

**TOWN of PROVINCETOWN**  
**CEMETERY RULES and REGULATIONS**

*Revised by the Cemetery Commission on November 13, 2019*

*Approved by the Select Board February 10, 2020*

**DEFINITIONS**

**Article 1: Definitions.** As used herein:

**Cemetery** shall mean the historic Winthrop Street Cemetery (once known as Cemetery No. 1), the Hamilton and Gifford Cemeteries on the southeast side of Cemetery Road, the Old Section (a portion of which was once known as Cemetery No. 2) bordered by the northwest side of Cemetery Road and a portion of Alden Street, the New Section, running further along Alden Street and which includes a section dedicated to Green Burial lots, Alden Section A, located in the far northeast corner and Alden Section B, located in the furthest north portion of the cemetery. All cemeteries listed are owned by the Town of Provincetown and administered by the Provincetown Cemetery Commission.

**Green Burial** shall mean a burial that allows the body to decompose naturally, returning all elements to the earth through environmentally sound practices. A Green Burial incorporates the following essential elements: an un-embalmed body wrapped in a biodegradable shroud (cotton, wool, silk, hemp, etc.) and buried on a natural burial trundle (wooden tray with handles), or in a coffin made solely of biodegradable materials (cardboard, wood, willow, bamboo, seagrass, felt, etc.), or placed directly onto the earth without a trundle or a coffin. Other perimeters and guidelines of Green Burial are noted accordingly under the corresponding Articles to follow.

**Cemetery Superintendent** shall mean the individual so designated by the Provincetown Cemetery Commission in consultation with the Provincetown Department of Public Works. The Cemetery Superintendent may exercise the functions of the Commission as provided herein or as otherwise provided by vote of the Commission.

**Cemetery Perpetual Care Trust Fund** shall mean the capital fund authorized by the General Laws of the Commonwealth of Massachusetts and administered by the Provincetown Cemetery Commission, having a Non-Expendable Portion into which are deposited the required contribution with each sale of a lot and which is invested to yield income which is deposited into the Expendable Portion, which may be expended by the Cemetery Commission.

**Sale of Lots Fund** shall mean the fund into which are deposited the proceeds of the sales of lots and from which Town Meeting may make appropriations for cemetery purposes.

**Resident** shall mean any person who currently maintains a primary residence in Provincetown or has previously resided in Provincetown at any time for at least ten years as evidenced by the Town's records or otherwise to the satisfaction of the Commission.

## LOTS

**Article 2: Conveyance of Lots.** All lots in the cemetery, including columbarium niches, shall be deeded, or approval of transfer, granted in writing by the Commission. Lot prices and the accompanying required contributions to the Cemetery Perpetual Care Trust Fund shall be established by the Commission and reviewed and approved by the Board of Selectmen periodically in accordance with Massachusetts General Laws and the General By-Laws of the Town.

**Article 3: Sale of Lots.** Cemetery lots shall be sold only to Residents or former Residents of Provincetown and are transferable only to members of their immediate family unless otherwise approved by the Commission (See Article 1: definition of Resident). Those who purchase a Green Burial Lot will be given literature pertaining specifically to Green Burial.

**Article 4: Perpetual Care.** In addition to the price of the lot, all lots shall be sold with a separate payment to the Cemetery Perpetual Care Trust Fund, in an amount set by the Commission in its duly adopted Schedule of Fees (See Appendix A: Schedule of Fees & Lot Specifications). The principle amount of the Fund may not be appropriated, but the accumulated investment income may be expended by or at the direction of the Commission.

**Article 5: Vacated Lots.** Whenever a lot shall become vacant by removal of remains, the lot shall revert to the Town. Lots are not transferable without written consent of the Commission.

**Article 6: Provincetown Cemetery Buy-Back Program.** The Commission will consider buying back previously sold lots in the Provincetown Cemetery to the purchaser or heirs, for the purchase price paid, less the perpetual care fee, subject to available funds.

**Article 7: Grading and Improvements.** The Commission shall establish the grade of all lots and avenues, and shall direct all improvements on such lots, before as well as after interments have been made, and no lot shall be filled or raised above the established grade except in the case of a Green Burial, which requires a backfill of 3-5 feet to allow for the natural settling of earth. The Commission shall have charge of planting, sodding, surveying and improvements.

**Article 8: Memorial Markers and Monuments.** Memorial headstones, markers and monument sizes are determined by the size of the burial lot and whether or not it is a Green Burial lot (See Appendix B: Markers and Monuments). Any marker or monument that exceeds the maximum size allowed by lot must be approved by the Commission. The Commission will not approve any proposed monument which it deems objectionable. Green Burials offer the option of an engraving on a communal marker in lieu of an individual marker.

**Article 9: Lot Markers.** Lot markers or corner stones indicating the boundaries of lots shall be level with the ground and shall not be altered or removed.

**Article 10: Monument Foundations.** All granite, marble and metal work must rest upon concrete foundations laid below ground to a depth satisfactory to the Commission. No work shall be permitted to be set in the spring until the ground has fully settled and in proper condition to receive

the necessary work. All building of foundations must be done by a monument company or other authorized party with the approval of the Commission.

**Article 11: Regulation of Tombs.** No tomb or other above-ground place of interment shall be constructed other than in such parts of the Cemetery as are designated by the Commission for the purpose. No deed holder shall permit the remains of any other person to be placed in such a place of interment for monetary gain.

**Article 12: Grave Specifications.** All graves, except for Green Burial graves, shall be a minimum of 5 feet deep to the top of a concrete vault or other vault as approved by the Commission. Green Burial graves shall be a minimum of 4 feet deep and a concrete vault, or any other type of vault, is prohibited.

**Article 13: Vault Covers.** Vault covers shall be placed only by vault company employees, unless otherwise authorized by the Commission. Vault covers are prohibited for Green Burials.

## INTERMENTS

**Article 14: Notice of Interments.** When an interment is required, notice must be given to the Cemetery Superintendent at least 24 hours before the interment, in order to arrange for the opening and closing of the grave. Exceptions may be made, at weekend rates, at the discretion of the Superintendent. Any such notice must be accompanied by a Burial Permit from the Provincetown Board of Health or their agent, as required by law.

**Article 15: Hand Opening and Closing.** For Green Burials, the opening and/or closing of the grave may be completed by-hand by friends and/or family members of the deceased. If so, arrangements must be made for Cemetery staff to be on-site during the opening and/or closing. All other requirements as listed in Article 14 must also be followed.

**Article 16: Lowering Devices, Grass Mats and Coffins.** Mechanical lowering devices and artificial grass mats are prohibited for Green Burials. For a Green Burial, the body may be transferred into the grave by-hand or lowered into the grave using a system of wooden slates and natural fiber pulleys or straps. If a coffin is used for a Green Burial, it must be free of any varnishing, metals, or other toxic or non-biodegradable materials. Green Burial coffins must be made solely of biodegradable materials.

**Article 17: Funerals and Interments.** No interments shall take place on New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, or Christmas Day. The Cemetery Superintendent shall be in full charge of funerals once they enter Cemetery property. Town Cemetery staff shall be respectful in dress and conduct at any interment that they oversee.

**Article 18: Receiving Tomb.** No charges shall be made for opening or closing the Receiving Tomb, which is provided for frozen ground conditions. All remains must be removed from the Tomb as soon as the ground thaws or no later than April 1, unless a special permit is granted by the Commission.

## FINANCE

**Article 19: Charges for Services.** All charges for services rendered by Town employees of the Cemetery, including, but not limited to, overtime for weekends and holidays, use of a lowering device and grass mats, opening and closing of graves and construction of foundations for monuments, shall be regulated by the Commission.

**Article 20: Payments.** Checks for Cemetery fees and charges shall be made payable to the Town of Provincetown.

## CONDUCT, DECORATIONS AND MAINTENANCE

**Article 21: Conduct upon Cemetery Property.** It is forbidden for persons to gather flowers, either wild or cultivated or part of memorial tributes, to damage any tree, shrub or plant; to write upon or in any way deface or injure any monument, fence or structure; to walk upon any lot; to discharge firearms [except in connection with a military funeral]; to litter; to bring dogs on Cemetery property unless they are kept firmly on leash and on paved walkways only, away from all monuments, and all evidence of their presence is fully removed; to behave in any lewd or disrespectful manner; or to behave in any manner disruptive of interments taking place. Violators will be reported to the Provincetown Police for appropriate enforcement action.

**Article 22: Motor Vehicles.** All motor vehicles upon Cemetery property are subject to Federal, State, and local motor vehicle laws. Parking of motor vehicles is forbidden except during interments, by those attending or as otherwise approved by the Commission. Violations shall be reported to the Provincetown Police for appropriate enforcement action.

**Article 23: Decorations.** The Commission is not responsible for any flowers or decorations placed on graves. Plant baskets or floral blankets will be removed after Mothers Day, Fathers Day, Memorial Day, Veterans Day and other such commemorative occasions between five and ten days thereafter. Christmas wreaths, potted plants, etc. will be removed by Feb. 1. Flags placed upon the graves of veterans will be removed when they become faded, frayed, or otherwise in no condition to show proper respect. No permanent planting of trees, shrubs or bushes shall be permitted. For Green Burial lots, decorations of any kind must be of natural elements or be made solely of biodegradable materials, such as paper pulp containers for plants or flowers.

**Article 24: Vases.** Cement vases, urn boxes or containers of any kind for growing plants or flowers are not allowed. Metal containers for cut flowers are permitted subject to approval by the Commission. For Green Burial lots, vases must be made of biodegradable materials or fresh cut flowers may simply be placed directly onto the gravesite.

**Article 25: Commission Discretionary Maintenance.** The Commission may exclude or remove from any lot any headstone, monument or other structure, trees, plants or other objects which the Commission deems injurious to the appearance of the Cemetery or likely to cause maintenance problems. No trees growing within any lot shall be removed or trimmed without consent of the Commission.

**Article 26: Gravestone Rubbing.** Gravestone rubbing, as it is referred to, is not allowed except by express written permission of the Cemetery Commission or their designee upon submission of written proposal.

### ADMINISTRATIVE

**Article 27: Hours.** The Cemetery is open from sunrise to one half hour after sunset. Pedestrian and vehicular access is prohibited between one half hour after sunset and the following sunrise.

**Article 28: Events.** Any organized group event or cemetery tour must have prior approval from the Cemetery Commission.

**Article 29: Abeyance of Commission.** If at any time the Commission is at risk of going into abeyance due to a lack of membership, the Commission, or the remaining members, shall advise the Town Manager and the Board of Selectmen that the duties of the Commission may devolve upon the Selectmen in accordance with the laws of the Commonwealth, the Town Charter and General By-Laws.

**Article 30: Amendments.** These Cemetery rules and regulations are subject to change by the Commission, subject to approval of the Board of Selectmen.

**APPENDIX A****Schedule of Fees & Lot Specifications**

<b>Single Cremation Lot 2.5' x 2.5'</b>	
Lot	\$150
Perpetual Care Fee	\$100
Vaults Allowed	None
Cremations Allowed	One
<b>Total Base Cost</b>	<b>\$250</b>

<b>Single Green Burial Lot - 5' x 10'</b>	
Lot	\$450
Perpetual Care Fee	\$300
Vaults Allowed	None
Cremations Allowed	None
<b>Total Base Cost</b>	<b>\$750</b>

<b>Single Lot - 5' x 10'</b>	
Lot	\$500
Perpetual Care Fee	\$300
Vaults Allowed	One
Cremations Allowed	Four
<b>Total Base Cost</b>	<b>\$800</b>

<b>Two Grave Lot - 10' x 10'</b>	
Lot	\$1,000
Perpetual Care Fee	\$600
Vaults Allowed	Two
Cremations Allowed	Six
<b>Total Base Cost</b>	<b>\$1,600</b>

<b>Four Grave Lot - 10' x 20'</b>	
Lot	\$2,000
Perpetual Care Fee	\$1,200
Vaults Allowed	Four
Cremations Allowed	Twelve
<b>Total Base Cost</b>	<b>\$3,200</b>

<b>Additional Fees</b>	
Hand Opening & Closing for Green Burial*	\$0
Opening & Closing for Burial with Vault	\$400
Opening & Closing for Cremation	\$275
Additional Charge if Weekend or Holiday	\$300
Interment for Stillborns	Waived
Interment for Veterans	Waived
Disinterment	\$700

\*performed by friends/family of deceased

## **APPENDIX B**

### **Markers and Monuments**

<b>Single Cremation Lot</b>	
Markers Allowed - 10" x 4" x 14"	One
Monuments Allowed	None

<b>Single Green Burial Lot</b>	
Engravings on Communal Marker Allowed	One
Markers Allowed - 10" x 4" x 14"	One
Monuments Allowed	None

<b>Single Lot</b>	
Markers Allowed - 10" x 4" x 14"	Two
Monuments Allowed 2.5' x 1.5' x 3'	One

<b>Two Grave Lot</b>	
Markers Allowed - 10" x 4" x 14"	Four
Monuments Allowed 3.5' x 1.5' x 3'	One

<b>Four Grave Lot</b>	
Markers Allowed - 10" x 4" x 14"	Eight
Monuments Allowed 5' x 1.5' x 3'	One