

Chapter 378

Oakdale Cemetery

[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991. Amendments noted where applicable.]

[Most recent amendments adopted by unanimous (5-0) vote of the Board of Selectmen at a remote meeting held on May 5, 2020]

§ 378-1 General provisions.

- A. The adoption and enforcement of the following rules and regulations are necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of discourtesy or other breach of propriety.
- B. The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be constructed as affecting the general application or enforcement of such rule.
- C. The rules and regulations and schedule of prices as established by the Cemetery Commission are subject to change without notice.
- D. All provisions of MGL c. 114 shall be adhered to, including penalties for infringement of the law.
- E. The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the rules and regulations and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

§ 378-2 Cemetery hours.

- A. The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1 to March 1, when they will close at 4:30 p.m.
- B. Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.
- C. The term "gate" as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with moveable barriers.

§ 378-3 Office hours.

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works office, 195 North Main Street, during normal business hours, Monday through Friday, 7:00AM-3:00PM. The office is closed on all legal holidays and weekends. [5-5-2020]

§ 378-4 Sale of lots.

Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton, with the following restrictions to former residency purchases:

- A. Any former resident of the Town of Middleton must show satisfactory proof of former residency before said sale of lot and be restricted to the sale of no more than a two-grave lot. Satisfactory proof may include but is not limited to the personal knowledge of Public Works staff, birth or marriage certificate, tax or utility bill, or similar. [5-5-2020]
- B. Former residency purchases shall be subject to the fee structure established by the Board of

- H. No proprietor shall suffer the remains of any person to be interred within his lot for hire.
- I. All interments or other work shall be under the personal charge of the Superintendent or designee(s).
[5-5-2020]
- J. No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K. Proprietors may erect a memorial structure on their lot subject to the regulations set forth under § 378-11, Memorial structures.
- L. Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under perpetual care, the owner must bear the expense of putting the ground in proper condition again.
- M. On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N. The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O. The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P. No lights of any kind shall be allowed in the Cemetery.
- Q. Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

§ 378-6 **Trees and shrubs.** [5-5-2020]

- A. If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department, for the time being, and it shall have the right to enter into said lot and remove said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B. No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C. The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.

§ 378-7 **Grounds.**

- A. Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B. On Memorial Day no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12:00 noon.
- C. Motorcycles, bicycles, go-carts, three- or four-wheel all-terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D. All persons are forbidden to injure or molest any bird or wild animal, or to molest its nest or other habitation.

charge for the interment of a nonresident. [5-5-2020]

- G. Not more than one interment will be permitted in any one grave site other than what is provided for under § 378-14, Cremation, of these rules and regulations.
- H. Interments will not be made on Sundays. Interments on Saturdays and legal holidays will be charged extra. [5-5-2020]
- I. In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

§ 378-10 Receiving tomb.

- A. Bodies may be placed in the receiving tomb at any time, but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so. [5-5-2020]
- B. While bodies are deposited in the receiving tomb, the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

§ 378-11 Memorial structures.

- A. Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B. All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C. Applications for this work must be filed with the Department and shall give full particulars, including size.
- D. Monument Dimensions:
 - 1. In single-grave sections, monuments shall not exceed two feet, six inches (2' 6") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
 - 2. On two-grave lots, monuments shall not exceed three feet, zero inches (3' 0") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
 - 3. On four-grave lots, monuments shall not exceed three feet, seven inches (3' 7") long by one foot, one inch (1' 1") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
 - 4. All other monuments other than headstones or headstones greater than the dimensions stated must first receive approval of the Cemetery Commission.
- E. No foundations will be constructed and no stonework will be set between November 15 and April 1, or when the ground is not in the proper condition for such work.
- F. No person shall deliver any material within the Cemetery except under the direction of the Superintendent or designee(s). [5-5-2020]

§ 378-15 Fees.

[Amended 3-15-2016; 3-29-2016; 5-5-2020]

- A. Grave openings:
 - (1) Residents: \$700.
 - (2) Nonresidents: \$2,000.
- B. Weekend funeral or excavation:
 - (1) Residents: \$1,400.
 - (2) Nonresidents: \$2,500.
- C. Cremation interment:
 - (1) Residents: \$300.
 - (2) Nonresidents: \$900.
- D. Weekend cremation interment: \$200 in addition to regular interment fee
- E. Foundations: \$200.
- F. Flush markers: \$100.
- G. Compressor for frost: \$100.
- H. Single-grave lot: \$600.
- I. Double-grave lot: \$1,200.
- J. Four-grave lot: \$2,400.
- K. In addition to lot costs there is an additional fee of \$5 for recording of deed.