

## TOWN OF HAWLEY CEMETERY RULES & REGULATIONS

(effective February 6, 2018)

Hawley cemeteries are under the supervision of the Hawley Historical Commission (HHC) with the assistance of the town's Administrative Assistant (AA). The Hawley Board of Selectmen has approved the following rules and regulations, which may be revised from time to time by the HHC with the approval of the Board of Selectmen. The Board reserves the right to temporarily suspend or modify a regulation as necessary. All work done in any of the town-owned cemeteries shall be under the direction of, and subject to the consent, satisfaction, and approval of the HHC.

These rules and regulations apply to the four Hawley town owned cemeteries: Doane (Forget Rd.); East Hawley (on Plainfield Rd. opposite the Fire Station); Bozrah (Bozrah Rd.); and South Hawley (Hallockville Rd.). Two cemeteries (Pudding Hollow on Pudding Hollow Rd. & West Hill Cemetery on West Hill Rd.) are operated by private cemetery associations and are therefore not subject to these rules & regulations.

The adoption of these rules and regulations is necessary to maintain order within the town cemeteries, to protect the interests of the lot owners, and to preserve the beauty of the grounds.

Sale of all lots shall be restricted to residents or former residents of the Town of Hawley or those individuals with demonstrated strong geographic or familial ties to the town. Resale of an existing lot shall only be made to the Town of Hawley at the same price for which it was purchased.

Not more than one casket shall be interred in any one individual lot. Caskets should be buried at least five feet deep and cremated remains at least two and a half feet deep. Cremated remains must be in a sealed container for interment. Ashes may not be scattered within the confines of the cemetery.

One casket and as many as three containers of cremated remains may be placed in one individual lot. The cremated remains should be placed at the head of the lot; caskets should be placed toward the foot of the lot, leaving sufficient space at the head of the lot for the possible burial of cremated remains.

If there is to be no casket in a lot, as many as four containers of cremated remains may be placed in it, in a single layer, arranged in a quadrant.

Green burial, which is understood to be burial without embalming (the use of preservatives such as formaldehyde or other chemicals) and burial without a vault, will be allowed in town cemeteries. A biodegradable shroud or casket that will collapse when grade is filled will be required to maintain a level soil surface and prevent accidental punctures of graves.

The HHC or the AA must be informed of green burial plans when the request for interment is made. For a green burial, the depth of the grave should be at least five feet to the bottom.

Cemetery lots shall not be used for any other purpose than as a place of burial for human remains and for the erection of monuments or markers.

Not more than one headstone or monument of moderate size will be allowed on any individual lot. Headstones must be placed at the head of the lot and in line with the other headstones in the row. Monuments, markers, and decorations should be in keeping with the serenity, historical, and aesthetic character of the cemetery. The HHC reserves the right to prohibit or remove items that it views as disruptive to the character of the cemetery, a potential public nuisance or impediment to maintenance and care, or likely to create a safety hazard. The HHC's determinations in these matters may be appealed, first to the HHC and then to the Board of Selectmen. Any existing markers, enclosures, or decorations that do not conform to these regulations on the date the regulations are adopted by the selectboard shall be permitted to remain in place

No trees, bushes, or shrubs shall be planted on a burial lot. Bulbs, annuals, and potted flowers are allowed. Dead plants or flowers shall be removed by the HHC when no longer fresh.

No enclosure of any nature, such as a fence, ditch, or curb shall be allowed within a lot. No above ground tomb may be placed on any lot.

Trees, bushes, or shrubs may be planted by the HHC occasionally in common areas of the cemetery.

When a requested lot is not available, or unusable for some reason (such as the presence of Ledge), the HHC may, at its sole discretion, provide the buyer with a lot in a location as close as possible to the one requested. The purpose of this policy is to prevent the delay of a funeral.

The Town of Hawley shall not be held responsible for any loss or damage within the cemeteries to sites or monuments due to causes beyond their control, such as damage caused by the elements, an act of God, vandals, unavoidable accidents, etc.

The general care of the cemeteries is the responsibility of the Town of Hawley and shall include cutting of the grass and removal of fallen debris. A perpetual care fee, included in the purchase price, and the separate burial fee address ongoing cemetery maintenance and administrative costs.

The Town of Hawley may receive gifts or bequests for the maintenance of the cemeteries. These funds shall be kept in a Cemetery Fund separate from other town funds and invested

in accordance with any stipulations from the grantor. Proceeds from lot sales or rights of burial shall be paid into the Cemetery Fund for the preservation, care, and improvement of the cemeteries or lots of the cemeteries. The town treasurer shall invest these monies in a financially prudent manner.

In addition to being subject to these rules and regulations, all interments, disinterments, and removals shall be subject to all applicable state and local laws, ordinances and regulations, including the issuance of any burial or other permits. The laws of the Commonwealth of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds, and inalienability.