



# City of Beverly

## Cemetery Operating Policies

### Mission Statement

The Board of Cemetery Managers and Staff of the Cemetery Department are committed to providing serene, attractive, and contemplative settings for the families of the deceased.

We are dedicated to offering timely and high-quality service in a dignified manner with respect to the wishes and beliefs of the deceased and their family.

### Introduction

The City of Beverly currently manages three municipally owned cemeteries. They are North Beverly Cemetery (685 Cabot Street), Central Cemetery (60 Hale Street), and Beverly Farms Cemetery (100 Haskell Street).

### Cemetery Operating Policies

#### 1. Recreational use of Cemeteries:

The Board of Cemetery Managers emphasizes that cemeteries are first and foremost Memorial Parks. Any use of the cemeteries which might disrupt the quiet contemplation or otherwise is inconsistent with the peace and tranquility which cemeteries represent will not be tolerated. Dogs are prohibited in all City of Beverly Cemeteries per Beverly City Ordinance No. 91, 3-19-90.

#### 2. Hours of Operation:

The Beverly Cemetery Department will be available for services Monday through Saturday. Normal hours are 8:30am to 2:00pm; 12:00pm on Saturdays. Graveside services may not exceed 45 minutes from the scheduled arrival time. There will be no services performed on Sundays or holidays when City Hall is closed. Other times or unusual requests will be at the discretion of Cemetery Administrator or the Board of Cemetery Managers.

#### 3. Sale of Lots:

Lots will be sold as "Single Graves", "Double Graves", "Double Cremation Graves" and "Six Cremation Graves". "Family plots" will be discouraged. Burial rights and Sales in the Public Cemeteries of the City of Beverly are for residents/ tax payers of said City only. Accordingly, individual or spousal names will be assigned to each double grave; families wishing to create clusters of graves for extended families may

purchase adjoining double grave lots, where available. The purchase of five or more graves requires the prior approval of the Board of City Managers. All lots are sold with Perpetual Care.

**4. Opening of Graves:**

When the City is asked to open a grave which is not in the name of the deceased or his/her spouse, the City will require that a notarized letter claiming lot ownership and rights to burial be submitted to the City prior to opening any grave. People claiming to have such ownership rights must understand how cemetery plots are passed on (Massachusetts General Laws Chapter 114, Section 29), who other tenants in common might be, and show due diligence locating and including any others with ownership rights. Any burden for the consequences of misrepresentation of rights in cemetery lots will fall to those claiming those rights.

Further explanation can be found on [www.massachusettsgenerallaws.com](http://www.massachusettsgenerallaws.com)

**5. Confirmation of Orders:**

Orders for opening graves must be confirmed in writing prior to the City's performance for those services. This order for services must be signed by the Funeral Director, or if arranged by the family, signed by a member of the Cemetery Department. It will include all expected services, time of arrival at the cemetery, and represent the fees due to the City for those services ordered. An interment order signed by the lot owner or the lot's recognized representative is required. For the purposes of this confirmation, facsimile transmission, confirmed by original documents will be acceptable. All fees for interment services are due at the time of commitment and the City will look to the Funeral Director ordering services for any deficiencies.

**6. Installation of Marker Foundations and Flush Markers:**

During frost-free months, orders for installation of marker foundations and flush markers will be completed within three weeks of the receipt by the cemetery office of an order for service, accompanied with the appropriate fees. Orders accumulating over winter months (November 1<sup>st</sup>- March 31<sup>st</sup>) will be completed in the spring prior to Memorial Day. Every effort will be made to complete orders received up to May 1<sup>st</sup> of each year for the Memorial Day weekend.

**7. Installation and Care of Memorial Markers:**

Except as approved by the Board of Cemetery Managers, all memorial markers will conform to the following stone sizes:

1. Single graves, double cremation lots, and graves restricted to flush markers will be limited to one marker not to exceed 24"x12" surface area
2. Two grave burial lots may install one upright memorial of maximum size 30"x14"x36" high. Memorials will consist of two stones: (a) a base of 30"x14"x8" and (b) a tablet of 24"x8"x28" maximum dimension.
3. Three grave and larger lots may install one upright memorial of maximum size of 48"x18"x36" high. Memorials will consist of two stones: (a) a base of 48"x18"x8" and (b) a tablet of 42"x8"x28" maximum dimension.

4. Six grave cremation lots may install one upright memorial of maximum size of 24"x14"x28" high. Memorials will consist of two stones: (a) a base of 24"x14"x8" and (b) a tablet of 20"x8"x20" maximum dimension. Installation of a flush marker will reduce the lot's capacity by two burials.

***Memorial markers including upright headstones set on Graves and Lots are the property of the Lot Owner(s), and accordingly, responsibility for the care and repair is that of the Lot Owner(s) and their heirs and assigns.***

#### **8. Planting and Decorating of Graves:**

Planting of annual flowers may be done within 12 inches of any upright memorial markers. Planting adjacent to flush memorials is not permitted. Borders of any kind are not permitted. "Eternal flames" may be placed at graves. Plastic decoration is not permitted except as presentation of age appropriate toys and memorabilia. From time to time any decoration may be removed from the cemeteries without regard as to when it was placed on the grave. *The Cemetery Department assumes no responsibility for care or maintenance of decorative matter.*

#### **9. Application of Overtime Rates:**

- Normal rates apply Monday through Friday, 8:30am until 3:00pm. (services must be complete prior to 3:00)
- Overtime rates apply during daylight hours (sunrise to one half hour before and after these regular hours).
- Overtime rates apply Saturday 8:30am to 1:00pm. (services must be complete prior to 1:00)
- Overtime rates apply for any service requested with less than 24 hours notice and for services ordered after 10:00am Friday for performance on Monday before 12:00pm.

No service will be performed other than these times or on Sundays and Legal Holidays (when City Hall is not open).

The performance of Interment Services includes staff presence to provide graveside assistance and close the grave. The rates assume ninety (90) minutes from scheduled time of arrival to completion of grave closure. Excess time assessment will apply for any time in excess of 90 minutes.

#### **10. Reuse of Graves:**

Graves used for over 50 years and which did not use any form of casket protection may be reused in accordance with Massachusetts General Laws Chapter 114 Section 3A. Graves may be reused for a relative or descendant of the occupant of that grave provided that no other relative or descendant objects.

The Beverly Cemetery System will require that a qualified genealogist (paid for by the family) establish who the relatives and descendants of the occupant of the grave to be reused might be, and that the positive written affirmation of all interested parties be obtained prior to opening any grave for reuse. There can be no exceptions and we will not feel pressured by limited time constraints to have these requirements fulfilled.

Lot owners should understand the indelicate nature of grave reuse. The reuse fee applies to each reused grave and the Perpetual Care fee applies to any reused grave not previously endowed.

**11. Burial of Cremated Remains:**

Up to four interments of cremated remains may be placed on each single full burial. However, lot owners must remember that only two flush markers may be placed on each grave. Each flat marker reduces the urn capacity by two. Cremated remains must be interred in durable and non-biodegradable containers.

**12. Disinterment and Removal of Burials:**

Removal will not be made without a signed order from lot owner, nor without written consent of surviving husband or wife, or, if no husband or wife, the next of kin or authorized agent. A charge will be applied for this service.

The Cemetery Division has determined that the removal of burials can be disturbing to family members. Therefore, a Funeral Director will represent families at all removal operations and families will be asked to remain away during removal activities.

**13. Use of Family Lots:**

The owner of a Cemetery Lot has the right to determine whose remains shall be interred in that lot. That right is the exclusive right of the original lot owner limited only by his or her spouse's inalienable right of burial in that lot. Upon the original owner's death, the lot descends to his/her heirs indivisible and in its entirety.

The successor lot owners must collectively decide how the lot may be used. This is most easily accomplished by electing one of the heirs to represent the lot, as required by Massachusetts General Law Chapter 114 Section 29 or by polling each of the lot's owners.

The rights of the spouses of successor lot owners are not the same as the original owner's spouse. Successor spouses do not have a right of burial in their spouse's inherited cemetery lot. The 1952 case of *McAndrew v Quick* specifically addressed this issue: 1. "where lot which had been purchased by father was a burial lot for use of the father's family, daughter was not entitled to have her husband buried therein"; and 2. "One not a member of the family for whose use a cemetery lot was purchased had no right to be interred unless all surviving members of the family assent".

**14. Legacies, Gifts, and Memorial Funds:**

The Cemetery Board of Managers will accept legacies, gifts, and memorial funds, in the name and behalf of the Cemetery, and see that the terms and conditions attached to such legacy, gift, or fund are faithfully fulfilled.

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