

**MONTGOMERY CEMETERIES**

**TOWN BURIAL GROUNDS**

**RULES AND REGULATIONS  
GENERAL INFORMATION**

**THESE RULES AND REGULATIONS HAVE BEEN FORMULATED NOT TO LIMIT, BUT TO PROTECT THE RIGHTS OF EVERY LOT OWNER IN AN EFFORT TO MAKE THESE CEMETERIES BEAUTIFUL AND QUIET RESTING PLACES AT A REASONABLE COST.**

**MONTGOMERY CEMETERY COMMISSIONERS  
12/2020**

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## SALE OF LOTS

FAMILY LOTS OR SINGLE GRAVE SITES (PLOT) WILL BE SOLD ONLY TO LEGAL RESIDENTS OR PROPERTY OWNERS IN THE TOWN OF MONTGOMERY, MASSACHUSETTS. FORMER RESIDENTS OR PROPERTY OWNERS WILL NOT BE ELIGIBLE TO PURCHASE LOTS.

TO PURCHASE A LOT, MAKE AN APPOINTMENT WITH ONE OF THE CEMETERY COMMISSIONERS. PRICE PER GRAVE SITE (PLOT) IS \$200. PRICE PER LOT (4 PLOTS) IS \$800.

FOUR (4) CREMATIONS ARE ALLOWED PER PLOT OR TWO (2) CREMATIONS ON TOP OF A BURIAL PER PLOT.

## METHOD OF PAYMENT

A DEPOSIT OF AT LEAST THE PRICE OF ONE PLOT, INCLUDING PERPETUAL CARE, IS TO BE PAID AT THE TIME OF PURCHASE TO THE TOWN TREASURER ACCOMPANIED BY A CEMETERY COMMISSIONER, WITH THE BALANCE DUE IN 30 DAYS. PRICES DO NOT INCLUDE THE COST OF GRAVE OPENINGS, AND ARE SUBJECT TO CHANGE BY VOTE OF THE CEMETERY COMMISSIONERS AS NEEDED TO PROPERLY MAINTAIN THE CEMETERY. ANY PRICE CHANGES WILL NOT BE RETROACTIVE. ALL LOTS MUST BE PAID FOR IN FULL BEFORE A DEED IS ISSUED AND BEFORE ANY MONUMENT OR MARKER IS PLACED. A DEED WILL BE ISSUED 60 DAYS AFTER PAYMENT.

CHECKS TO PAY FOR LOTS OR GRAVE OPENINGS SHOULD BE MADE OUT TO THE "TOWN OF MONTGOMERY".

## RECORD OF LEGAL OWNERSHIP

CEMETERY LOTS ARE CONVEYED BY SPECIAL DEED FOR THE BURIAL OF HUMAN DEAD AND FOR NO OTHER PURPOSE. THE RECORD OF DEEDS IS KEPT AT THE TOWN OFFICE, AND IS THE ONLY EVIDENCE OF TITLE RECOGNIZED BY THE CEMETERY COMMISSIONERS. THEY SHOULD BE NOTIFIED PROMPTLY OF ANY CHANGE OF ADDRESS OR ANY LOT OWNER. THE LOT AND MEMORIALS THEREON ARE FOREVER EXEMPT FROM PUBLIC ASSESSMENTS AND TAXES ALSO FROM LIABILITY TO BE SOLD FOR PAYMENT OF DEBTS. NO PUBLIC ROAD OR STREET CAN EVER BE LAID OUT OR OPENED THROUGH THE GROUNDS OF THE CEMETERY. NO ADVERTISING OF ANY DESCRIPTION SHALL BE PERMITTED WITHIN THE CEMETERIES.



## RESALE OF LOTS AND TRANSFERS

IT IS THE POLICY OF THE MONTGOMERY CEMETERY NOT TO BUY BACK LOTS OR UNUSED PLOTS. RESALE, TRANSFER OR ASSIGNMENT OF LOTS TO ANYONE OUTSIDE THE IMMEDIATE FAMILY MUST BE TO LEGAL RESIDENTS OR PROPERTY OWNERS IN THE TOWN OF MONTGOMERY. EXCEPTIONS MAY BE MADE WHEN SUCH ASSIGNMENTS MADE IN THE LEGAL WILL OF A DECEASED OWNER. ANY SALES, TRANSFERS OR ASSIGNMENTS MUST BE WRITTEN, AND SUBMITTED FOR APPROVAL TO THE CEMETERY COMMISSION. OWNERS MAY DONATE UNUSED PLOTS TO THE MONTGOMERY CEMETERY FOR USE AT THE COMMISSIONERS' DISCRETION.

## INTERMENTS

NO GRAVES SHALL BE DUG BY ANYONE OTHER THAN THOSE UNDER THE DIRECTION OF THE CEMETERY COMMISSION OR WITH CEMETERY COMMISSION APPROVAL. TWO INTERMENTS (BURIAL) IN ONE GRAVE WILL NOT BE PERMITTED EXCEPT IN THE CASE OF A MOTHER AND INFANT OR TWO CHILDREN UNDER FIVE YEARS OF AGE. THE REMAINS OF 2 CREMATIONS MAY BE BURIED IN A LOT IN WHICH THERE IS ALREADY A BURIAL. THE NAMES MAY BE PLACE ON THE ONE ALLOWED MONUMENT. A GRAVESITE IN WHICH THERE IS NO BURIAL MAY BE USED FOR UP TO 4 CREMATIONS. ALL GRAVES SHALL BE DUG AT LEAST FIVE FEET DEEP FOR ADULTS AND OF SUFFICIENT DEPTH FOR SMALL CHILDREN. ALL BURIALS, EXCEPT INFANTS AND CREMATED REMAINS, SHALL BE MADE IN APPROVED CONCRETE GRAVE LINERS OR CEMENT OR METAL VAULTS. OWNERS OF LOTS MAY ALLOW NON-RESIDENTS TO BE BURIED IN THEIR LOTS, WITH THE APPROVAL OF THE COMMISSIONERS. A SIGNED, NOTARIZED STATEMENT OF PERMISSION FROM THE LOT OWNER OR NEAREST OF KIN AVAILABLE IS REQUIRED BEFORE BURIAL OF ANYONE OTHER THAN THE IMMEDIATE FAMILY. OWNERS' RIGHTS ARE NOT JEOPARDIZED IF THEY MOVE OUT OF TOWN, AND/OR SELL THEIR PROPERTY. IT IS THE POLICY OF THE MONTGOMERY CEMETERY THAT NO GRAVES BE OPENED DURING THE WINTER. NO BURIALS WILL BE ALLOWED ON MEMORIAL DAY DUE TO THE MANY PEOPLE ATTENDING CEREMONIES AND VISITING FAMILY LOTS.

## DISINTERMENTS

THE DISINTERMENT OR REMOVAL OF A BODY REQUIRES A WRITTEN ORDER FROM THE OWNER OF THE LOT AND FROM THE NEAREST RELATIVE OF THE DECEASED AND IS SUBJECT TO ALL STATE AND MUNICIPAL REQUIREMENTS. NOTICE MUST BE GIVEN TO THE CEMETERY COMMISSION AT LEAST 72 HOURS IN ADVANCE OF DISINTERMENT. THE DIGGING SHALL BE DONE UNDER THE SUPERVISION OF THE SEXTON, OR REPRESENTATIVE, AND MUST BE PAID FOR IN ADVANCE.

## AUTHORITY OF THE SEXTON

WHEN INSTRUCTIONS REGARDING THE LOCATION OF A GRAVE ON A LOT CANNOT BE OBTAINED, ARE INDEFINITE OR FOR ANY REASON THE GRAVE CANNOT BE OPENED WHERE SPECIFIED, THE SEXTON MAY, AT HIS DISCRETION, OPEN IT IN SUCH LOCATION OF THE LOT HE DEEMS BEST AND PROPER SO THAT THE FUNERAL WILL NOT BE DELAYED. ALL FUNERALS, WHILE WITHIN THE GROUNDS OF THE CEMETERY, SHALL BE SUBJECT TO THE DIRECTION OF THE SEXTON OR REPRESENTATIVE.

## MONUMENTS AND MARKERS

UPRIGHT MONUMENTS ARE NOT PERMITTED ON SINGLE GRAVE LOTS. UPRIGHT MONUMENTS SHALL NOT EXCEED 42 INCHES ABOVE GROUND LEVEL. THE WIDTH OF THE BASE OF ANY MONUMENT SHALL NOT EXCEED 14 INCHES, THE LENGTH SHALL NOT EXCEED 60% OF THE WIDTH OF THE LOT AND SHALL BE SET ON A SUITABLE FOOTING AT LEAST 3 INCHES FROM THE REAR LINE. THE INSTALLATION OF THE FOOTING SHALL BE THE RESPONSIBILITY OF THE MONUMENT COMPANY OR THE SEXTON, BUT THE EXACT LOCATION OF IT SHALL BE DETERMINED BY THE SEXTON. PURCHASERS OF MONUMENTS SHOULD CHECK THE WORKMANSHIP AND QUALITY OF THE MONUMENT BEFORE IT IS SET IN THE GROUND. MARKERS MAY BE PLACED AT THE OPPOSITE END OF THE GRAVE FROM THE MONUMENT AND SHALL BE SET FLUSH WITH THE GRADE. THEY SHALL NOT EXCEED TWO FEET IN LENGTH AND ONE FOOT IN WIDTH. THE CEMETERY COMMISSIONERS RESERVE THE RIGHT TO REJECT ANY PLAN OR DESIGN FOR A MEMORIAL, WHICH DUE TO THE SIZE, DESIGN, INSCRIPTION, KIND OR QUALITY OF STONE, THEY DEEM TO BE OBJECTIONABLE OR UNSUITED TO THE LOCATION. A SKETCH OF PROPOSED MEMORIALS OR MARKERS, OTHER THAN THE STANDARD MONUMENT OR MARKER, SHOULD BE SUBMITTED TO THE CEMETERY COMMISSIONERS FOR THEIR APPROVAL. MARKERS AND MONUMENTS ARE THE RESPONSIBILITY OF THE LOT OWNERS OR THE MONUMENT COMPANY. SHOULD ANY MEMORIAL BECOME UNSIGHTLY, DILAPIDATED OR A MENACE TO VISITORS, THE CEMETERY HAS THE RIGHT TO EITHER CORRECT THE CONDITION OR TO REMOVE IT. THE CEMETERY COMMISSION CANNOT BE HELD RESPONSIBLE FOR ANY DAMAGE DUE TO VANDALISM OR THEFT.

## MAINTENANCE OF THE GROUNDS

THE COMMISSIONERS HAVE AUTHORITY TO CLASSIFY SECTIONS, PUTTING SPECIAL RESTRICTIONS THEREON AS TO CHARACTER AND TYPE OF MONUMENTS AND LAYOUT. THEY RESERVE TO THEMSELVES THE ENTIRE CONTROL OF EVERY TREE, SHRUB, VINE OR PLANT GROWING WITHIN THE BOUNDARIES OF THE CEMETERY, WHETHER PLANTED BY THE LOT OWNER, OR OTHERWISE, INCLUDING THE RIGHT OF REMOVAL WHEN IT CONSIDERS THEM UNSIGHTLY, OVERGROWN OR A NUISANCE. SHRUBS AND VINES ARE NOT ALLOWED EXCEPT AS SMALL POTTED PLANTS. NO SHRUBS SHALL BE ADDED IN EITHER THE OLD OR NEW SECTION. PRUNING OF SHRUBS IS THE RESPONSIBILITY OF THE LOT OWNER. EXISTING SHRUBS WILL BE REMOVED AS THEY BECOME TOO LARGE OR UNSIGHTLY. GRAVEMOUNDS, GUARDS, FENCES, RAILINGS, COPINGS, HEDGES, TREES, ENCLOSURES, STEPS, SETTEES OR CHAIRS WILL NOT BE PERMITTED ON LOTS.



## WINTER CLOSING

THE CEMETERY WILL CLOSE, WITHOUT NOTICE, FOR THE WINTER AFTER NOVEMBER 1<sup>ST</sup>. ALL DECORATIONS SHOULD BE REMOVED PRIOR TO THAT DATE. THE EXACT DATE WILL BE DETERMINED BY FROST, SNOW, OR OTHER INCLEMENT WEATHER AT THE DISCRETION OF THE CEMETERY COMMISSIONERS. THE CEMETERY WILL REOPEN APRIL 1<sup>ST</sup>, WEATHER PERMITTING. DURING THIS TIME THERE WILL NOT BE ANY BURIALS. THE CEMETERY IS CLOSED TO VEHICLES DURING THE WINTER. NO PLOWING IS ALLOWED IN THE CEMETERY, EXCEPT BY PERMISSION OF THE CEMETERY COMMISSIONERS.

## FLOWERS AND PLANTS

THE CEMETERY COMMISSIONERS REALIZE THAT FLOWERS AND PLANTS ARE VERY IMPORTANT TO MANY OF OUR PATRONS, BUT THEY ARE TO BE RESPONSIBILITY OF THE PARTIES WHO PLANT THEM. IF NOT PROPERLY CARED FOR, TO THE EXTENT THAT THEY BECOME UNSIGHTLY, THEY MAY BE REMOVED BY THE CEMETERY CARETAKERS. PLANTED OR POTTED PLANTS SHOULD BE PUT CLOSE TO THE MONUMENTS FOR THE CONVENIENCE OF THE LAWMOWERS. SUCH PLANTS MUST BE REMOVED PRIOR TO NOVEMBER 1<sup>ST</sup> EACH YEAR. WINTER DECORATIONS SHOULD BE REMOVED BY APRIL 15<sup>TH</sup> EACH YEAR. GLASS RECEPTACLES FOR FLOWERS OR OTHER PURPOSES, SHELLS, TOYS, TRELLISES AND OTHER ARTICLES OR STRUCTURES ON GRAVES (EXCEPT GOVERNMENT MARKERS) BEING INCONSISTENT WITH PROPER KEEPING OF THE GROUNDS ARE PROHIBITED. IT SHALL BE THE DUTY OF THE SEXTON TO REMOVE, WITHOUT NOTICE, ANY ARTICLE THAT MAY BE CONSIDERED OBJECTIONABLE.

## CHANGES IN GROUNDS

THE COMMISSION MAY, FROM TIME TO TIME, LAY OUT, ALTER OR ELIMINATE ROADS AND PATHS, CHANGE GRADES OR MAKE SUCH RULES FOR THE GOVERNMENT OF THE GROUNDS AS THEY DEEM REQUISITE AND PROPER TO SECURE AND PROMOTE THE GENERAL LANDSCAPING OF THE CEMETERY.

## USE OF THE CEMETERY

THE USE OF THE CEMETERY AS A THOROUGHFARE IS PROHIBITED. BUSINESS VEHICLES MUST NOT ENTER THE CEMETERY EXCEPT BY PERMISSION OF THE SEXTON OR THE COMMISSIONERS. NO VEHICLE SHALL EXCEED A SPEED OF TEN MILES PER HOUR IN THE CEMETERY. HORSEBACK RIDING, MOTORCYCLES, BICYCLES, SNOWMOBILING AND SLIDING ARE PROHIBITED. CHILDREN WILL NOT BE ALLOWED ON THE GROUNDS, UNLESS ACCOMPANIED BY AN OLDER PERSON WHO IS RESPONSIBLE FOR THEIR CONDUCT. PICNICS, PARTIES, OR THE BRINGING IN OF REFRESHMENTS, SOLICITING BUSINESS, UNSEEMLY BEHAVIOR, LOAFING, LOUNGING OR CONDUCT UNBECOMING TO THE CEMETERY ARE ALL PROHIBITED. NO DOGS ARE PERMITTED IN THE CEMETERY UNDER ANY CIRCUMSTANCES WHATSOEVER. RUBBISH OF ANY KIND MUST NOT BE LEFT IN THE CEMETERY.

## HOURS FOR VISITING

8:00 A.M. UNTIL SUNDOWN

THESE RULES AND REGULATIONS AND ANY FUTURE AMENDMENTS ARE SUBJECT TO STATE AND MUNICIPAL LEGISLATION HERETOFORE OR THAT MAY HEREAFTER BE ENACTED.

## MONTGOMERY CEMETERY COMMISSION

THE COMMISSION CONSISTS OF THREE MEMBERS. ONE MEMBER IS APPOINTED EACH YEAR TO SERVE A THREE YEAR TERM WITHOUT COMPENSATION. INDIVIDUAL COMMISSIONERS MAY SUBMIT BILLS FOR EXPENSES NECESSARILY INCURRED BY HIM IN THE DISCHARGE OF HIS DUTIES. (I.E. GAS, MILEAGE, ETC.) THE COMMISSION SHALL HOLD MONTHLY MEETINGS TO UPDATE THEIR MAPS, APPROVE BILLS FOR PAYMENT, HIRE EMPLOYEES AND SELECT A PRIVATE CONTRACTOR TO DIG AND BACKFILL GRAVES WHENEVER NEEDED.

THE COMMISSION MAY APPOINT A SECRETARY/ACCOUNTANT FOR RECORD-KEEPING AND A SEXTON TO SUPERVISE THE EMPLOYEES, STAKE OUT PLOTS TO BE DUG FOR BURIALS, MARK OUT LOCATIONS FOR SETTING MONUMENTS AND RECOMMEND TO THE COMMISSION NEEDED REPAIRS OR IMPROVEMENTS.

## A SUGGESTION

MEMORIAL GIFTS MAY BE MADE TO THE PERPETUAL CARE FUND OF THE MONTGOMERY CEMETERY THROUGH THE CEMETERY COMMISSION. THESE FUNDS ARE INVESTED WITH INTEREST BY THE TOWN TREASURER, AND ONLY THE INTEREST IS USED TO HELP MAINTAIN THE CEMETERY.