

Revised Cemetery Rules and Regulations

The Provincetown Board of Selectmen voted at their regularly scheduled public meeting of Tuesday, September 29, 2009, to approve the following revised Cemetery Rules and Regulations, which were approved by the Cemetery Commission at their Public Hearing of Tuesday, September 1, 2009. The revised Rules and Regulations are effective immediately.

TOWN of PROVINCETOWN CEMETERY RULES and REGULATIONS

Article 1: Definitions. As used herein:

“Cemetery” shall mean the three Town-owned cemetery properties on Alden St., & Cemetery Road, sometimes referred to as the Hamilton Cemetery, Cemetery #2 and the Gifford Cemetery, together with the historic Winthrop St. Cemetery, some times referred to as Cemetery #1.

“Cemetery Superintendent” shall mean the individual so designated by the Provincetown Cemetery Commission in consultation with the Provincetown Department of Buildings and Grounds. 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” is a capital fund authorized by the General Laws of the Commonwealth of Massachusetts and administered by the Provincetown Cemetery Commission.

“Resident” shall mean any person who has maintained a principle residence in Provincetown at any time for at least two years as evidenced by the Town’s Annual Census records or otherwise to the satisfaction of the Commission.

Lots

Article 2: Conveyance of Lots. All lots in the cemetery shall be deeded, or approval of their 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 from time to time in accordance with Massachusetts General Laws and the General By-Laws of the Town.

Article 3: Sale of Lots. Grave 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.

Article 4: Perpetual Care. 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 and Charges, in addition to the price of the lot. 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.

Improvements

Article 6: Grading and Improvements. The Commission shall establish the grade of all lots and avenues, and shall direct generally 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. The Commission shall have charge of planting, sodding, surveying and improvements generally.

Article 7: Further Commission Oversight. Monuments may be erected subject to the written approval of the Commission. The Commission will not approve any proposed monument which it deems objectionable. 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. No trees growing within any lot shall be removed or trimmed without consent of the Commission.

Article 8: 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 9: 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 written approval of the Commission.

Article 10: 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 11: Grave Specifications. All graves shall be 5 feet deep to the top of a concrete vault, or other vault as approved by the Commission, or otherwise as specified by the General Laws of the Commonwealth.

Article 12: Vault Covers. Vault covers shall be placed only by vault company employees, unless otherwise authorized by the Commission.

Interments

Article 13: 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 14: 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.

Finance

Article 15: 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 16: Payments. Checks for Cemetery fees and charges shall be made payable to the Town of Provincetown, which checks shall include the required contributions to the Cemetery Perpetual care Trust Fund.

Article 17: 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 same by the following May 1st, unless a special permit is granted by the Commission.

Conduct & Maintenance

Article 18: 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 same are kept firmly on leash 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 19: 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 20: 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 of the following year. Flags placed upon the graves of veterans will be removed when they become faded, frayed, or otherwise in no condition to show proper respect.

Article 21: Vases. Cement vases, urn boxes or containers of any kind for growing plants or flowers are not allowed. Metal containers for cut flowers may be approved by the Commission.

Administrative

Article 22: 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 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 23: Amendments. These Cemetery rules and regulations are subject to change by the Commission, subject to procedures required by the laws of the Commonwealth, the Town Charter and General by-laws.

*Michele Couture, Chairman
Board of Selectmen*

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