

**RIVERSIDE CEMETERY  
RULES and REGULATIONS and  
LAWS GOVERNING INHERITANCE  
of CEMETERY LOTS**

1844



2003

**TOWN OF SAUGUS, MASSACHUSETTS  
CEMETERY DEPARTMENT**

## **RULES AND REGULATIONS**

The adoption and enforcement of the following Rules and Regulations is necessary to maintain good order within the Cemetery, to protect the interests of Proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of discourtesy or other breach of propriety.

Special cases may arise in which the literal enforcement of a regulation may impose an unnecessary hardship upon a Proprietor. The Cemetery Commission, therefore reserves the right to temporarily suspend or modify a regulation, but such act shall not be construed as affecting the general application or enforcement of such rule.

The Rules and Regulations and Schedule of Prices as established by the Cemetery Commission are subject to change during a proper publicly published notice of meeting.

The Statutes of the Commonwealth relating to cemeteries prescribe severe penalties for infringement of the Law and all violators will be prosecuted to the full extent of the law.

The Superintendent is in full charge of the Cemetery and is responsible for the enforcement of the Rules and Regulations approved by the Cemetery Commission, and for maintaining the Cemetery in conformance with the principles to which it was dedicated.

Flowering shrubs, rose bushes, vegetable and/or fruit plants, loose stuffed animals, hanging hooks, marble chips, wood chips and wire, wood, plastic, or other fasteners or supports for plants other than attached legs, are strictly forbidden. All violations will be removed and discarded without notice.

Plastic Flowers with metal bases can be located within 12 inches in front of tombstone from Nov 1 to Mar 1. Plastic Flowers must be installed into a Styrofoam piece or equivalent which must be fastened by either glue, tape or epoxy in metal container with either legs or metal fastener enclosed or attached to keep flowers from falling out and becoming a safety risk to Cemetery workers. No loose metal stakes or wires are allowed as fasteners and they will be removed and discarded without notice. Go to Cemetery Office to view example of containers allowed. If plastic flowers are put in Cemetery improperly, they will be removed and discarded without notice. Fresh flowers can be installed all year.

Annual Flowers that will grow and are maintained at the height of tombstone, within 12 inches of front of stone and no wider area than width of stone are allowed from Mar 1 to Nov 1.

## **CEMETERY HOURS**

The gates of the Cemetery will be open daily from 7 a.m. to 8:30 p.m., except from November 1 st to March 1st, when they will be closed at 4:30 p.m.

Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.

The term gates as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with movable barriers.

## **OFFICE HOURS**

Weekdays from 8 a.m. to 1 pm. The office will be closed on all Legal Holidays.

## **GROUNDNS**

Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns. They must not drive or park on grass in any area within the Cemetery. This will be strictly enforced and could result in a ticket and/or fine.

The day of the Memorial Day Parade, no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12 noon.

Motorcycles, ATV's, bicycling, Roller-blading, Roller-skating, Jogging and/or snowmobiling are excluded from the Cemetery at all times.

All persons are forbidden to feed, injure or molest any bird or wild animal, or to molest their nest or other habitation. Feeding of Canadian Geese has caused damage to Cemetery and added costs for maintenance and cleanup. This will be strictly enforced.

The taking of firearms into the Cemetery is forbidden, except by authorized persons on military occasions.

No tree or shrub shall be removed except by the Cemetery Department. All persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant. If a person damages a tree, including with their vehicle, they will be responsible for repair and/or replacement costs for the tree.

No person without permission from the Superintendent will be allowed to pass out of the gates with flowers, plants, shrubs or parts thereof, except if taking flowers from family or friends Funeral.

No EMPLOYEE of the Department will be allowed to RECEIVE ANY FEE or other compensation whatsoever for services rendered to any person.

Persons within the Cemetery conducting themselves improperly will be requested to leave, and upon refusal will be compelled to do so.

Dogs are not allowed in the Cemetery at any time unless they remain inside the car. This will be strictly enforced and could initiate a ticket and/or fine to be levied. Animals used for the physically challenged are welcomed but not allowed to roam freely.

Motor Vehicles, behind-the-wheel training is prohibited. Parking will not be permitted inside the Cemetery unless drivers are visiting the Cemetery. All violators will be ticketed for trespassing and/or illegal parking. Those visiting the Evans School or Saugus Businesses are not allowed to park inside the Cemetery.

All work done within the Cemetery shall be performed by employees of the department, or by permission of the Superintendent, except if they are grooming, seeding, planting, watering, and trimming their family's plot. No power tools are allowed. If assistance is needed from Cemetery workers, please go to office and request that a work request form is filled out.

No landscaping contractors allowed at any time to perform work in cemetery unless hired and directed by the Superintendent. This will be strictly enforced.

Due to the safety risk to our Cemetery workers, they are not allowed to reposition and/or repair upright monuments. Go to front office to request a list of monument proprietors that can do this work or contact original company who installed your monument to see if they will provide this service.

## **FUNERALS**

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the superintendent or his assistants in an appropriate vehicle.

## **INTERMENTS---- REMOVALS**

Undertakers are required to have all interment orders signed by the Proprietor or Representative of a lot, or grave, and presented at the Cemetery office at least sixteen working hours before the time set for the interment.

The Cemetery Department reserves the right to correct any errors that may be made by it, either in making interments, disinterments or removals.

All interments must be made in permanent containers.

The Department will accept telephone orders for opening a grave, but disclaims liability of error in such cases. In no case will a grave, which contains a body, be opened until a properly signed order has been received and verified.

No interment will be made without a regular order and burial permit.

As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the Proprietor should personally designate the grave to be opened.

No interments will be made until all fees charged for the same have been paid.

No grave will be opened to extra depth if the Superintendent deems surrounding conditions hazardous.

No body will be removed from a grave or otherwise disturbed, except for removal from the Cemetery or to a newly acquired location within the Cemetery, and the next of kin to the deceased must sign all orders for such removal. No work will be performed until full payment received.

Not more than one interment will be permitted in any grave occupied by a cement, stone or steel vault.

Interments will not be made on Legal Holidays unless previous arrangements made with Superintendent.

In case of emergency arising from extreme weather conditions or other causes beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the Receiving Tomb without charge until conditions permit interment.

## **RECEIVING TOMB**

Bodies may be placed in the Receiving Tomb at any time, but the Cemetery Commission reserves the right to remove and inter the body whenever it may be necessary to do so.

While bodies are deposited in the Receiving Tomb the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

## **LOTS**

No rights of burial in any lot in Riverside Cemetery shall be sold to non-residents of the Town of Saugus. To qualify as a Saugus Resident, you must have lived in Saugus for at least one (1) Year prior to death, unless deceased or spouse was a Saugus resident prior to having to go into a nursing or assisted living home outside of Saugus due to illness, and spouse was forced to move out of Saugus as a result, or in the event a past resident has left Saugus within six (6) months of death.

All lots are sold with Perpetual Care and shall be used for no other purpose than a place of burial of the human dead.

No Proprietor shall suffer the remains of any person to be interred within his lot for hire.

All interments or other work shall be under the personal charge of the Superintendent or his assistants.

No work will be performed on any lot against which there is an outstanding account.

The Cemetery Department will define and install suitable corner markers and numbers for all lots. It is unlawful for any person to remove or tamper with said markers.

No lot will be deeded to more than one owner, nor will a lot be divided. No objection exists to an agreement between or among families as to the parts of lots to be used by each, but the Department will not undertake to record or enforce such agreements.

In case of the decease of a Proprietor, it shall be the duty of the heirs or devisees to file with the Department satisfactory proof of ownership. This is very important as the Department cannot allow any work done in or upon the lot until such time as there is a Representative appointed by the heirs with the power of signing orders. [Chap. 114, sec. 29, General Laws of Massachusetts.]

Upon the decease of the Representative, the heirs should immediately appoint a successor.  
[The Law governing inheritance of lots will be found in the back of this booklet.]

If any monument or effigy, or any structure whatever, or inscription be placed in or upon any lot or single grave which shall be determined by the Cemetery Commission to be improper or offensive, the Commission shall have the right and it shall be their duty to remove such improper or offensive objects.

Proprietors may erect memorial structures on their lots, subject to the regulations of the Cemetery Department.

Proprietors may cultivate plants on their lots, as long as the plants are no higher or wider than monument, and are not more than 12 inches from the front of monument, but if such planting becomes neglected or is deemed objectionable or detrimental, the Cemetery Commission and/or Superintendent reserves the right to remove such planting. If done on lots under Perpetual Care, the owner must bear the expense of putting the ground in proper condition again. Single lots with flat markers can't have flowers planted. See Single Graves Section to follow for guidelines.

Proprietors may have Cemetery workers plant small, shrubs beside their monument as long as they will not grow taller than monument, or too wide to interfere with neighboring lot shrubs. A planting fee will apply. No rose bushes or trees will be allowed. Here are the only types of shrubs allowed as follows:

Very Dwarf Hinoki False Cypress - *Chamaecyparis obtusa* 'Nana  
Dainty Doll Hinoki False Cypress - *Chamaecyparis obtusa* 'Dainty Doll'  
Tsukomo Dwarf Sawara Cypress - *Chamaecyparis pisifera* 'Tsukomo'  
Little Jamie White Cedar - *Chamaecyparis thyoides* 'Little Jamie  
Meth Dwarf White Cedar - *Chamaecyparis thyoides* 'Meth Dwarf  
Dwarf Black Spruce - *Picea mariana* 'Nana  
True Dwarf Boxwood - *Buxus sempervirens suffruticosa*  
Green Lustre Japanese Holly - *Ilex crenata* 'Green Lustre'

Please see Superintendent at front office and request a work request form be filled out for installation of proper shrubs. After a form is filled out, fee paid and proper shrubs delivered to Cemetery, the cemetery workers will plant the shrubs.

For approved shrubs that are installed by other than cemetery workers, Superintendent's office will

try to contact the owner or family by telephone. If contact can't be made by telephone, than a water resistant tag of notification of removal will be placed on the shrub and after tag is installed for two weeks, then Cemetery Department will remove item unless the owner and/or family member goes to the office to fill out the proper paperwork and pay fees. If the shrubs must be moved due to improper placement, then the fees will also apply. Cemetery workers will remove non-approved shrubs installed without notice. This will be strictly enforced.

Proprietors may epoxy sentimental ornaments etc. on the front ledges of their monuments. No pin wheels of any material type is allowed. Balloons may only be placed for birthday week of loved ones. One Solar powered light and/or perpetual candle per plot in double lots may be installed in front of monument, as long as they are secured to ground, (can not be permanently installed with cement) and are within 6 inches in front of monument and at least 6 inches in from corners towards middle of stone. The type of installation must be the stake/pole type and can't be the hook/hanging type due to safety risk. If solar powered lights or perpetual candles are installed, either they must be removed from Nov 1 to May 1 of each year or if left, the Cemetery and/or workers will not be responsible for any damage caused during the winter season. If any item is deemed unsafe, the Superintendent can remove them after trying to contact the owner or family of lot by telephone. If contact can't be made by telephone, then Cemetery Department will remove item.

**Note: If any item is deemed detrimental to the safety of the Cemetery workers and/or visitors of the Cemetery, item will be removed immediately without notice.**

On lots or graves where no monument has been erected or where only a flat marker is utilized, the sod under no condition shall be allowed to be broken. There will be no planting or placing of any loose items on these gravesites due to the safety risk. Any item in violation will be removed and discarded without notice.

Lot enclosures of any kind are not permitted. This includes but is not limited to; fencing, rocks, stones, bricks, wood and cement. Any violation will be removed without notice.

The Superintendent shall remove from lots and graves any emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Emblems so removed will be put in the common dump, and employees shall refuse to attempt to find them after having been so disposed of.

The Cemetery Department reserves the right to alter the plots of walks, avenues and unsold areas.

Potted plants, baskets and flowers are allowed Memorial Day, Mothers Day, Fathers Day and Easter but will be removed 10 days after the Holiday.

## **SINGLE GRAVES**

No rights of burial in single graves in Riverside Cemetery shall be sold for the interment of nonresidents of the Town of Saugus.

No upright monuments will be allowed on single graves. No planting or placement of any loose items will be allowed due to safety risk. Any item in violation will be removed and discarded without notice.

All single graves are sold with Perpetual Care. They shall be used for no other purpose than a place of burial for the human dead.

Receipts are issued for single graves, which are not transferable.

The grass will be maintained level and no planting will be allowed. Any damage done to grass must be repaired at the expense of the owner. Proprietors and family members may seed and water grass if needed.

No article other than a flush stone, floral basket or rod iron container with legs and handle or flag will be allowed on the single graves. Only one flag holder or organization emblem will be allowed to each lot or single grave. The family of the deceased will designate the flag holder or organization emblem and notification of said decision shall be given to the Superintendent as to the placement of the emblem or flag holder. They must not be permanently installed and/or cemented into the ground. If basket or rod iron containers that have legs are used, they must be set in the ground flush, have handles, and within 12 inches of front of flat marker, otherwise they may become damaged by grass cutting machinery, or lost.

## **TREES AND SHRUBS**

No person shall plant a tree. If a person would like to donate a tree for the beautification of the Cemetery, they can contact the Superintendent, and all such work will be done by the Department as a tree may in a few years, because of its roots or branches, become a nuisance or render the ground unfit for burial purposes, and no such planting will be allowed if in the opinion of the Superintendent it would be undesirable.

Shrubs are allowed beside double lots with monument as long as they are maintained no higher than monument, or too wide to interfere with neighboring lot shrubs. See page 5 for a list of approved shrubs. Cemetery workers must install Shrubs and a fee will apply. Please fill out form for installation of proper shrubs out at office, pay the fee and Cemetery workers will plant them after you deliver them to Cemetery. No rose bushes or trees will be allowed and will be removed without notice.

No person shall remove any tree or shrub. Owners or family members can trim shrubs if on his own or family lot. The Department will on request perform all such work at no cost. Fill out complaint form at office to have trimming completed.

The Cemetery Commission and/or Superintendent reserves the right to enter any lot and remove any tree or shrub or parts thereof which appear to be dangerous or detrimental after trying to contact the owner or family by telephone. If contact can't be made by telephone, than a water resistant tag of notification of removal will be placed on the shrub or tree and after tag is installed for two weeks, then Cemetery Department will remove item.

The department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof

## **MEMORIAL STRUCTURES**

Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the grounds.

Designs, specifications and location of all structures must be submitted to the Superintendent for approval before a foundation is built or permit issued.

All stonework must rest on a foundation of cement masonry, which will be built by the department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.

Application for this work must be filed on a standard form furnished by the department and shall give full particulars including location, size, specifications and sketch, and must be signed by both the owner and contractor.

No foundation will be constructed and no stonework will be set between November 10th and April 1st, or when the ground is not in the proper condition for such work. Applications can be submitted anytime during the year and Cemetery workers will construct foundation when weather permits.

Orders for foundations for monuments or markers for Memorial Day will not be accepted after May 15th, and no orders for any foundations will be completed the same year if submitted after November 5<sup>th</sup>, unless the Superintendent deems weather and conditions would allow proper installation.

No person shall deliver any material within the cemetery except under the direction of the Superintendent or his assistants, and every such person shall report at the office for an Erection Permit before entering.

No work shall be done in the Cemetery without a Permit, except trimming, planting, watering or cleaning by owners on family member lots. No power tools allowed.

All work must be done during the working hours of the cemetery, and no material for the building or erection of structures will be received on Saturdays, Sundays, Holidays or after four o'clock in the afternoon on workdays, and no stonework will be allowed set during these periods.

Monument Companies will have to go to office before any work is done, sign in and pay an entry fee. There will be no weekend work allowed unless prior arrangements are made with the Superintendent and fee has been paid.

Contractors and others doing work within the grounds will be held responsible for all persons under their control. There will be a permit and fee required prior to work being performed inside Cemetery. Office will have permits. The Cemetery Commission may, for good cause, refuse to issue further permits to any person who at any time has violated any rule or regulation, or who has performed unsatisfactory work within the grounds.

No memorial structure will be allowed set on any lot until said lot is wholly paid for.

### **PERPETUAL CARE**

The term Perpetual Care shall mean the maintenance of the lot or grave in reasonable condition. This includes cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising sunken graves. Under this agreement, the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

Persons wishing to place old lots in Perpetual Care may obtain full particulars and estimate of cost at the office.

### **DISCLAIMER**

The Cemetery Department will take every reasonable precaution to protect the private property of lot and grave owners within the cemetery from loss or damage, especially from the acts of thieves, vandals, rioters, malicious mischief-makers and from the acts of Providence including wind, hail, snow and frost.

### **TERMS**

The terms for all services and for the sale of lots and graves are strictly certified check, personal check, money order, insurance or bank check, made out to the "Town of Saugus". No Credit Cards will be accepted.

### **Children**

Children under the age of 14 are not allowed in the Cemetery except when accompanied by their parents or some adult having them in charge.

## Veterans

A Veteran who was a resident of Saugus at the time of enlistment and/or was a resident of Saugus for at least a year prior to time of death and meets Veteran definition below may be buried in Veterans Lot. No permit will be issued until Chapter 114 Section 46A has been completed.

The Veteran lots are single gravesites and spouses or any other family members will not be allowed to be buried in this area.

"Veteran" shall mean any person, male or female, including a nurse, (a) whose last discharge or release from his wartime service, as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States for not less than ninety days active service, at least one day of which was for wartime service, provided, that any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete ninety days of active service.

### **EXTRACTS FROM CHAPTER 114, GENERAL LAWS OF MASSACHUSETTS**

**Section 29.** Lots in cemeteries incorporated under section one, tombs in public cemeteries in cities and lots and tombs in public cemeteries in towns, shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall vest in the heirs at law or devisees of the deceased subject to the following limitations and conditions: If the deceased leaves a spouse and children, they shall have the possession, care and control of said lot or tomb in common during the life of such surviving spouse. If the deceased leaves a spouse and no children, said spouse shall have possession, care and control of such lots or tombs during life. If the deceased leaves children and no spouse, they shall have in common the possession, care and control of such lots or tombs during their joint lives, and the survivor of them during his life. The persons in possession, care and control of such lots or tombs may erect a monument and make other permanent improvements thereon. The surviving spouse shall have a right of permanent interment for his own body in such lot or tomb, but it may be removed therefrom to some other family lot or tomb with the consent of the heirs. If two or more persons are entitled to the possession, care and control of such lot or tomb, they shall designate in writing to the clerk of the corporation, or if it is a tomb or lot in a public cemetery, to the board of cemetery commissioners, if any, or to the town clerk, which of their number shall represent the lot; and in default of such designation, the board of trustees or directors of the corporation, the board of cemetery commissioners, if any, or the board of health if such lots or tombs are in public cemeteries in towns, shall enter of record which of said persons shall represent the lot during such default. The surviving spouse may release his right in such lot, but no conveyance or devise by any other person shall deprive him of such right.

**Section 30.** Before entering of record the name of any person to represent such lot or tomb, the board of cemetery commissioners, if any, or the board of health of a town shall hear the parties entitled to the control thereof at such time and place as it shall have previously appointed by a notice published in a newspaper, if any, of the town; otherwise, by posting a copy in a public place therein.

**Section 31.** If in a will no express disposition or other mention is made of a cemetery lot owned by the testator at his decease, and wherein he or any member of his family is buried, the ownership of the lot shall not pass from his lawful heirs by any residuary or other general clause of the will, but shall descend to his heirs, as if he had died intestate.

**Section 32.** A wife shall be entitled to a right of interment for her own body in any burial lot or tomb of which her husband was seized at any time during coverture, which shall be exempt from the operation of the laws regulating conveyance, descent, and devise, but may be released by her in the same manner as dower.

**Section 33.** A husband shall have the same rights in the tomb or burial lot of his wife as a wife has in that of her husband.

# NOTICE

## RIVERSIDE CEMETERY

### CHAPTER 272. CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER.

#### Chapter 272: Section 73. Tombs, graves, memorials, trees, plants; injuring, removing.

**Section 73.** Whoever willfully destroys, mutilates, defaces, injures or removes a tomb, monument, gravestone, veteran's grave marker or metal plaque or flag, or other structure or thing which is placed or designed for a memorial of the dead, or a fence railing, curb or other thing which is intended for the protection or ornament of a structure or thing before mentioned or of an enclosure for the burial of the dead, or willfully removes, destroys, mutilates, cuts, breaks or injures a tree, shrub or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or a grave, shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in the jail or house of correction for not more than two and one-half years and by a fine of not more than five thousand dollars.

### POLICE TAKE NOTICE

OFFENDERS WILL BE PROSECUTED

PER ORDER RIVERSIDE CEMETERY COMMISSION

May 15, 2003