

DEPARTMENT OF PUBLIC WORKS AND PARKS

HOPE CEMETERY

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Commissioner



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RULES & REGULATIONS OF HOPE CEMETERY

These Rules & Regulations are Adopted Pursuant to Art. 29, section 5 of the 1995 revised Ordinances of the City of Worcester

OPENING & CLOSING HOURS

1. Office hours 8:00am – 3:00pm Monday thru Friday
2. Office closed on weekends and holidays
3. The Cemetery will open at 7 a.m. and will close at sunset. The Cemetery may refuse entrance to any and all vehicles on Memorial Day until after 12 noon, except for disabled veterans or Memorial Day participants.

The New York Street gate will be open during working hours for commercial and other vehicles. (7 a.m. – 3:30 p.m.).

All gates may be locked during public emergencies.

INTERMENTS, DISINTERMENTS & REMOVALS

4. All funerals, upon reaching the Cemetery, shall be under the supervision of the Supervisor or other designee assigned by the Commissioner.
5. Once a casket containing a body is within the confines of the Cemetery, no funeral director or his agent is allowed to open the casket or to touch the body without a court order.
6. In addition to being subject to these rules and regulations, all interments, disinterments and removals are made subject to the order and laws of the properly constituted authorities of the city county & state.
7. The Cemetery shall set all fees and charges for interments, disinterments, & removals. Lists of charges for various services are published. (See fee schedule).
8. No interments, disinterment or removals shall be allowed on Memorial Day, July 4th, Thanksgiving, Christmas, New Years Day or Sundays.
9. Cemetery Office must receive all interment orders no later than 12-noon the day prior to burial. All disinterments shall be made at the Cemetery's discretion.
10. Only funeral directors are allowed to be present during a disinterment – interment. He/she will act as the representative of the family.

11. Unless authorized by duly registered plot owners, the Cemetery may refuse interment. All rights are sold for the ultimate use of the buyer and his or her designated heirs. The cemetery owns the lots by law. No heir may dispose of the lot except to the Cemetery at a price no higher than the original price. (G.L. Ch 114 section 43B). A legal heir may donate a lot to a person of his/her choosing but the transfer must be acknowledged and ratified by the Cemetery.
12. A body or cremated remains may be removed from its original plot to a different plot in the Cemetery when there has been an exchange or purchase for that purpose.
13. When there are no clear instructions on the location of an interment in a plot the Commissioner or designee may use his/her discretion for placement. The Cemetery shall not be liable for damages for such placement.
14. The Cemetery is not liable for mistakes due to misunderstanding either oral or written instructions.
15. The Cemetery reserves and shall have the right to correct all errors of interments, conveyances, and charges.
16. The Cemetery is not liable for a delay in interment when (a) a written protest is duly filed, or (b) there is no full compliance of rules and regulations. In such cases, the Cemetery may refuse to have interment until determination of full rights occurs.
17. The Cemetery is not liable for the interment permit or for the identity of the person to be interred.
18. **The Cemetery will not permit an interment, foundation or the erection of a monument or marker until the purchase price for any property is paid in full including past and present burials.** However, the Cemetery will give special consent in writing on an individual basis. **Payment is due within thirty (30) days after the Cemetery requests it. If the purchase price, including principal and interest is not paid in full (a note shall not be considered payment), the Cemetery will reclaim the property, be released from all obligations and retain all earlier payment as liquidated damages.** The Cemetery may cremate or remove to a single grave the remains interred in said property at its discretion, at any time after interment, and without notice.
19. Double deep burials are prohibited. (GL Ch 114 section 10A) No more than one body or the remains of more than one body shall be interred in one grave, vault, crypt or niche. Lowering of remains will be permitted on a case-by-case basis. Any exceptions must be provided in writing by the Commissioner or designee observing all legal identification processes (or equivalent).
20. The Cemetery shall exercise the utmost care in making a removal but is not liable for damage to any casket or burial case or urn incurred in making the removal.
21. **Payments for Cemetery services are to be made by check, money order or credit card (Master Card –Visa). The cemetery will not bill out of state. Monies due for out-of-state burials are due on the day of interment unless the funeral director is to be charged.**
22. **Unless all debts are paid the Cemetery can refuse to do or allow any work to be done in or upon a lot.**
23. No caskets will be lowered until all members of the funeral party have left.

SALE OF PLOTS

24. All lots are sold by area, in square feet.
25. In all sales to two or more persons as joint tenants, each person shall have the vested right of interment of his or her remains in the plot. Upon the death of a joint tenant, the title to the burial plot immediately passes to the survivor or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner (G.L. Ch 114 section 29). A vested right of interment as in this rule provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto. A final decree of divorce shall also terminate a right of interment unless otherwise provided by such decree of divorce.
26. The owner (owners and individual) who has, for paying the prevailing fee acquired the right from the cemetery to be interred there as well as extending the right to his/her spouse and the children there from and, in the absence of children, legal heirs according to statutes of legal descent of a plot may not transfer ownership of one lot to anyone outside of his/her legal heirs and / right by statutory descent (G.L. Ch 114 sections 31, 32, 33). An owner may permit the burial of a person not within the purview described above by a notarized notification to the Cemetery Department stating that he/she is conveying a right of interment to that individual. (After the grantee has been interred in that lot, it is considered separate from the owner's family plot and is indivisible and non-transferable.)
27. When the plot owner dies and the plot is not specifically mentioned in his/her will, or deeded in trust, an affidavit must be filed at the Hope Cemetery Office and signed by one of the legal heirs at law, or if minors, by their guardian. The affidavit must include a list of the names of all heirs and a majority must also designate one of their members as representative, who shall be authorized to sign orders for interments and to give all other needful directions regarding the use of the lot. If no such affidavits are filed, the Supervisor may designate one of the heirs at law so to act until such time as the before mentioned affidavit shall have been filed.
28. The entire plot, except for one grave, niche, or crypt reserved for the surviving mate, shall descend in regular succession to the legal heirs when:
 - *No interment has been made in plot
 - *All bodies have been lawfully removed, or
 - *There is no specific deposition in the owner's last will & testament
29. To be valid, transfers of plot assignments must be registered with the City Treasurer. The owner will pay a recording fee. Unpaid debts may hinder transfers and/or plot assignments.
30. Plots cannot be subdivided. Only plot owners or their designees by written consent may be buried in a plot. Burials must conform to the rules of the Commonwealth of Massachusetts.
31. **The plot owner is responsible to notify the Cemetery of any change of address. Notice sent to the last address on file should be considered sufficient and proper legal notification.**

CONTROL OF WORK WITHIN THE CEMETERY

32. Unless the Commissioner or designee grants special permission in writing, the Cemetery will do all interments, disinterment, or removals. Tree plantings, weed whacking, mowing
33. All lot owners must conform to all the relevant rules of decoration as herein stated in various sections. The Commissioner or designee may remove or alter anything, which, in his/her option, violates the rules or violates the appropriateness of the adornment. Any costs incurred will be charged to the lot owners.

DECORATION OF PLOTS

34. **The Cemetery can authorize removal of all floral designs, flowers, weeds, trees, shrubs, plants, or garbage of any kind from the Cemetery as soon as, in the Supervisor's opinion, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to set standard. The Cemetery may regulate the method of decorating plots.**
35. **All requests for plantings, i.e., shrubs, hedges, of any kind, should be addressed to the Commissioner or designee. (Certain areas are not allowed any kind of plantings).**
36. **Glass receptacles may NOT be placed on a lot.**
37. **Only one flowerbed per lot is permitted per monument lot. The flowerbed may only be dug in front of the monument and may not extend beyond the length of the base of the monument. All flowerbeds must not extend out more than a foot from monument. No flowering shrubs i.e. Rose bushes or any kind of flowering plant which produces thorns are allowed. No shrubs or hedges of any kind are allowed. Marble or other stone landscaping, such as rock chips, is not allowed. Concrete brick or other type stone curbing or edging block is not allowed. A flowerbed is not permitted behind or at the sides of the monument. No roses (bushes), azaleas, rhododendrons, boxwoods, privets, spireas, lilacs, barberry, viburnums, or other non-needle type shrubs or woody plants, trees shall be permitted.**
38. **All urns or planters may only adorn grave between May1st and Oct. 1st. They must otherwise be removed. Cemetery personnel will clean the entire cemetery during the months of April and October.**
39. **No in-ground planting is allowed on flat marker sites, (single graves or foot stones). Including flat markers located on monument lots.**
40. **No homemade markers, monuments, crosses or other ornamental type of similar articles will be allowed on lots. No type of fencing is allowed on gravesites (monument or flat marker locations)**
41. **No watering containers of any kind are to be left on lots.**
42. **No placing of boxes, shells, toys, metal designs, ornaments, chairs settees, vases, glass, wood, crockery or iron cases, balloons, or containers and similar articles, upon plots is allowed, If so placed, the cemetery will remove them.**
43. **All fitting, adornments and urns shall be and are hereby declared to be subject to the Cemetery's control and acceptance or rejection.**
44. **No items of any kind will be allowed to be hung, tied, taped, or nailed from the Cemetery trees.**
45. **SECTION 116 ONLY!! Only two shrubs are permitted per lot. The only type of shrub allowed is of the needle-type evergreen. The shrubs must be planted directly on either side of monument. They are NOT permitted to be planted in front or on the rear of the**

monument. The shrubs must be kept in a neat and trimmed condition; they are not allowed to grow taller than the height of the monument on the lot or to grow outside the boundaries of the lot. Shrubs are intended to be a compliment to the monument, and not become the dominant feature of the lot. The Combined size of both shrubs should not become greater than the size of the monument.

46. No other locations are allowed shrub / tree plantings.

CHANGES IN GRADES, ETC.

47. The Cemetery and other authorized persons have the right to pass through plots. The Cemetery also has the right to:

*To occasionally enlarge, reduce, replant and/or change the boundaries.

*Modify and/or change the locations of or remove or regrade roads, drives and/or walks, or any part thereof.

*Lay, maintain and operate, or alter or change pipe lines and/or gutters for sprinkling systems, drainage, lakes, etc.

*Use Cemetery property, not sold to individual plot owners for anything necessary, incidental, or convenient thereto.

48. No easement or right of interment is granted to any plot owner in any road, drive alley, or walk within the Cemetery, but such road, drive alley or walk may be used as a means of access to the cemetery of buildings as long as the Cemetery devotes it to that purpose.

CONDUCT OF VISITORS

49. Persons within the Cemetery grounds shall use only the avenues, walks, alleys and roads. The Cemetery shall not be held liable for any person(s) injured while walking in the confines of Hope Cemetery. Only the plot owner or his/her relatives is allowed on the Cemetery plot. Any other person therein shall be considered as a trespasser, and the Cemetery shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonable safe condition.

50. Children under twelve must accompanied by proper caregiver when in the cemetery

51. No one may gather flowers, either wild or cultivated, break trees, shrubbery or plants, or disturb the birds or wild life. Flowers may not be brought into the grounds except to be placed on grave and lots or in mausoleums or columbarium's, nor removed under and pretense whatsoever except with written permission from the Supervisor, flowers wreaths, etc., left on graves will be removed as soon as possible after they fade, unless special permission is secured.

52. Private picnicking is prohibited in the Cemetery.

53. No loitering,

54. No ball playing allowed within Cemetery grounds.

55. No loud talking is allowed on the Cemetery Grounds within hearing distance of a funeral service.

56. No alcohol or drugs are allowed within the Cemetery Grounds.

57. The throwing of rubbish on the drives, walks, lots or buildings are strictly prohibited; Receptacles for waste material are conveniently located throughout the cemetery.

58. The Cemetery cannot be used as a thoroughfare (G.L. Ch 114, section 42). Commercial and business vehicles need the Supervisor's permission to enter and must report to the office.

59. The maximum speed for vehicles is fifteen (15) mile per hour. Drivers must keep to the right of Cemetery roadways. Drivers may not park or stop in front of an open grave unless attending a funeral, and must make the circuit of the section.

60. Driving lessons are not allowed in the Cemetery.

61. Peddling of flowers or plants or the sale or soliciting the sale of anything is positively prohibited within the confines of the Cemetery unless the Cemetery issues a permit.
62. No firearms or knives shall be permitted within the Cemetery except at military funerals or on special written permit from the Commissioner or designee.
63. No signs, notices or advertisements of any kind shall be allowed in the cemetery except tags of monument dealers. Tags must not be over three square inches in area.
64. Unleashed dogs are not allowed.
65. The Commissioner or designee has the power to prevent illegal assemblages on Cemetery ground.
66. The Commissioner or designee is hereby empowered to enforce all rules and regulations, and can expel any violators from the Cemetery. He/She shall have charge of the grounds and building, and at all times, shall have supervision and control of all persons in the Cemetery, including the conduct of funeral traffic and employees.

PROTECTION AGAINST LOSS OR DAMAGE

67. The Cemetery shall take reasonable precaution to protect plot owners and their property rights within the Cemetery from loss or damage. **However, it distinctly disclaims responsibility for loss or damage from causes beyond reasonable control, and especially from damage caused by the elements, and act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military civil authority, whether the damage be direct or collateral, other than as herein provided.**

CARE OF PLOTS

68. "Perpetual Care" means routine general care of plots and cemetery ground: cutting of grass at reasonable intervals and maintaining plots, grounds, walk, roadways, boundaries, and structures. This service will be provided indefinitely.
69. "Perpetual Care" shall not mean: the maintenance, repair or replacement of gravestones, markers, etc., planting of flowers or ornamental plants, or the reconstruction of any marble, granite, bronze or concrete work on any section or plot: of any portion or portions thereof in the Cemetery, (or other buildings or structures resulting from causes described in Section 61.)

MEMORIAL WORK

70. The Supervisor and/or Commissioner must approve all proposed memorials. All plan designs must be submitted to the Cemetery office prior to placement of said monument. The Cemetery shall have authority to reject any plan or design for any memorial which because of size, design, inscription, material, in the opinion of the Supervisor and/or Commissioner's is unsuitable for the lot on which it is to be placed. If unsatisfactory upon review, the Cemetery will notify the proper person to make the necessary changes.
71. The size of the monument is to be governed according to the size of the area. The size is fixed for each section. Dealers should consult the cemetery office before cutting any work.
72. Markers shall be flush to the ground except when it is necessary to match those already set in the lot. Markers are no larger than 24 inches in length and 12 inches in width on all single graves. All markers shall have at least a 4" thickness or base. Exceptions will be made at the supervisor's discretion on more than one single grave.

73. The Cemetery reserves the right to stop all work of any nature whatsoever if, in its opinion:
- * Proper preparations therefore have not been made.
 - * Tools and machinery are insufficient or defective.
 - * Work is being executed in such a manner as to threaten life or property.
 - * The monument dealer is found guilty of misrepresentation.
 - * Any reasonable request on the part of the Cemetery is disregarded.
 - * Work is not being executed according to specification, or
 - * Any person employed on the work violates any rule of the Cemetery
69. The Cemetery shall be responsible for the installation of all foundations. Monument dealers shall assume responsibility for foundation charges, unless, arrangements have been made with the Cemetery office. Rates are subject to change.
70. At the lot owner's expense, the Cemetery shall either correct or remove all monuments, mausoleums, or tombs that are unsightly, dilapidated, or a public safety hazard. The plot owner shall be notified beforehand.
71. Plot owners must request removal of a monument or marker in writing. The Cemetery can grant or refuse such requests.

BULK SALES

72. Bulk Sales are not allowed.

MODIFICATIONS AND AMENDMENTS

73. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications to any of these rules and regulations when in its judgment the same appears advisable and such temporary exception, suspension or modification shall in no way be construed as impacting the general application of such rule.
74. The Cemetery, with input from the Cemetery Commission, may alter any of the forgoing rules without notice, but not to be retroactively enforced.