

# **Harwich Cemetery Commission**

## **Rules and Regulations of Harwich Cemeteries**

### **I. Rules**

1. Town Cemeteries are open daily from dawn to dusk.
2. No vehicle shall be operated in any part of the cemeteries and at speeds no faster than 10 MPH. Violators will be subject to a speeding fine.
3. Recreational motorcycling, roller skating, skateboarding, and/or any other types of similar recreational sports are prohibited. The Town is not liable for any injuries sustained by any person participating in a recreational activity within Cemetery property. Any activity that encroaches on individual lots or graves is prohibited.
4. Any person disturbing the quiet and/or order of the grounds by loud noise, speeding, or other improper or disorderly conduct, or who shall violate any of these rules, will be removed from the grounds and such person will be dealt with as provided by law. The entrance of any intoxicated person is prohibited.
5. No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.
6. Gravestone repairs or rubbings require prior authorization of the Cemetery Commission or its designated agent. A copy of the Association for Gravestones Studies *Gravestone Rubbings Do's and Don'ts* will be provided.
7. Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day.

### **II. Interments**

1. Burial lots in the cemeteries shall be used for no other purpose than a place for the interment of the human dead including cremation remains.
2. No interment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written order/interment form from the legal owner, or the legal representative of the right of burial in the lot in which interment is to be made. No grave shall be opened for interment or removal unless authorized by the Cemetery Commission and the area has been flagged by Cemetery personnel.
3. All interments shall be enclosed in a cement vault except. Infants shall require an approved container. Cremations shall require an urn or other permanent approved container.
4. Lot usage: In lots (4' x 10') one full burial and one cremation or four cremations. In cremation lots (4' x 3') two cremations.
5. Single Cremation in Harwich Center Cemetery. Lot usage is for one cremated remain for interment in this section (interment rights are from Plan of Land in Harwich (Center) "Proposed Cremation Section" map prepared by Harwich Engineering Department file # 1529-00.

### **III. Cemetery Lots**

1. Cemetery personnel shall furnish, to those who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made.
2. The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.

3. Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
4. Upon the death of the title owner, a lot passes to heirs-at-law (MGL.Ch.114, s.29) unless specifically devised by will or trust (subject to Ch. 190, sec.3).
6. A full burial lot (minimum 4'x10') containing recorded remains, may, also, accommodate one cremation burial, provided the cremation remains be that of an heir-at-law or family member of the prior interred remains and be so certified and approved by the Commission.
7. Burial lots for the interment of any indigent resident Veteran are provided at no cost and are set aside for burials of Veterans residing in the Town at the time of their entry into service and /or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
8. Single grave space may be made available to the resident parents and without charge for the indigent, stillborn or very young infant within the Town at the time of death.
9. All work performed on graves or lots by the owners, or by their order, shall be performed only with prior authorization of Cemetery personnel in order to preserve as much as possible the natural appearance of cemeteries.
10. Maintenance of all plantings and maintenance and removal of all plantings and holiday arrangement placed by a lot owner, or designee, is the responsibility of the lot owner, and the Cemetery Commission reserves the right to remove any planting that becomes unsightly. The Town of Harwich is not liable for items left at a grave, or damage to flowers, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures.
11. Annual/perennial flowers must be planted at the base of a monument/marker, so as to not interfere with maintenance department procedures.
12. Fences, borders, curbing, hedges, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless prior approval by Cemetery Commission. Any bench or structure needs prior approval by Cemetery Commission before installation.
13. Masons, stonecutters and all workmen shall at all times be under the control of Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths, damaged by their operations. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.
14. The Town reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location may be selected by Cemetery Commission.

#### **IV. Markers, Headstones, Monuments**

1. SINGLE LOT – 30"width (left to right) x 16" (front to back) and/or two flush markers.
2. CREMATION LOT Cremation Lot (4' x 3') maximum of 2 flush markers measuring 2' x 1' per marker or 1 marker not to exceed 2' x 2'.
3. MULTIPLE LOTS – Marker is not to exceed 50% of the width of lot with a base depth of 18" maximum and height of 48".
4. IN EXISTING CEMETERIES – Where family lots have been established, those families will be allowed to add memorials to duplicate the existing markers or headstones.
5. No markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other

structures shall be made of granite, marble, slate, or other approved marker. All monuments are to be centered at the head of lot or centered at the mid-line.

6. A marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial; therefore both a monument and a bench are not permitted.
7. The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
8. Monuments and other structures that are not in compliance are subject to removal without notice.

#### **V. Administration**

Under the administrative direction of the Town Administrator and the policy direction of the Cemetery Commissioners, the Cemetery Administrator shall have overall responsibility for the proper administration of Town Cemeteries in accordance with these rules and regulations and applicable Federal and State laws. The Town of Harwich Home Rule Charter and MGL Ch. 114 establish the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are proscribed under MGL Ch. 114 S23 and the Town of Harwich Home Rule Charter, S 7-15-2.

#### **VI. Active Cemeteries** (*Burial space available*)

Evergreen Cemetery, 1403 Orleans Road and 40 Cemetery Road, East Harwich  
Island Pond Cemetery, 15 Island Pond Road, Harwich Center  
Mount Pleasant Cemetery, 95 South Street, Harwich Port  
Kelley Cemetery, 18 Old Brewster Road, North Harwich  
South Harwich Cemetery, 270 Chatham Road, South Harwich  
Pine Grove Cemetery, 32 Pine Grove Road, West Harwich  
North Harwich Cemetery, 610 Depot Street & Main Street Ext., North Harwich

#### **VII. Inactive Cemeteries** (*No burial lots available for sale*)

Bank Street Burial Ground, Bank Street, near Long Road  
Baptist Church Cemetery, Depot Street & 62 Route 28, West Harwich  
Herring River, West Harwich, Herring River, West Harwich  
Hawks Nest Cemetery, corner of Spruce and Walker Roads, East Harwich  
Lothrop Cemetery, Off Lothrop Ave, West Harwich  
Methodist Church Cemetery, corner Queen Anne Rd. & 15 Church Street, East Harwich  
Old Methodist Cemetery, AKA Eldredge Cemetery Queen Anne Rd., East Harwich  
Old Smith Cemetery, Bells Neck Road, West Harwich  
Ryder Cemetery, Route 39 near water tower, Harwich

**Cemetery Office located @ 100 Oak Street; mail received at Town Hall, 732 Main Street**

**Office phone: 508-430-7549**

*Approved at Annual Town Meeting May 6, 2019.*