time, lay out, alter, change grades or eliminate sections of driveways, cart ways, or walkways, or change grades in a manner in their opinion will maximize the appropriate usage of the cemetery property without jeopardizing its aesthetic qualities.

10C: Niche repairs, gravestone repairs, or rubbings shall be prohibited without the specific authorization of the Director or their representative.

10D: The City shall reserve to itself the exclusive control, without further recourse or notice, over every tree, shrub, vine, or other plant growth within the boundaries of all City cemeteries, whether having been planted previous to these rules and regulations by deed or otherwise, including the right of removal without notice, when it considers such removal necessary.

10C: The Board and Division reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

Section 11: Violations

11A: Anyone who violates these rules and regulations shall be required to leave the grounds. Any person who violates these rules and regulations and/or willfully or neglectfully damages, defaces, or destroys cemetery property including fences, gates, grounds, markers, monuments, and columbaria shall be subject to criminal prosecution.

11B: The Division staff may remove from cemeteries anything it considers objectionable or injurious to the uses, purposes, and uniform esthetics of any cemetery or in violation of any of the rules and regulations governing its operation.

Section 12: Miscellaneous

12A: Liability. The City of Fall River disclaims all responsibility for loss or damage to any lot, monument, memorial, or planting from causes beyond its reasonable control, especially from loss or damage caused by an act of God, the elements, earthquake, war, common enemy, air raid, invasion, insurrection, riot, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents or any cause, similar or dissimilar, beyond the control of the Division whether the loss or damage be direct or related.

12B: Waivers. An individual may apply to the Board in writing for a waiver from any of the requirements of these Rules and Regulations. The Board may, in its sole discretion, grant such a waiver when special circumstances exist in which the literal enforcement of a particular requirement would impose unnecessary hardship. The grant of such a waiver shall not affect, or be construed as affecting, the general application of said requirement to the public.

12C: Severability. The provisions of these Rules and Regulations are severable. If any court of competent jurisdiction determines that any such provision is in violation of the laws,

constitution, or regulations of the Commonwealth of Massachusetts or the United States of America, the remaining provisions shall not be affected thereby and shall continue in full force and effect.

12D: Amendments. The Board of Park Commissioners reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any rule, regulation or article, section, paragraph, or sentence in these Rules and Regulations.

12E: Any and all payment of fees as described in the Schedule of Fees must be received prior to any burial, exhumation, removal or related work will commence. All fees must be paid via certified bank check or money order. Credit or debit cards will not be accepted as a valid form of payment.

12F: Copies of the most current Rules and Regulations may be obtained during normal business hours at the Cemetery Office. Copies may also be obtained from the Department of Community Maintenance Office located on the fifth floor of City Hall, 1 Government Center. PDF Versions of the Rules and Regulations and Schedule of Fees will be published on the Cemeteries Division webpage: fallriverma.org

12G: These rules and regulations are effective as of the date of approval and shall remain in effect until such a time as they are amended or rescinded by the Board of Park Commissioners.

If you have any question about a rule, please call the Cemetery office at 508.324.2750 or you may email: cemetery@fallriverma.org

Adopted March 3, 2021

**Board of Park Commissioners
City of Fall River**

Joseph DaSilva, Chairperson