

# ORANGE CEMETERY DEPARTMENT

## RULES

## REGULATIONS

And

## INFORMATION

585 South Main Street  
P.O. Box 292  
Orange, Massachusetts 01364  
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THIS BOOKLET CONTAINS THE RULES, REGULATIONS AND INFORMATION  
THAT APPLIES TO THE MANAGEMENT AND CONTROL OF THE SEVEN  
CEMETERIES AVAILABLE TO THE RESIDENTS OF ORANGE, MASSACHUSETTS

THE SEVEN CEMETERIES AVAILABLE TO THE RESIDENTS OF ORANGE ARE:

**JONES CEMETERY**

Location: Off Wheeler Ave  
1 ½ Maintained Acres  
EST: Early 1800's

**CENTRAL CEMETERY**

Location: End of Grove Street  
½ Mile East of Orange Center  
10 Maintained Acres  
EST: Early 1800's

**HOLTSHERE CEMETERY**

Location: Corner of Holtshire Rd and Chestnut Hill Rd.  
Across from Lake Mattawa  
1 ½ Maintained Acres  
EST: 1700's

**NORTH ORANGE CEMETERY**

Location: Main Street – End of Wheeler Ave  
1 ½ Maintained Acres  
EST: Late 1700's (Orange's beginning history)

**TULLY CEMETERY**

Location: 354 Tully Rd – ½ mile north of Tully Center  
2 Maintained Acres  
EST: Early 1800's

**WEST ORANGE CEMETERY**

Location: Rt 2A – 3 miles west of Orange Center  
1 ½ Maintained Acres  
EST: 1700's (Formerly of Town of New Salem)

**SOUTH CEMETERY (Cemetery Headquarters Office)**

Location: 585 South Main Street – Rt 122  
2 ½ miles south of Orange Center  
½ mile north of Rt 2 by-pass (Exit 15)  
8 Maintained Acres ( Room for expansion on east side of current  
Location)  
EST: 1923 (Some Quabbin Burials)

## CEMETERIES

Cemeteries are an essential element in our communities, no less important than markets, shops, roads, housing, police and fire protection. Churches are essential for community worship; schools educate our children; libraries nourish learning and hospitals care for the ill as well as assist in bringing new citizens into the world.

The cemetery is a real part of the whole family life-cycle of the community it serves. Cemeteries are religious as well as historical with roots over 200 years old. Not a competitive enterprise for profit, cemeteries are mainly a public service.

The feeling of the countless families who will lose someone dear to them have a large claim on us who have the responsibility of operating and maintaining their cemeteries.

Care for loved ones who have passed away is not only a necessity, it is a sacred privilege. To provide an adequate, well maintained place for those loved ones is our constant challenge.

## MISSION

The mission of the Orange Cemetery Department is to perform interment services with honor and respect. Our staff is committed to preserving the cemetery as a place of quiet beauty and serenity, creating a welcome environment to bereaved families. It is our charge to maintain permanent records of those whose earthly remains have been entrusted to us while providing empathetic and effective service to the citizens of Orange.

Town of Orange  
Cemetery Rules and Regulations  
As approved at the Annual Town Meeting, Article 20, June 17, 2013

For the mutual protection of lot owners and the Cemetery as a whole, the following rules and regulations have been adopted by the Orange Cemetery Commissioners, and approved by Town Meeting vote, pursuant to the Acts of 1890, Chapter 264 and M.G.L. c. 114, section 23 as the rules and regulations for all the Town of Orange cemeteries.

All persons entering the cemetery, including lot owners, and all property of the cemetery, including lots sold, shall be subject to these Rules and Regulations and further to such other Rules and Regulations, amendments and/or alterations adopted, pursuant to state and local law, from time to time. Reference to these Rules and Regulations in the Deed to a lot shall have the same force and effect as if set forth fully therein.

## 1. DEFINITIONS

- a. *Cemetery* – A burial park for earth interments, a community mausoleum for vault or crypt interments, or a columbarium for cremated remains, or a combination of one or more of these herein.
- b. *Deed* – The original conveyance given by the Town of Orange to the original purchaser.
- c. *Grave* – A place for burial that is 12 ft. long by 36 inches wide.
- d. *Interment* – The permanent disposition of the remains of a deceased person by cremation or traditional burial.
- e. *Lot* – Numbered division as shown on the record plot, which consist of one or more graves.
- f. *Lot Marker* – Any means used by the Cemetery Department to locate corners of the lot or grave.
- g. *Management/Superintendent* – The person duly appointed by the Elected Board of Cemetery Commissioners for the purpose of ensuring the proper maintenance of the cemeteries and the enforcement of the Rules and Regulations.
- h. *Marker* – Small, flush, stone items used to identify the interred or the corners of a lot, usually placed at the foot of a grave. Also refers to those items given to US Veterans to identify interred.
- i. *Monument* – A large memorial, placed at the head of a lot centered upon deeded graves. Some regulations may apply to size and location of monument. Written permission from the Superintendent is required prior to installing an oversized monument. Schedule of allowed monument sizes, voted August 21, 2002, is available from the Superintendent.
- j. *Vault* – A reinforced concrete grave liner box. No vault over 34 inches in exterior width will be accepted for a single grave. If a lot owner needs to use a vault larger than 34 inches in exterior width, two graves will be required for the interment.
- k. *Resident* – An individual who is currently residing in Orange.
- l. *Perpetual Care* – The perpetual care program was one where the individual who purchased a burial lot had part of the purchase price invested in a program that allowed for the care of that lot and any others who fell under that category; not to include monuments.

## 2. GENERAL RULES

- a. Employees of the Cemetery Department are not permitted to do any work for the lot owners except upon order of the Cemetery Superintendent, and are required to be courteous to all visitors.
- b. All fees or charges for services are payable to the Town of Orange. Cemetery employees are not to be offered tips or gratuities.
- c. Persons within the cemetery may use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The Cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.
- d. Whoever uses as a means of passage from one point to another, not being thereupon at the time for any other purpose, the premises of the Cemetery, in any other parts than the avenues, roads walks and alleys, shall be fined not more than twenty dollars (\$20.00), pursuant to M.G.L. c. 114, sec. 42.
- e. Picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence, or other structures within the Cemetery grounds by any person is prohibited. Violation of this rule is also a violation of state laws (M.G.L. c 272, sects. 73, 74, 75) under which violators may be subject to criminal prosecution resulting in fines and/or imprisonment.
- f. Motor vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor vehicles must not be left with the engine running and the emergency brakes must be set when the driver is not in his/her seat. Mufflers must not be opened, nor the horn sounded within the Cemetery.
- g. The following is prohibited:
  - (i) Driving more than 10 mph within the grounds of the cemetery.
  - (ii) Driving any wheeled vehicle, motorized or otherwise, or riding any animal across or upon any grave, lot or lawn, or parking or leaving the same thereon.
  - (iii) Parking or leaving any motor vehicle on any road or driveway within the Cemetery at such location or in such position as to prevent any other vehicle from passing. The management will have any vehicle violating this rule towed at the owner's expense.
- h. Children under sixteen (16) years of age are not permitted within the Cemetery, or its buildings, unless accompanied by a responsible adult or have been given approval from the superintendent.
- i. In order to maintain the solemnity of the Cemetery, the following activities are prohibited.
  - (i) Loud or boisterous talking
  - (ii) Loitering on the grounds, or in any of the buildings.
  - (iii) Peddling or soliciting
  - (iv) Placing of signs, notices or advertisements of any kind.
  - (v) Bringing dogs, other than service dogs, into the Cemetery is strictly prohibited.
  - (vi) Bringing firearms into the Cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.
- j. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Management, therefore, reserves the right to make exceptions, suspensions or modifications of any of these Rules and Regulations, without notice, when in the judgment of the Management such action appears necessary. Such temporary exception,

suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

k. The Cemetery Commission reserves the right to add to, amend, alter or repeal these Rules and Regulations pursuant to M.G.L. c. 114, sec. 23.

### 3. LOTS AND LOT OWNERS

- a. Persons desiring to purchase a grave, lot or lots should contact the Cemetery Department where the Management will aid them in making a selection, and will issue a memorandum describing the lot purchased.
- b. Before any stone, marker or shrubs are placed or planted on a grave or lot, complete payment for the grave must be made to the Town of Orange Cemetery Department for the lot, unless waived by the Commission. Plots will be sold for cash at the time of signing the purchase agreements. Plots may be purchased under a deferred payment contract on which 30 percent of the purchase price must be paid upon signing the contract and 10 percent of the purchase price is to be paid upon the first business day of each month thereafter until the balance of the purchase price is paid in full. If a plot is purchased under a deferred payment contract, and the purchaser fails to complete payment of the full purchase price within twelve months from the date of the deferred contract, the said contract shall be null and void at the end of the 12 month period and the commissioners will retain all monies paid under said contract as liquidated damages or otherwise. The Cemetery Commissioners will issue, when the lot is paid in full, a deed/certificate of Ownership for burial purposes.
- c. No lot or grave shall be used for any purpose other than for burial of the human dead.
- d. No easement or right of interment is granted to any grave owner in any road, drive, alley or walk within the Cemetery, but such road, drive alley or walk may be used as a means of access to the Cemetery or buildings, as long as the Management devotes it to that purpose.
- e. The Management reserves the right to:
  - (i) enlarge, reduce, re-plot, or change the boundaries or grading of the Cemetery, or a section or sections, from time-to-time, including the right to modify or change the locations or remove or re-grade roads, drives or walks, or any part thereof.
  - (ii) lay, maintain, and operate or alter or change pipelines or gutters for sprinkler systems, water systems, drainage, etc.
  - (iii) use Cemetery property not sold to individual grave owners for Cemetery purposes, including interment of the deceased, or for anything necessary, incidental or convenient thereto.
- f. The Cemetery Management and Commission reserves to it and to those lawfully entitled thereto, a perpetual right of ingress and egress over graves for the purpose of passing to and from other graves or lots.
- g. Descriptions of lots will be in accordance with the Cemetery plats, which are kept on file in the Orange Town Hall and at the Cemetery Office.
- h. Management will take all reasonable precautions to protect lot owners, and the property rights of grave owners, within the Cemetery from loss or damage except for loss or damage from causes beyond its reasonable control such as damage caused by the elements, an act of God, thieves, vandals, explosions, unavoidable accidents, riots or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.

- i. It is the duty of the grave owner to notify the Management of any change in mailing address.
- j. The instrument of conveyance, these Rules and Regulations, and any amendments thereto, constitute the sole agreement between the Cemetery Commission and the grave owner. The statement of any employee or agent, unless confirmed in writing by the Cemetery Commissioners, shall in no way bind the Cemetery Commission, Management or the Town of Orange.

#### 4. CARE OF LOTS

- a. The general care of the Cemetery is assumed by the Management and includes the cutting of the grass at reasonable intervals and the raking and cleaning of the grounds.
- b. This general care shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the Cemetery except as authorized by the Cemetery Commission. Additionally excluded is the reconstruction of any marble or granite work on any section or grave or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, thieves, vandals, explosions, unavoidable accidents, or by the order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
- c. Funds for this general care shall be provided by town appropriations pursuant to M.G.L. c. 114, sec. 16.
- d. Pursuant to M.G. L. c. 114, sec. 25, the Town of Orange may receive gifts or bequests for maintenance of the Cemetery. These funds shall be paid to the Town Treasurer, kept separate from other town funds and accounts, and invested in accordance with any stipulations from the grantor, if any. Proceeds of lot sales or rights of burial shall be paid into the town treasury and appropriated to reimburse the town for the cost of land, its care improvement and embellishment, or the enlargement of the cemetery.
- e. Pursuant to M.G.L. c 114, sec. 19, the Town of Orange may receive, hold and apply any funds, money or securities deposited with the Town Treasurer for the preservation, care, improvement or embellishment of the Cemetery or of lots in the Cemetery. The Town Treasurer shall invest these monies to ensure a maximum income.

#### 5. CORRECTION OF ERRORS

- a. The Cemetery Management or Commissioners reserve, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar locations as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Management or Commissioners reserve, and shall have the right to remove or transfer such remains so interred to such other property, consistent with the law, of equal value and similar location as may be substituted and conveyed in lieu thereof.

## 6. DESCENT OF TITLE

- a. The Laws of the Commonwealth of Massachusetts govern descent of title to Cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Management will assist any lot owner who desires information or advice on questions pertaining to his/her lot.

## 7. INTERMENTS

- a. The Cemetery will be open for interments at regular rates between 8 AM and 2 PM, Monday through Friday. Funerals that will enter the Cemetery after 2 PM, Monday through Friday may be subject to extra fees. Saturday funerals are subject to higher fees. No burials to take place on Sundays, Memorial Day, Independence Day, Thanksgiving Day, Christmas Day or New Year's Day. When Memorial Day or Independence Day falls on a Saturday or Monday, and delay will cause unreasonable hardship or inconvenience, interments may be made on such days, but an additional fee will be added to the regular charge.
- b. Where immediate burial is required by state law, religion, or under the rules and regulations of the Orange Board of Health, interments may be made on Sundays and holidays, without an additional fee added to the regular interment charge and entrance to the Cemetery will be allowed only to the hearse and vehicles in the funeral procession.
- c. All funerals upon entering the Cemetery shall be under the charge of the Management.
- d. 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.
- e. Funeral directors, upon arrival at the Cemetery, must present the burial permit issued by the Board of Health.
- f. Lot owners shall not allow burials in their lots for remuneration of any kind.
- g. One traditional burial and up to three cremation burials or four cremation burials with no traditional burial are the maximum allowed in any single grave. No interment of two or more traditional burials in one grave, except in the case of parent and child or two infants buried in one casket.
- h. 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 or neglect to make such designation, the Cemetery Management or Commissioners reserve the right to make the interment in a location designated by the Management.
- i. The Management and the employees of the Cemetery are the only persons who will be permitted to open graves with the following exceptions.
  - When the Cemetery is directed to make a disinterment by judicial order and a certified copy of such order has been filed with the Management, or
  - When the Medical Examiner directs the disinterment for the purpose of holding an inquest and has filed with the Management 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. Cemetery employees will not be permitted to assist.

- j. 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 traditional burials must be made inside a vault. The "outside" width of such vaults shall not exceed 34 inches. In such cases where an oversize vault is needed to accommodate an oversized casket, the lot owner will need to use two deeded graves. Burial vaults may be procured from any source provided they meet the established specifications. When cemetery employees handle or install such containers, a reasonable charge will be made for such service.
- k. All charges for interment or services in connection therewith, shall be paid to the Management before or at the time of the burial.
- l. Arrangements for the payment of indebtedness due the Cemetery must be made before interment is made.
- m. The Cemetery Management or Commissioners reserve the right to insist upon at least thirty-six (36) hours notice prior to any interment and at least one weeks notice prior to any disinterment or removal.
- n. All interments, disinterment, and removals must be made at the time, in the manner, and upon the charges fixed by the Management.
- o. Besides being subject to these Rules and Regulations, all interments, disinterment and removals are made subject to local and state laws, by-laws, ordinances or regulations.
- p. The Cemetery Management or Commissioners will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave and location of a grave where interment is desired.
- q. The Cemetery Management or Commissioners will not be liable for the interment permit nor for the identity of the person sought to be interred.

## 8. PLANTS AND SHRUBS

- a. Monument gardens are permissible as long as they are planted within the following guidelines:
  1. Gardens shall not extend further than twelve (12) inches from the base of the monument.
  2. No plantings or decorations at foot markers with the exception of a veteran's flag. Plantings and decorations may only be placed at the main lot monument.
  3. Vines or creeping perennial flowers (i.e.: phlox), rose bushes are not permissible.
  4. Bark mulch and stones are not permitted in gardens.
  5. Gardens may be edged with natural products only. (i.e.: bricks, rocks, pavers) No plastic edging, plastic fencing or metal wire fencing may be used. The cemetery department will remove them.
  6. No baskets or containers shall be wired down
- b. No shrubs shall be planted without written consent of the management. Shrubs shall not exceed fifteen (15) inches in diameter and shall not grow higher than the monument (maximum height three (3) feet) It is the lot owners' responsibility to maintain their shrubs within these specifications. Any shrub planted without consent, or overgrown will be removed at the cemetery departments' convenience.
- c. The Management shall not be responsible for any kind of plantings or lot decorations damaged by the elements, vandals, thieves or other causes beyond its control. The Management shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, herbage or decorations of any kind from the cemetery as soon as, in

the judgment of the Management, they become unsightly, dangerous, detrimental or diseased, or do not conform to the standard maintained.

- d. The Cemetery Department shall not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached, nor for such floral pieces for Memorial services held in the Cemetery.
- e. All decorations must be removed in the Spring by April 15<sup>th</sup> and in the fall by October 1<sup>st</sup> for a period of two weeks for maintenance. Decorations may be replaced after this two week period.
- f. Cemeteries are closed between sunset and sunrise
- g. Artificial Flowers may be used to decorate lots between December 1<sup>st</sup> and July 15<sup>th</sup>.
- h. Family members and caretakers may place artificial floral arrangements on the graves of their loved ones if they are within 12 inches from the base of the monument, weighted down and firmly secured to prevent blowing off the grave by the wind, from May 1<sup>st</sup> thru October 1<sup>st</sup> in the cemeteries in the Town of Orange.

**Veteran's Flag Protocol** – Any Veteran's flags placed on the grave or marker in any cemetery must be placed in a flag holder. These holders are available at no charge to members of the American Legion at the local Post 172 building. Non-members may purchase these holders at the same location for a nominal charge. The reason for the holder is to insure the flag is handled in accordance with accepted practices, insure all flags are displayed at the same approximate height, and to allow the cemetery department to easily trim around them. Damaged and/or worn flags should be properly disposed of in accordance with accepted flag protocol. Questions should be directed to the Orange Cemetery Department Superintendent. In addition, the American Legion Post 172 holds a flag retirement ceremony once a year. Please contact the Legion for further information.

## **ENFORCEMENT OF RULES**

The Management is hereby empowered to enforce all Rules and Regulation, and to exclude from the Cemetery any person violating the same. The Management shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, grave owners, and visitors, and at all times, shall have supervision and control of the Cemetery and may remove any person violating any of these Rules.

# ORANGE CEMETERY DEPARTMENT

## MONUMENT RULES

ONE GRAVE LOT

<p>FLAT MARKER 24" X 12"</p> <p>GRAVE 1</p> <p>FLAT MARKER 24" X 12"</p>			
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TWO GRAVE LOT

UPRIGHT  
MONUMENT

MAXIMUM  
SIZE  
36" X 12"

FLAT  
MARKER  
24" X 12"

THREE GRAVE LOT

UPRIGHT  
MONUMENT

MAXIMUM  
SIZE  
54" X 14"

FLAT  
MARKER  
24" X 12"

FOUR GRAVE LOT

UPRIGHT  
MONUMENT

MAXIMUM SIZE  
72" X 18"

FLAT MARKER  
24" x 12"

## **FEES & CHARGES**

JULY 1, 2023

Lot Purchase.....	Single Grave.....	Resident.....	\$600.00
Lot Purchase.....	Single Grave.....	Non-Resident .....	\$800.00
Interment .....	Full Burial .....		\$500.00
Interment .....	Cremation Burial.....		\$250.00
Interment .....	Child – 7-18 years .....		\$250.00
Interment .....	Child – Up to 6 years .....		\$250.00*
Weekend Interment – Full Burial .....	Additional \$350.00 Above Regular Charge		
Weekend Interment - Cremation.....	Additional \$200.00 Above Regular Charge		
Winter Interment.....Dec. 15 – Apr. 15 .....	Additional 50% above Regular Charge		
Disinterment.....	Twice Regular Charge		
Deed and Filing Fees .....			\$10.00
New Winter Interments .....	Total .....		\$750.00
New Weekend Interments – Regular .....	Total .....		\$850.00
New Weekend Interments – Cremains .....	Total .....		\$450.00

## **MISC CHARGES**

Monument Foundation	\$25/Sq Ft
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The storage crypt located in Central and Tully Cemeteries may be used for the storage of remains for numerous reasons. There are neighboring towns that do not allow winter burials to occur and have been known to use this crypt for storage until a proper burial may be arranged. It is recommended that a fee be charged to any town or organization that uses these crypts for storage. This fee can then be applied to the upkeep and maintenance of the facility.

Suggested fee - \$150.00

**\*STILLBORN TO THREE MONTHS  
NO CHARGE**

**NO SUNDAYS OR HOLIDAYS**

- Each grave allows 1 traditional burial & up to 3 cremation burials; or 4 cremation burials
- Each cremation lot allows 4 cremation burials