



The City of  
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## Fairview Cemetery Commission

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# FAIRVIEW CEMETERY

## Rules and Regulations

For the mutual protection and benefit of lot owners, the Cemetery as a whole, the Parks & Recreation Department as a whole, and the Fairview Cemetery Commissioners; the following rules and regulations were revised and adopted by the Fairview Cemetery Commission governing the use of all city cemeteries:

*Revised and adopted on June 20, 2019.*

All lot owners and visitors within the Cemetery, as well as all lots sold, shall be subject to these Rules and Regulations together with those amendments and/or alterations adopted, pursuant to state and federal law.

### A. DEFINITIONS:

“BOX” – a grave liner or permanent outside container, consisting of a once piece box, and a one piece lid, which is not sealed.

“BURIAL” or “BURIED” – the act or result of internment, entombment, or inurnment.

“CEMETERY” – a burial park for earth internments for the purpose of human burial. For the purposes of this document the words “cemetery” and “cemeteries” shall be construed as referring to all City owned and managed cemeteries.

“CONTRACTOR” – any person, firm, or corporation engaged in setting any vault or memorial, or performing any other work on the cemetery grounds, other than an employee of the cemetery.

“CREMATION” – the technical heating process that reduces human remains to bone fragments, which occurs through heating and evaporation.

“DEED” – the original conveyance given by the Superintendent of Parks & Recreation and Cemeteries to the original purchaser. The deed does not convey ownership of the lot, only a right to use the lot for burial purposes.

“GRAVE” – a space of ground that is used or intended to be used for the burial of human remains.

“INTERNMENT” – the disposition of the remains of a deceased person by cremation or traditional burial.

“LOT” – a numbered division as shown on the record plot, which consists of one or more graves, intended for the burial of human remains.

“MANAGEMENT” – the City of Chicopee, the Parks & Recreation Department, its employees, and the Fairview Cemetery Commissioners or its authorized designees.

“MARKER” – a small, flush, stone item used to identify the interred or corners of a lot, usually placed at the foot of a grave. Also refers to those items given to US Veterans to identify interred.

“MONUMENT” – a memorial permanent in nature placed at the head of a lot, centered upon deeded graves. Some regulations may apply to the size and location of the monument. All monuments must be approved prior to placement on a lot.

“VAULT” – a reinforced concrete grave liner box. No vault measuring over forty-two (42) inches in exterior width will be accepted for a single grave.

## **B. GENERAL RULES**

The Cemetery management reserves the right to compel all persons coming into the cemetery to obey all Rules and Regulations adopted by the Fairview Cemetery Commission. Additionally, the Management reserves the right to refuse entry or remove any person or persons who violate the rules set forth herein.

1. The Cemetery is closed to all vehicles and pedestrians between sunset and 8:00 A.M.
2. Persons within the Cemetery may use only walk upon the avenues and roads. No one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to a lot. The Cemetery expressly disclaims liability for any injuries sustained by anyone walking upon areas that are not designated as avenues and / or roads.
3. The following is prohibited:
  - a. Driving in excess of ten (10) mph within the grounds;
  - b. Driving any vehicle, motorized or otherwise, or riding any animal across or upon any grave, lot, lawn, or parking or leaving the same thereon;
  - c. Parking any motor vehicle on any road or driveway or leaving it in such a position as to prevent any other vehicle from passing. The City of Chicopee may have any vehicle violating this rule towed at the owner’s expense; and
  - d. Children under sixteen (16) years of age not permitted in the cemetery or its buildings, unless accompanied by an adult or having been given approval by the Superintendent of Parks & Recreation and Cemeteries in advance.

4. Trucks and all commercial vehicles are prohibited unless authorized by the Superintendent in advance. Official military or public safety vehicles are excluded from this rule.
5. All persons performing independent work within the cemetery must obtain authorization in advance from the Superintendent.
6. All work and traffic must stop when a burial service is being conducted.
7. In order to maintain the solemnity of the cemetery, the following activities are prohibited:
  - a. Loud or boisterous talking, horns of any type, noisy vehicles (specifically to include modified mufflers on cars and motorcycles), audio equipment / speakers, or any other loud and unreasonable noise as subjectively identified by the Management. This list is to serve as examples and not meant to be exclusive;
  - b. Loitering on the grounds, or in any of the buildings;
  - c. Peddling or soliciting;
  - d. Placing of signs, notices, or advertising of any kind; and
  - e. Dogs, cats, horses and other pets or animals (excluding service animals) are prohibited. Any animal that is part of a “military” or “public safety” ceremony is specifically excluded from this prohibition.
8. Cases may arise wherein in the judgement of Management enforcement of a rule may impose a hardship. The Fairview Cemetery Commission reserves the right to make exceptions, suspend, or modify any of these Rules and Regulations if it in its sole discretion it believes it would be appropriate to do so. An attempt should be made to send a written request to the Commission in advance of any such situation.

### **C. LOTS AND LOT OWNERS**

1. Persons desiring to purchase a grave or lot(s) shall apply to the Superintendent of Parks and Recreation and Cemeteries, where they will be aided in making a selection. The Superintendent shall have authority to assign lots to purchasers. Immediately after the assignment of any lot to a purchaser, the Superintendent shall notify the City Treasurer, who shall cause a deed for such lot to be prepared and executed as provided in Chapter 24 of the City of Chicopee Code. Said deed shall be delivered to the purchaser by the Treasurer upon receiving payment in full.
2. The owner of a lot may transfer ownership of that lot by deed. The Parks & Recreation Office requires a notarized letter from the current owner of the lot including the person the lot is being transferred to and a description of the lot location.
3. The Chicopee Parks & Recreation Department may at its' sole discretion allow a maximum of a 30 day “courtesy hold” without a deposit, on a lot(s) for a family needing time to make a purchase.

4. Before any stones or markers are placed on a grave or lot, complete payment for the grave must be made to the City of Chicopee. The City will issue a deed/certificate of ownership for burial purposes.
5. No lot or grace shall be used for any purpose other than for burial of human remains.
6. The City of Chicopee reserves the right to:
  - a. Enlarge, reduce, re-plot, or change the boundaries or grading of the cemetery, or section(s), from time to time, including the right to modify or change the locations or remove or regrade roads, drives, or walks, or any part thereof;
  - b. Lay, maintain and operate or alter or change pipelines or gutters for water systems and/or drainage or any appurtenance thereof.
  - c. Use cemetery property not sold to individuals for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto.
7. The Cemetery reserves to it and to those lawfully entitled thereto, a perpetual right of ingress and egress over graves subject to the limitation, rules, and regulations set forth herein for the purposes of passing to and from other graves or lots.
8. The City of Chicopee will not be responsible for loss or damage not directly caused by its employees or agents. n
9. It is the duty of the lot owner to notify the Chicopee Parks & Recreation Department of any changes in the mailing address. Notice sent to a lot owner at the last address on file in the Chicopee Parks & Recreation Office shall be considered sufficient and proper legal notification. The Chicopee Parks & Recreation Office does not maintain record of family members or next of kin. All general cemetery notices, such as revision and/or adoption of rules, regulations or policies, notice of seasonal clean-up, or any other cemetery information requiring publication, shall be deemed to have been announced when publicized upon the City of Chicopee website or upon the grounds of the Cemetery.

#### **D. CARE OF LOTS**

1. The general care and maintenance of the cemetery is assumed by the City of Chicopee and includes the cutting of grass, and the raking and cleaning of the grounds. This general care shall specifically exclude any maintenance, repair, or replacement of any memorial, tomb, or mausoleum. Any work undertaken by the City or its agents toward the preservation of any memorial, tomb, or mausoleum will not cause the City to be inured with any future duty of care or maintenance.
2. All sums of money which have been or may be deposited with the City Treasurer by any person under the provisions of the Massachusetts General Laws for the preservation, care, improvement or embellishment of any public or private burial place situated in the City or of burial lots located in the same and all sums which have been or may be bequeathed by any person for said purpose shall be received and held by the Treasurer as special trust funds, and he shall be responsible for such trust funds in like manner as for other money received by him as Treasurer.

3. Funds shall be deposited by him in some suitable savings bank or institution for savings, and the income arising from such deposit or investment may be collected by said Treasurer and expended by him in accordance with the terms of the trust under which the several principal sums were received. It shall be the responsibility of the City Council to direct, if it so desires, that the Treasurer pay over the entire income or any part thereof to the authorities having charge of the cemetery or burial place in which the lots are located for the care of which cemetery burial place or lots the funds are held. No greater income shall be paid or allowed on any such funds than is received by the Treasurer, and in the case of noninvestment of said funds, the rate of interest that may be allowed shall not exceed the current rate of dividends as allowed in savings banks.

#### **E. CORRECTION OF ERRORS**

The City of Chicopee reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterment, removals, deed descriptions, transfers, or conveyances in any interment property, either by canceling such conveyance or by substituting any conveying in lieu thereof other interment property of equal value and similar locations if possible, or as may be selected by the City. In the event such error shall involve the interment of the remains of any such persons in such property, the City reserves, and shall have the right to remove or transfer such remains of the interred to such other property (consistent with the law) of equal value and similar location as may be substituted and conveyed in lieu thereof. The City of Chicopee will make diligent and reasonable efforts to notify property deed owners before taking any action.

#### **F. DESCENT OF TITLE**

The General Laws of the Commonwealth of Massachusetts govern descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devices, trust deeds, and inalienability. The Parks Department of the City of Chicopee will assist any lot owner who desires information or advice on questions pertaining to his/her lot.

#### **G. INTERMENTS**

1. Except for winter months (November 1<sup>st</sup> through April 1<sup>st</sup>) the Fairview Cemetery will be open for interments at regular rates between 8:00 AM and 1:00 PM, Monday through Friday. Funerals at the cemetery during off hours and Saturdays are subject to higher fees. No burials will take place on Sundays or legal holidays. Legal holidays are indicated in the Municipal Employee contract and include but are not limited to the following: New Year's Day, Martin Luther King's Birthday, President's Day, Good Friday, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve. Holidays occurring on a Sunday will be celebrated on Mondays; holidays occurring on Saturday will be celebrated on the preceding Friday.
2. All funerals upon entering the cemetery shall be under the charge of the Funeral Director. The Superintendent of Parks & Recreation and Cemeteries shall designate an employee of the Parks & Recreation Department to supervise and perform work associated with the burial while ensuring the safety of all persons in the cemetery, in accordance with OSHA

and DOT regulations, federal, state, and local law(s). They shall have authorization over the Funeral Director to enforce all rules, regulations, and to ensure a safe environment for all persons on the grounds. Once a casket containing a body is within the confines of the cemetery, no funeral director, or their staff, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or by court order.

3. The Funeral Director shall pay all charges for services to the City of Chicopee. The Funeral Director shall be responsible to the City for the debt regardless of the arrangements with the family involved. Payment shall be completed prior to burial (a copy of the burial permit is also required), disinterment, or relocation. If payment is being made by a party other than a funeral director payment must be made with a certified check or bank check delivered to the City Treasurer.
4. All charges for interment or services in connection therewith, shall be paid to the City of Chicopee by the funeral director before or at the time of burial.
5. Arrangements for the payment of indebtedness due to the City of Chicopee must be made before interment is performed.
6. The Chicopee Parks & Recreation Department reserves the right to require seventy-two (72) hours' notice prior to any interment and at least one (1) weeks' notice prior to any disinterment or removal. Only two (2) interments will schedule for any one (1) day. Interments must be scheduled at least three (3) hours apart. **All services must be confirmed by the Parks & Recreation Department Office before scheduling.**
7. Lot owners shall not allow burials in their lots for remuneration of any kind.
8. Only one (1) full burial, or one (1) full burial and one (1) cremation, or two (2) cremations, is allowed in one grave, except in the case of parent and infant child or two infants buried in one casket. A full burial must precede a cremation.
9. When an interment is to be made in a lot, the lot owner shall designate the location of such interment. Should the lot owner fail to make such designation, the Management reserves the right to choose the interment location. Designated employees of the City of Chicopee are the only persons who will permitted to open graves with the following exceptions:
  - a. The Superintendent of Parks & Recreation and Cemeteries is directed to make a disinterment by judicial order and a certified copy of such order has been filed with the City of Chicopee; or
  - b. When the Medical Examiner directs the disinterment for the purpose of holding an inquest and had filed with the City of Chicopee a legal, signed authorization to release the body to the Medical Examiner or lawful agent. In such cases, the Medical Examiner or lawful agent does the disinterment. City employees will not be permitted to assist.
10. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all full traditional burials are made inside a two (2) piece concrete box or vault that is not hinged of type, quality and construction approved by the management of the cemetery. The "outside" width of such vaults shall not exceed thirty-four and one half (34 1/2") inches. In such cases where and oversized

vault is needed to accommodate an oversized casket, the lot owners will need to use two (2) deeded graves. All cremated remains shall be buried in a permanent, retrievable container. Burial vaults may be procured from any source provided they meet the established specifications.

11. All interments, disinterment, and removals are made subject to local and state laws, by-laws, ordinances, and regulations. City employees operating machinery in the cemetery shall do so in accordance with OSHA and DOT regulations, in addition to local and state laws, by-laws, ordinances, and applicable regulations, if any.
12. The City of Chicopee will not be held responsible for any order given for any mistake(s) occurring from lack of precise and proper instructions as to the particular space, size of grave, and location of a grave when interments is desired.
13. The City of Chicopee will not be liable for the identity of the person sought to be interred.

#### **H. PLANTS, DECORATIONS AND USE OF PROPERTY**

1. No shrubs or plantings in the ground are allowed other than what is planted by the cemetery staff.
2. Real flowers may be used to decorate lots but may be removed or discarded by the City when, in the sole opinion of the City cemetery employees, they have become wilted, faded or unsightly.
3. For the safety of all in the cemetery, no artificial ornaments or any other items deemed hazardous at the sole discretion of the cemetery staff are allowed, including but not limited to the following:
  - a. Glass;
  - b. Statuary;
  - c. Ceramics, terra cotta, or resin;
  - d. Boxes / baskets /urns;
  - e. Metal designs;
  - f. Ornaments;
  - g. Toys;
  - h. Balloons;
  - i. Pinwheels;
  - j. Banners;
  - k. Vigil lights / candles / artificial lighting;
  - l. Wood, metal, wire, nails, or posts that are driven into the ground; and
  - m. Other breakable items.

This list is exemplary and not meant to be complete or exhaustive.

4. Only Veterans' flags / Veterans' flag markers are permitted to be inserted into the ground.
5. Temporary markers are not allowed subject to the provisions of paragraph B, section 8..

6. No coping, curbing, ditches, fencing or borders of any kind including but not limited to any rock, bark, or like materials, are allowed around graves, monuments, or markers.
7. The City of Chicopee shall have the authority to remove any and all floral designs, flowers, weeds, trees, plants, herbage, or decorations of any kind from the cemetery when, in the sole judgement of the Management, they become unsightly, dangerous, detrimental diseased, or do not conform to the rules and regulations of the cemetery. Said items will be removed and discarded. The City specifically states that it assumes no liability for any removed and / or discarded items.
8. The City of Chicopee shall not be liable for floral pieces, baskets, frames in which, or to which, such pieces are attached, nor for such floral pieces for memorial services held in the cemetery.
9. Planting pots, boxes, and urns are only allowed during the following times of year:
  - December 1<sup>st</sup> – March 15<sup>th</sup>
  - May 1<sup>st</sup> – June 30<sup>th</sup>

All items must be removed after these dates. (If not removed by the lot owner, Department employees will remove all items).

The Fairview Cemetery Commission and the City of Chicopee expressly assume no responsibility or liability whatsoever for any and all items left within the Cemetery grounds.