

**Town of Lexington
Lexington, Massachusetts**



**Rules and Regulations
of the
Westview Cemetery**

Revised May 23, 2005

WESTVIEW CEMETERY

Mailing Address: Town of Lexington
Westview Cemetery
201 Bedford Street
Lexington, MA 02420

Actual Location: Westview Cemetery
520 Bedford Street
Lexington, MA 02420

Phone Contacts: 781 861-2717 or 2718
Fax: 781 860-7006
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Superintendent of Public Grounds
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I. INTRODUCTION

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the Massachusetts Cemetery Association, as the rules and regulations of Westview Cemetery. With some exceptions as noted herein, these rules and regulations also apply to Munroe Cemetery. All lot owners and visitors within the cemetery, and all lots sold shall be subject to said rules and regulations. And subject further, to such other rules and regulations, amendments or alterations as shall be adopted by the Cemetery Association from time to time and the reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in full therein. The Cemetery Division, subject to the approval of the Board of Selectmen, may make such rules and regulations consistent with the law, as it deems expedient.

Although the gate in Westview Cemetery is open year round, the office hours are Monday through Friday, 7:00 a.m. to 3:30 p.m. The Westview Cemetery will be open for interments weekdays except for the following holidays: New Year’s Day, Patriot’s Day, Memorial Day, the 4th of July, Labor Day, Veteran’s Day, Thanksgiving Day or Christmas Day. Where immediate burial is required by the Laws of the State of Massachusetts or under the rules and regulations of the Board of Health, interments may be made on Saturdays, Sundays, or some holidays. As described herein, an additional fee(s) to cover overtime costs will be added to the regular interment charge.

II. GENERAL CARE OF LOTS

Oversight of the Cemetery operation comes under the direction of the Public Grounds Superintendent. The general grounds/grave/administrative care of the Westview Cemetery and three other cemeteries in Lexington is assumed by the Cemetery Division of the Department of Public Works and includes the cutting and watering of the grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of shrubs and trees that may be placed by the cemetery, burials and disinterment, and the required filing and record keeping of documents.

The general care assumed by the Westview Cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or built upon lots; nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work or any section or plot, or any portion or portions thereof in the cemetery.

The Cemetery Division, under the direction of Superintendent of Public Grounds, shall be responsible to enforce the rules and regulations affecting the property and grounds of the cemeteries and the rights of proprietors and the conduct of visitors therein.

III. POWERS AND DUTIES

The Engineering Division may lay out any existing public burial grounds in the Town or any land purchased and set apart by the Town for such

cemeteries in lots or other suitable subdivisions with proper paths and avenues. The Cemetery Division may plant, embellish, ornament and fence and erect therein such suitable edifices and conveniences and make such improvements as it considers necessary.

The Cemetery Division will take all reasonable precautions to protect lot owners, and the property rights of lot owners, within the cemetery from loss or damage; but the cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of the military or civil authority, whether the damage is direct or collateral, other than as herein provided.

The right to enlarge, reduce, or change the boundaries or grading of the cemetery, or a section(s), from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part of it is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkler systems and drainage is also expressly reserved, as well as the right to use cemetery property not sold to individual lot owners for cemetery purposes, including interment of the dead, incidental or convenient thereto. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over graves the purpose of passing to and from other graves.

IV. CONVEYANCES

All conveyances of the exclusive right of burial in any lot or grave in any public cemetery in the Town of Lexington shall be by deed made and executed in such manner and form as the Management may from time to time prescribe, and all such deeds.

No lot or grave in any public cemetery in Lexington shall be sold to any one who is not a resident of the Town of Lexington at the time of such sale. Non-residents may be interred if they are the owner of the lot or are related by blood or marriage to the owner of such lot or a member of the immediate family (parent, spouse, grandparent, sibling, daughter, son or grandchildren) of such owner. There is an additional charge for the interment of a non-resident.

The conveyances of exclusive burial rights shall be made subject to the provision that a percentage of the purchase price to be determined from time to time by the management into a fund to be known as the Perpetual Care Fund. Money set aside by the Cemetery Division for the Perpetual Care Fund shall be deposited with the Trustees of Public Trusts, and said funds shall be managed and invested by the Trustees of Public Trusts under the provisions of Section 5 of Chapter 107 of the Legislative Acts of 1910. All other funds received by the Cemetery Division shall be paid to the Town Treasurer to be deposited to the General Fund.

An endowment fund shall be established whereby the Trustees of Public Trusts will hold and invest the principal sum deposited by the lot owner and use the

annual income therefrom to defray the cost of the general operation of the cemetery.

The Trustees of Public Trusts reserves the right to either to handle all investments itself, or to deposit said funds with any person, company, or corporation qualified to act as trustee for such funds.

V. CORRECTION OF ERRORS

Descriptions of lots will be in accordance with the cemetery plots which are kept on file at the cemetery office. It is the duty of the lot owner to notify the Cemetery Division of any changes in his/her mailing address.

The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments 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 location as far as possible, or as may be selected by the Cemetery Division, or in the sole discretion of the Cemetery Division, 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 reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

VI. DESCENT OF TITLES

The laws of the State of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Cemetery Division will assist any lot owner who needs information or advice on questions pertaining to his/her lot.

VII. INTERMENTS

All funerals on entering the cemetery shall be under the charge of the Cemetery Division.

Once a casket containing a body is within the confines of the Westview Cemetery, no funeral director nor his embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the Cemetery reserves the right to make the interment in a location designed by the Cemetery Division.

The employees of the Cemetery Division are the only persons who will be allowed to open graves with the following exceptions:

1. When the Cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery Division.
2. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Cemetery Division; his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. The Cemetery employees will not be permitted to assist the coroner or his agents.

The right is reserved by the Cemetery Division to insist upon at least 48 hours notice (with complete information) prior to any interment and at least one-week notice prior to any disinterment or removal.

The Cemetery Division 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 in a plot, where interment is desired.

The Cemetery Division will not be liable for the interment permit nor for the identity of the person sought to be interred.

No interments shall be made in any lot or grave in said cemeteries until the Cemetery Division shall have been furnished with such permits as may be required by the laws of the Commonwealth of

Massachusetts or of the city or town from which the deceased may be brought, nor shall any body be interred in any such grave or lot in which exclusive burial rights have been conveyed until the Cemetery Division shall have been furnished with an order from such owner or his legal representatives for said interment. No interment shall be made unless all charges against said lot or grave and all fees for such interment have been paid.

Producing of the deed for the exclusive burial right in any lot or grave in any such cemetery shall be considered as authority for the opening of a grave. Any person ordering an interment will be held responsible for any and all expenses resulting from said order.

No interment shall be used for any other purpose than for the burial of the human dead.

No burial will be scheduled later than noon on Saturdays, Sundays and some holidays.

For contacting the Cemetery after hours, weekends and some holidays, call the emergency number, 781 862-1618 to set up a burial for Monday or Tuesday.

VIII. BURIAL CONTAINERS

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of caskets, it is required that all body burials must be made in outside containers made of natural stone,

metal, or of reinforced concrete. For the interment of infants, fiberglass containers must be used.

All such containers must be so made and installed as to meet specifications established by the Westview Cemetery. Outside containers may be procured from any source provided they meet the established specifications which are available from the Cemetery Division.

The Town of Lexington initiated the sale of grave boxes in July 1992. In October 1994 burial vaults were added. When cemetery employees handle or install such containers, a reasonable charge will be made for such service. When an outside contractor installs a container, a contractor supervision fee will be assessed to assure the integrity of the grave.

IX. PLANTS AND SHRUBS

The Cemetery Division will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual plantings, urns or plants.

There shall be no individual beds of shrubbery or flowers allowed on the grounds unless installed by the Cemetery Division.

The Cemetery Division shall not be responsible for any kinds of planting damaged by the elements, vandals, and thieves or by other causes beyond its control. The Cemetery Division shall have the

further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the department, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standard maintained.

The Cemetery Division shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery. There shall be no clay, glass, or metal receptacles, or other containers used on the premises for the holding of floral bouquets.

The Cemetery Division encourages the placing of fresh flowers at Easter, Mother's Day, Memorial Day, and Father's Day. However, please use bronze or aluminum vases, which may be purchased from the monument companies, or the galvanized vases from the Cemetery Division. If the types of vases that are mentioned above are not available, please be sure that the containers that are used are not placed on the grass. Containers left on the grass for only a short period of time kill the grass so it is mandatory that they be placed on the marker.

During the winter months, vases must be turned down or removed to prevent damage and the possibility of person injury. Christmas wreaths, sprays and artificial flowers may be placed in the cemetery after November 20th and removed by March 1st. Memorial Day flowers must be removed by the Sunday following Memorial Day.

Flags may be placed at the graves for Memorial Day and Flag Day. They may be placed by lot owners, veteran organizations, or other groups. The Cemetery Division encourages the flags to be placed a week before Memorial Day and removed by three days after Flag Day. The Cemetery Division is not responsible for flags, or other personal property left at the gravesite.

Flowers including funeral flowers left at the cemeteries at other times will be removed at the discretion of the Cemetery Division when they become withered. Digging of any kind by anyone other than employees of the Cemetery Division is absolutely prohibited.

X. FLUSH MARKERS

As of January 15, 1992, the only type of flush markers that are permitted in Westview Cemetery will be of either granite or bronze and will be a standard one foot by two feet in size to be placed at the head of the grave. One marker per grave is all that is allowed.

The Cemetery Division employees are the only persons allowed to build foundations for flush markers. Orders for installation of foundations are accepted in the spring when the frost is out of the ground until the third week in November.

In Munroe Cemetery, the use of headstones is permitted, but before any headstone or monument

shall be erected in Munroe Cemetery, a drawing of said headstone or monument must first be submitted to the Cemetery Division for approval.

XI. CHARGES

The prices for which exclusive burial rights in any lot or grave in such cemeteries and the charges for opening a grave and making an interment shall be determined from time to time by the Board of Selectmen, and all payments must be made in advance and before any interment shall be permitted in said cemeteries. A schedule of the current rates and service fees is included at the end of this booklet.

The regulation that all charges must be paid before interment can be made in said cemeteries may be waived in writing by the Director of Public Works when circumstances or necessity require such a waiver.

Overtime charges will be assessed in the following situations:

1. The funeral arrives at the cemetery after 2:00 p.m. on a weekday.
2. Next day interment on a weekday with only 24 hours notice.
3. Only 24 hours notice received for a Saturday burial.
4. When a call comes in later than 11:00 a.m. on Friday for Monday burial.
5. Saturday, Sunday or holiday burial.

XII. ENFORCEMENT OF RULES

The Superintendent of Public Grounds is hereby empowered to enforce all rules and regulations. The Cemetery Division shall have charge of the grounds and buildings including the conduct of funerals, traffic, lot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

1. Resident Requirement for Sale – No lot or grave in any public cemetery in Lexington shall be sold to anyone who is not a resident of the Town of Lexington at the time of such sale, and nobody shall be interred in such lot unless the deceased was at the time of his or her death, a resident of the Town of Lexington, or the owner of such lot, or was related by blood or marriage to the owner of such lot, or a member of the immediate family of such owner. (Note: This restricts the sale of lots to residents of the Town at the time of purchase, but, once the lot has been purchased, there is no requirement that the owner remain a resident of the Town. A non-resident owner and members of the immediate family can have the right of burial).
2. Re-Conveyance of Grave – No used lot or grave so conveyed by the Cemetery Division shall be re-conveyed by an owner thereof or the heirs, executors or administrator of said owner to any person or entity other than to a person related by blood or marriage to said

owner or to a member of the immediate family of said owner or to the Town of Lexington. If the unused lot or grave is re-conveyed to the Town of Lexington, the owner or the heirs, executors or the administrator of said owner shall be reimbursed by an amount equal to the original price paid for such grave (Note: The ownership of graves that have been used for interments remains in the family, and this provides that the ownership of unused graves or lots can likewise remain in the family, but it cannot be conveyed outside the family except to the Town of Lexington. If the Town re-acquires the lot or grave, it pays the original purchase price. Since the Town loses money for the upkeep of the lot or grave, in the sense that it has to subsidize that part of the cost not covered by the income from the Perpetual Care Fund, it seems reasonable that the Town not be required to pay interest on the amount or to reimburse at the current price sale).

3. Permits – No interments shall be made in any lot or grave in said cemeteries until the Cemetery Division shall have been furnished with such permits as may be required by the laws of the Commonwealth of Massachusetts or of the city or town from which the deceased may be brought, nor shall anyone be interred in any such grave or lot in which exclusive burial rights have been conveyed until the Cemetery Division shall have been

furnished with an order from such owner or his legal representative for said interment. No interment shall be made unless all charges against said lot or grave and all fees for such interment have been paid.

4. Authority to Open Grave – Any person who produces a deed for the exclusive burial rights in any lot or grave in any such cemetery shall be considered to have the authority to order an opening of a grave at that site, and any person who orders an interment will be held responsible for any and all expenses resulting from said order.
5. Authorized Employees – No grave shall be opened for interment or removal of a body by any person who is not the employee of the Cemetery Division of the Town of Lexington, and no body, once interred in said cemetery, shall be disinterred except upon written request by lot owner or producer of the deed.
6. Burial Boxes or Vaults – Burial boxes or vaults satisfactory to the Cemetery Division must be provided for all interments.
7. Grave Capacity – Not more than two adult bodies shall be interred in any one grave. Not more than one adult body and two infant bodies (fiberglass must be used) shall be interred in any one grave. Not more than one adult body and two cremations shall be interred in any one grave. Not more than

four cremations shall be interred in any one grave. All graves shall be placed on any lot in accordance with a plan provided by the Cemetery Division.

8. Walking on Graves – Persons within the Cemetery shall use only the roads, walkways and paths, and no one is permitted to walk upon or across lots or lawns unless it be necessary to do so to gain access to one’s own lot. The Cemetery Division expressly disclaims liability for any injuries sustained by anyone violating this rule.
9. Flower Picking/Grave Defacing – Persons visiting the cemetery or attending funerals are prohibited from 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 structure within the cemetery grounds.
10. Control of Automobiles – Automobiles and 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. Automobiles must not be left with the engine running and the emergency brakes must be set when the driver is not in his/her seat. Engines must not be raced nor the horn sounded within the cemetery. The following situations are also prohibited:

- a. The driving of automobiles or other vehicles through the gates or in the cemetery at excessive speeds.
- b. Driving any automobile or vehicle across or upon any grave, lot or lawn or parking or leaving the same thereon.
- c. Parking or leaving any automobile or vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other automobile or vehicle from passing the same, and if so parked or left, the Cemetery Division will remove the vehicle, at the owner’s expense.
- d. Making a complete or partial reverse turn of any automobile or vehicle on any road or driveway within the cemetery.

11. Waste Receptacles – Receptacles for waste material are located at convenient places throughout the cemetery. Therefore, the throwing of rubbish on the roads and paths, or any part of the grounds, or in the buildings, is prohibited.

12. Articles Not to Be Placed on Graves – The placing of upright flower boxes, flag holders, flag emblems, toys, metal designs, balloons, vigil lights, rocks, ornaments, chairs, settees, vases and similar articles, upon plots will not be permitted, and if so placed, the Cemetery Division reserves the right to remove them.

13. Memorial Benches – Memorial benches may be purchased from the Cemetery Division at a cost of \$1,120.00 each. Payment can be made in one lump sum or in two or four monthly installments. This is the only bench that will be approved for installation. The Cemetery Division will install and maintain the bench and associated landscaping. A total of 20 benches will be allowed at Westview Cemetery. Once 20 benches have been installed the program will be ended.
14. Conduct Within the Cemetery – It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Therefore, all persons within the cemetery should avoid conduct unbecoming a sacred place, such as:
 - a. Loud or boisterous talking.
 - b. Idling or loafing on the grounds or in any of the buildings.
 - c. Peddling or soliciting the sale of any commodity within the cemetery.
 - d. Placing of signs or notices or advertisements of any kind within the cemetery.
 - e. Bringing animals or pets into the cemetery or any of its buildings.
 - f. Bringing firearms into the cemetery except by a military escort accompanying a veteran’s funeral or attending memorial services.

15. Temporary Rules Changes – It is the duty of the Cemetery Division to see that the rules and regulations are complied with, to see that order is maintained, and to protect and promote the best interests of the cemetery. To that end, the Cemetery Division is authorized to make temporary additional rules, which may be needed from time to time, to meet emergencies, which are not covered by these rules and regulations.
16. Rules Changes -- The Town of Lexington reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations, at any time. Sufficient notice will be given of any rule change that will create expense, hardship or inconvenience to lot owners or other individuals having business with the cemetery.
17. Approval by Board of Selectmen – The rules, regulations and prices set forth shall be set and approved by the Board of Selectmen and administered by the Cemetery Division. Changes cannot be made unless directed by the Board of Selectmen or their designee.
18. Review of Rules and Regulations – The Cemetery Division in conjunction with the Public Grounds Superintendent and the Public Works Director shall review this document on an annual basis.