

Facilities Department

Town of Tisbury

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Vineyard Haven, MA 02568

Cemetery Rules & Regulations Approved by the Board of Public Works Commissioners

March 11, 1996

Article 21 It was voted that the Town approve the following rules and regulations pertaining to the use and operation of the various cemeteries under the jurisdiction of its Board of Public Works Commissioners, at the Annual Town Meeting held on April 22, 1996, which rules and regulations shall supersede all previous rules and regulations previously adopted by the Town.

FORWARD

The Charter for the Town of Tisbury that was enacted by the State Senate and House of Representatives on December 4th, 1989 provides that:

"There shall be established in the Town of Tisbury, hereinafter, in this act, referred to as the Town, a Department of Public Works under the jurisdiction of a Board of Public Works Commissioners. Said department shall have charge and responsibility of all Public Works operations of the Town, including but not limited to the following: highway, sewer, solid waste collection and disposal, cemetery, park and playground maintenance of all municipal buildings except those under the jurisdiction of the school department, and other operations as may be deemed necessary or desirable. The Board of Public Works Commissioners shall have the power to make all policy decisions relating to the operations of public works throughout the Town."

This booklet is designed to inform the public as directly as possible of the rules and regulations that the Board of Commissioners have developed over the years. The Commissioners encourage the public to comment on its needs and suggestions for improvement. Regular meetings are held to conduct business and the public is always welcome.

TOWN OF TISBURY CEMETERY RULES AND REGULATIONS

The Board of Commissioners has set forth the following rules and regulations for the ownership, use and care of burial sites in the Town's cemeteries. The authority to do this is found in Chapter 114 of the Massachusetts General Laws.

The Commissioners have the right to layout Town owned cemeteries or land set aside for the use of Town owned cemeteries into lots and shall set aside a suitable portion as a public burial place for the use of the inhabitants, free of charge. They may sell or convey to any person, resident or Non-Resident, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot and of ornamenting the same, upon such terms and conditions as prescribed therein. The proceeds of such sales shall be paid into the Town treasuries, be kept separate

from other funds and be appropriated to reimburse the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery. Any exceptions to these regulations due to extraordinary circumstances must be applied for by letter to the Board of Commissioners who will review and approve or disapprove the request and only after a Public Hearing is held and Public comment is received with regard to the requested exception.

OWNERSHIP OF LOTS

1. The owner of a lot or grave is limited to interning human dead in that site. The owner also has a limited right to build a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.
2. When a lot is purchased, the owner will be given a deed. The deed will give the owner the rights to use that lot as set forth by the Commissioners. The deed may contain certain specific terms and conditions for use of this lot. Copies of lost deeds may be obtained by contacting the Facilities Office, located at 400 West Spring Street, Vineyard Haven. One full size lot will measure 10 Ft long by 5 Ft Wide. One Cremation Lot will measure 4 Ft long by 4 Ft wide within the Oak Grove Cemetery and 2 Ft Square at the West Chop cemetery.
3. The Commissioners set the price of the lots (**Approved at Public Meeting April 5, 2016 rates effective July 1, 2016**). All lots must be paid for at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments or improvements to a lot may be made by the purchaser of a lot until the lot has been paid for in full. A deed will not be issued to a purchaser until the lot has been paid for in full. The following rates are herein established:

Four Grave Full-Sized Lots:

Resident \$1600 Non-Resident \$2500

Two Grave Full-Sized Lots:

Resident \$800 Non-Resident \$1300

Single Grave Full-Sized Lot:

Resident \$400 Non-Resident \$700

Cremation Lots: (space for 2)

Resident \$200 Non-Resident \$325

All interments will be arranged by a private licensed funeral parlor who is responsible for notifying the Facilities Department before any interment takes place.

4. The owner of a lot or lots may transfer ownership of that property by deed if such a transfer is approved by the Commissioners. The owner does not have the right to lease the property. No transfer of deed will be permitted which would involve the removal of human remains.

5. In the event of the death of the owner of the lot or grave, title shall pass or descend as provided by the Statutes of Massachusetts in force at that time. The Commissioners will require proof of the rights of ownership to such a grave or lot.

6. Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

7. The Town may take over the ownership of a grave in a cemetery provided that such grave has not been used for a period of fifty years and that ownership thereof cannot be ascertained. If such ownership is ascertained after such taking the Town shall pay the fair value of such grave at the time of the taking to the owner thereof.

8. The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of its taking to the owner.

9. The Town will not alienate or appropriate to any other use than that of a burial ground, any tract of land which has been for more than one hundred years used as a burial place; and no portion of such a burial ground shall be taken for public use without special authority from the general court. "Burial Place", as referred to in this section, shall include unmarked burial grounds, known or suspected to contain the remains of one or more American Indian(s).

10. The Town may take charge of an abandoned or neglected burying ground and keep it in good order, but no property rights shall be violated, and no body shall be disinterred.

CARE OF LOTS

1. The Commissioners are responsible to ensure the general maintenance and upkeep of the cemeteries and the lots within the cemeteries under "perpetual care". Perpetual care means the cutting of grass of the grave or lot at reasonable intervals, raking and cleaning, reseeding or other work that may be necessary to keep the lot or lots in good condition uniformly throughout the cemetery. This care does not include flower or plant maintenance or repairing

or replacing of gravestones or other markers unless the Town owns the lot or grave except in the case of damage to stones, shrubs or trees due to acts of nature or vandalism which is included in perpetual care. Perpetual care moneys will be set aside in an account established therefore at a rate of 75% of the cost of the lot. The remaining fee will be transferred to the Town's General Fund to cover the administrative costs of operating the cemetery.

2. The Commissioners may receive gifts or bequests for maintaining cemeteries or cemetery lots, which shall be paid into the Town treasury and, with the accounts thereof, shall be kept separate from the other money and accounts of the Town. The Town shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise shall invest them as ordered by the Commissioners and pay the income therefrom upon their order or with their approval.

MONUMENTS AND OTHER STRUCTURES

1. Only one monument may be placed per lot. A foundation must be placed under each monument. That foundation and monument may only be placed by a professional which normally provides such a service in the community unless explicitly waived by the Commissioners. Markers may not be set to embrace two or more graves. All markers shall be flush with the ground. No wooden crosses shall be allowed.

2. The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, but the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments maybe made of native boulders.

3. The owner of the lot has the right to plant flowers around a monument or marker, but does not have the right to plant trees, shrubs, nor other plants on the lot or erect a fence, curbing, hedge or any other landmark without the approval of the Commissioners. The Director of the Department of Facilities has the right to remove any shrub, hedge, root, branch, or flower may be deemed as detrimental to any other lot or lots and may have removed unsightly flowers, old vases and other containers that may be detrimental to the looks of the lot or the cemetery in general. the Town will not be held liable to any owner for the cost of such items.

4. No other structure but markers or monuments may be placed on a lot.

5. The following maximum sizes and may be used for monuments or markers:

LOT SIZE MAXIMUM DIMENSION

One Grave Not Allowed

Two Grave 3 Ft x 1 Ft Base

Four Grave 5 Ft x 2 Ft Base

Six Grave 5 Ft x 2 Ft Base

Eight Grave 6 Ft x 2 ft Base

Markers 2 Ft x 1 Ft

6. Cremation Lots will measure 4 Ft x 4 Ft in the Oak Grove Cemetery. Only two feet by one foot markers may be placed on Cremation Lots flush with the ground at a location approved by the Director of the Facilities Department and only one marker per lot is allowed. There may be up to four cremated remains interred per full-size lot and only one marker per full sized lot allowed, and up to two remains interred per cremation lot.

USE OF LOTS

1. No undertaker or other person shall bury or otherwise dispose of a human body or remove therefrom a human body which has not been buried or exhume a human body and remove or transfer the body until they have received a permit from the Board of Health or its agent appointed to issue such permits. No such permit shall be issued until there shall have been delivered to such board, agent, or clerk, a satisfactory written statement containing the facts required by law to be returned and recorded, which shall be accompanied, in case of original interment, by a satisfactory certificate of the attending physician. If there is no attending physician, a physician who is a member of the Board of Health or one hired by it shall upon application make the certificate required of the attending physician. The Board of Health after receiving such a certificate will transmit it to the Facilities Department for registration.
2. No permit for the burial of a deceased veteran, known to be such, shall be issued unless and until an affidavit shall have been filed with the Board of Health by the undertaker or other persons authorized to make such a burial or disposition. A certified copy of the affidavit will be transmitted by the Board of Health to the Veteran's Grave Officer.
3. Upon the burial, removal, or cremation of a body, the Director of the Facilities Department shall endorse the accompanying permit and shall make and preserve in the files of the cemetery a record of such a burial or interment.

GENERAL REGULATIONS

1. All persons walking through the cemeteries must keep on the pathways and not trespass on lots except for gaining access to their own lot. Parents must take full responsibility for their children and not permit them to stand on headstones.
2. Funeral processions may not be interrupted. Other than those attending, no person may be within 200 Ft of the interment ceremony.
3. Noise within the cemetery grounds will be kept to a minimum, except for those pieces of equipment necessary to maintain the grounds or excavate graves.
4. Cemeteries are open from sunrise to one half hour after sunset.
5. The speed limit for vehicles within the cemetery grounds is 5 MPH.
6. Funerals will not be allowed on Sundays, New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, Veteran's Day, or Christmas Day.
7. All burial cases must be sectional concrete or monolithic containers.
8. No open flame will be allowed in the cemetery. Vigil lights must be approved by the Board of Commissioners.

9. Although dogs are allowed to be walked on the grounds of the Oak Grove Cemetery, dog owners must clean up after their dogs and the owners must ensure that dogs do not trespass on any grave.

10. There will be a fifty dollar (\$50) fine imposed against individuals found in violation of any of the general regulations

CEMETERY FIND LINK:

Here's the link if you want to add it to the Town web site. Along with the Town's message that might say something like "Click here to see list of burials", it should also say "Powered by CemeteryFind.com":

<https://cemeteryfind.com/PublicSearch/BurialSearch/Town%20of%20Tisbury>