

TOWN OF SOUTHBOROUGH
MASSACHUSETTS

RURAL CEMETERY

RULES AND REGULATIONS

FEBRUARY 2012

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Town of Southborough

Rural Cemetery

Rules & Regulations

Revised December 2011 – Effective February 1, 2012

Preamble

Ever since 1842 the Town of Southborough has provided for the safe, efficient and respectful interment of its deceased residents through the operation and maintenance of the Rural Cemetery. In order to preserve the character of the Rural Cemetery in accord with the mind and practice of the town fathers, and to establish and maintain good order, the following Rules and Regulations are hereby adopted.

Formal Adoption

For the mutual protection of the lot holders in the Cemetery of the Town of Southborough, the Board of Selectman, in accordance with Massachusetts General Laws Chapter 114, section 10 and all other applicable provisions contained therein, do hereby adopt and promulgate the following rules and regulations. All license holders and persons within the cemetery, and all lots and graves shall be subject to said Rules and Regulations and the governing body shall adopt such amendments or modifications thereof or additions thereto as from time to time occur. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

Definitions

Cemetery – All property within the Town of Southborough dedicated for the burial of deceased human remains.

Columbarium – A permanent structure, owned by the Town of Southborough Rural Cemetery, containing niches or other suitable spaces for the permanent memorialization of cremated human remains.

Cremation Niche – see Niche.

Governing Body – The Board of Selectmen of the Town of Southborough, Massachusetts.

Grantee – See License Holder.

Grave – A space of ground in a cemetery used, or intended for use, for the burial of deceased human remains

Interment – The permanent placement of a dead human body, placed in a casket, and buried in the ground.

Lawn Crypt – A pre-installed, durable, permanent liner, placed in a double depth earth burial grave that allows for two (2) traditional casket burials of the human dead, with one casket being interred above a second casket burial with a partition dividing the two areas.

License Holder – The sole purchaser of the licensed rights of burial of a grave, lawn crypt or cremation niche, located in the Town of Southborough / Rural Cemetery.

Lot – A place designated in a cemetery comprised of one or more grave spaces.

Lot Holder – See License Holder.

Management – The person or persons duly appointed by the governing body for the purpose of conducting and administering cemeteries owned and operated by the Town of Southborough, currently the Department of Public Works - Cemetery Division.

Niche – A discrete chamber designed, constructed, and intended for use as a permanent repository, for the interment of cremated human remains, encased in an urn.

Perpetual Care – An arrangement made by the cemetery whereby restricted funds are set aside, the income of which is used to maintain the cemetery, indefinitely.

Rights of Interment – The rights given to a License Holder for the use of a specific burial grave, crypt or niche

Tomb – A structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

Vault – A two- piece sealed receptacle for additional protection of the casket.

Purpose of Cemetery

The cemetery is intended for the interment of those entitled to burial according to Massachusetts General Laws, the by-laws of the Town of Southborough, and the Rules and Regulations of the Southborough Rural Cemetery. No lot, lawn crypt or niche shall be used for any other purpose than the burial of the human dead. Exclusively the management appointed by the governing body shall decide any questions on the burial of others not defined according to the Rules and Regulations, and such will be binding on both parties.

The conveyance of the Rights of Interment shall be exclusively limited to residents and former residents of the Town of Southborough. The Town Clerk shall verify proof of residency in this regard.

Admission to Cemetery

The Town by its duly authorized officials, hereinafter referred to as management, reserves the rights to refuse admission to the cemetery and to refuse the use of any cemetery equipment or facilities at any time to any person or persons, as the rules, regulations, traditions and good judgment and discretion of management may dictate.

Arrangement for Interments

Management shall have the right to require those desiring to make a selection of a lot or grave, or arrange an interment, to contact the cemetery office in ample time to complete the respective arrangements, see Interment Policy, Practice, Procedures and Requirements and Instructions to License Holders, on pages 3 and 4, for notice requirements. It is the policy of the Cemetery for a licensed Funeral Director to be present for all interments, ashes or full burials. The Funeral Director or other authorized agent is representing the license holder; the arrangements made by the agent with management are binding on said holder.

No organization, except those approved by the governing body, will be permitted to conduct services in the cemetery.

The management shall be in no way liable or responsible for any delay in the interment of a body where a protest to the interment has been made, or where Rules & Regulations have not been complied with, or forbid such interment; and further, said management reserves the rights under those circumstances to place the body in a receiving tomb or vault, at a separate location, at the expense of the estate of the deceased, until rights have been determined. Any protest as to this procedure is required to be in writing and filed with the Department of Public Works – Cemetery Division.

Interment Policy, Practice, Procedures & Requirements

(see also Instructions to License Holders)

Interments shall normally be scheduled to occur between the hours of 7:30 A.M. and 2:30 P.M., Monday through Friday.

No Sunday interments will be permitted.

No interments will be permitted on the following legal holidays: New Years Day, Martin Luther King's Birthday, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas.

Interments requested beyond the normally scheduled hours and on the day after Thanksgiving and the day before or after Christmas, as determined by the Board of Selectmen, shall be at the discretion of the management, shall be scheduled only in cases of emergency, shall be contingent on voluntary availability of qualified regular employees and shall be charged at the Premium Time Fee in the lump sum amount of \$250. The management shall make every reasonable effort to be as accommodating as possible in scheduling Premium Time interments.

A Board of Health Burial Permit, as required by M.G.L. Chapter 114, Section 45, an Interment Authorization Form and all fees for each license purchase, if applicable, and all interment services must be filed with management before the interment is completed. Fees remitted at the time of interment should be paid through the Funeral Director.

Funerals entering the cemetery shall be under the charge and direction of the management.

The casket may not be opened at any time within the Cemetery without the advanced express written permission of, and in the presence of management. Management reserves the right to refuse permission without the consent of the legal representative of the deceased or without a court order or authority of civil authority.

No disinterment or removal shall be allowed without the express written permission of management, written authorization of the lot holder and all heirs, a Burial Permit from the Board of Health, as required by M.G.L. Chapter 114, Section 45 and all other applicable provisions contained therein, and the payment of all appropriate fees.

Correction of Errors

The management reserves, and shall have the right to correct any errors or discrepancies that may be made by it either in making an interment, disinterment or removal or in the description, transfer or conveyance of any of the rights, either by canceling such conveyances and substituting and conveying in lieu thereof other interment rights or plot of equal value & similar location as best possible selected by management.

Instructions to License Holders

Persons arranging for interments should call or visit the cemetery where the management will aid them in effecting the necessary arrangements.

A minimum of twenty- four (24) hours is required to request arrangements for interments scheduled on Tuesday through Friday during a regular work week and regular working hours. Service cannot be guaranteed in the case of a late notification.

Saturday interments require notification to the Public Works – Cemetery Division of name and lot by noon the Thursday before the interment. The completed Interment Authorization form is required by 3:00 p.m. the Thursday afternoon before the interment. Service cannot be guaranteed in the case of a late notification.

Monday interments require that the Public Works – Cemetery Division receive a completed Interment Authorization form by 10:00 a.m. the Friday before the interment. Monday interments cannot be scheduled to enter the cemetery before 11:00 a.m. Service cannot be guaranteed in the case of a late notification.

Interments scheduled for a Tuesday after a Monday holiday require that the Public Works – Cemetery Division receive a completed Interment Authorization form by 10:00 a.m. the Friday before the interment. Interments on the Tuesday after a Monday holiday cannot be scheduled to enter the cemetery before 11:00 a.m. Service cannot be guaranteed in the case of a late notification.

Interments scheduled for the day after a weekday holiday require that the Public Works – Cemetery Division receive a completed Interment Authorization form by 10:00 a.m. on the work day that falls two working days before the interment. Interments on the day after a holiday cannot be scheduled before 11:00 a.m. Service cannot be guaranteed in the case of a late notification.

All grave interments shall be made with a concrete or a durable outside container in accordance with specifications determined by the management.

Digging for planting around the memorial is permitted, however management is not responsible for damage to the memorial when there is evidence of such digging.

License Holders may, at their own expense, install planting beds in front of and beside their respective upright memorials. No plantings are permitted behind memorials, unless the grave behind the memorial belongs to the same license holder as the grave in front of

the memorial. Beds may not exceed 18" in depth and shall be maintained in a neat appearance at all times. Unsightly plantings may be removed at the discretion of the management. Planting beds are allowed at flush memorials only when no upright memorial is present.

The use of lot or grave is for the license holder and their designee only, and is not intended for resale or profit. The rights of interment in an unoccupied designated lot or graves may only be relinquished to the Town of Southborough Rural Cemetery.

The management reserves the rights to permit or authorize more than one human remains in one grave or niche.

The license holder should be prepared to list the name, address and relationship of each person expected to be interred in the lot at the time of purchase of the burial license, as well as a list of his/her immediate family.

In the event of the death of the license holder any and all privileges remaining shall pass to the family legal heirs in accordance with M.G.L. Chapter 114, Sections 28, 29, 31, 32 and 33, unless otherwise stated in the last will and testament of the license holder to the extent enforceable, or otherwise indicated by the license holder in a notarized document to the extent applicable, submitted to the Southborough Department of Public Works at the time of purchase of the burial license, or later. Management will follow the Commonwealth of Massachusetts laws pertaining to rights of heirs. If two or more persons are entitled to the possession, care and control of such lot, they shall designate in writing to the Department of Public Works, which of their number shall represent the lot.

All rights of the holder and the heirs will be authorized with the use of an Interment Authorization Form for each interment right granted.

Service Charges and Payments

The management shall have the right to fix a fee and time of payment for each interment, disinterment, and removal, and for the performance of any other service rendered by the management. All work and services in connection with such services shall be subject to and supervised by said management.

Any indebtedness due for work or services performed must be paid before an interment in the grave may be made, or before a memorial is erected, as the case may be.

The current Schedule of Fees is contained in this document as Appendix C on page 20.

Right to Replat

Certain rights and privileges are reserved to management, to be exercised at any time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care, or preservation of, or preparation for interment of the deceased or other cemetery purpose, to survey, enlarge, diminish, replat, alter in shape or size or

otherwise change all or part of portion of any cemetery, including to establish, close or otherwise modify the roadways, walks, or drives.

No Easement Granted

No easement, express or implied, nor right is granted to any license holder in any road, drive, walkway or pathway within the cemetery, but such roads, drives, walkways and pathways, may be used as a means of access to the cemetery and its buildings as long as management devotes said areas for that purpose.

Use of Cemetery

Persons using the Cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times.

The use of motorized vehicles and bicycles is limited to roadways and are specifically excluded from walkways, pathways and grassed areas. Speed shall be limited to five miles per hour maximum (5 MPH). Vehicles in excess of fifteen thousand pounds gross vehicle weight (15,000 GVWR) are excluded.

Any object or objects placed on a grave or any Cemetery grounds which, in the opinion of management, is deemed offensive, improper or detrimental to the general appearance of the cemetery, as a public facility, may be removed without notice.

Any and all pets within the confines of the Cemetery shall be leashed and under control at all times. Pet owners and handlers are expected to be courteous to lot holders and visitors and to respect the dignity of those interred there. They are further required to clean up and remove any and all animal waste that their pets may have deposited on Cemetery grounds.

Alcoholic beverages are prohibited from Cemetery grounds at all times.

Conduct in the Cemetery

Idling, loafing, loitering, playing, or other boisterous demonstration within the Cemetery is strictly prohibited.

Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are strictly prohibited.

Grading & Improvements

The management reserves the right to do all grading, landscape work, improvements of any kind, and all care of lots and graves: likewise to plant, trim, cut or remove all trees, shrubs and herbage within the cemetery grounds.

Any and all improvements or alteration in the cemetery will be under the direction of and subject to the approval of management.

The management reserves the right to use legally approved chemical applications to beautify and protect the cemetery grounds.

Cemetery Hours

The management shall have the right to fix the opening and closing hours of its cemetery office and its grounds. The office hours at this time are 7:00 A.M. to 3:00 P.M. Monday through Friday. The grounds are open for visitation from 7:00 A.M. to sunset each day.

Outside Workers

The management reserves, and shall have, the right to issue authorization to any workers, other than employees of the cemetery, before they may perform work in any of the Town cemeteries.

License Holders may have certain work performed by Town employees, in accordance with the Rules & Regulations, at their own expense, and upon application to the Superintendent of Public Works: prices to be agreed upon and paid before said work is done.

Employees

Employees of the Town are not permitted to do any work for a license holder or heir, except upon the order of the Superintendent of Public Works. Employees are required to be civil and courteous to all visitors at all times.

Loss or Damage

The management disclaims any and all responsibility for loss or damage beyond its reasonable control, and especially from loss or damage by an act of God, force majeure, weather, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond management's control, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches or lawn crypts or any portion thereof, management shall give written notice of repairs to its license holders or heirs of record of necessity of repairs. If it is the responsibility of the license holder or its heirs to repair said damage then said notice will be sent to the last known address of the license holder and if the holder does not repair the damages in a reasonable time, the management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

License Holder's Change in Address

It shall be the duty of the license holder grantee, and their heirs to notify the management of any changes in its post office address. Notice sent to the holder at the last address in the records shall be considered sufficient and proper legal notification.

Care

The cemeteries of the Town of Southborough are operated as Perpetual Care cemeteries. All money that is designated for the Cemetery is used for Cemetery purposes: a portion is set aside for investment and the proceeds thereof are used to provide general care. The Care trust fund is to be understood as that care and maintenance necessitated by natural

growth and ordinary wear, and includes the management and care of cutting of lawns, cleaning and maintenance of roadways, walks and buildings, provided there is sufficient income funds for these purposes.

The Care Fund income in no case means the maintenance, repair or replacement of any memorial placed or erected upon any lot or grave: nor the planting, cutting, watering or care of any privately planted flowers, trees or shrubs: nor does it mean the reconstruction of any granite or special work in the cemetery of a lot or grave.

Memorial & Rules for Memorial Work

The license holder, its heirs and its authorized agents (memorial dealers) shall comply with all the rules and regulations of the cemeteries operated by the Town of Southborough.

The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, quality, and material of memorials, inscriptions, monuments and markers placed in the cemeteries. All memorials and inscriptions are subject to the approval of the management prior to their placement. Memorials deemed by the management to be obscene, offensive or unreasonable will be rejected.

Management reserves the right to fix the days and hours when memorial work may be completed in its cemeteries.

All memorial work, or placement of a memorial shall be with the approval of the holder of said lot or grave.

Memorial dealers shall submit a detailed drawing and design of the memorial as well as a certificate of insurance to management naming the Town of Southborough as certificate holder and additional insured with the request for foundation placement.

The location and position in which the memorial is to be placed or erected shall be entirely subject to approval and under the supervision of management.

Memorial employees, in placing or erecting memorials or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible at all times for their work as well as any damage to other memorials and/or Cemetery grounds. All work must conform to the Cemetery Rules and Regulations. Such memorial employees may be required to sign an acknowledgment statement consistent with this provision, provided however, that if no form is required, the provisions hereof will remain in full force and effect upon such employee.

Should any memorial, monument or tomb, becomes unsightly, dilapidated or a menace to safety of persons within the cemetery, the management shall have the right to give written notice to the holder to correct the condition or to remove the same, in either case the expense is to the holder.

Soliciting memorial sales or service work within the Cemetery is strictly prohibited.

Memorials shall be limited to one upright memorial per lot and shall be placed in the center of the lot.

The maximum length of memorials and bases shall be:

Lawn Crypts ----- 2' - 0" Slant Face Marker, 1' - 0" deep,
18" high with a 2" margin on front of slant face

1 grave lot* ----- 2' - 0"

2 grave lot* ----- 3' - 4"

3 grave lot* ----- 4' - 0"

4 grave lot* ----- 5' - 0"

Maximum size ----- 5' - 0" Maximum width is ----- 1' - 2"

* Contiguous graves in same row

Government and Flat Markers shall be limited to three (3) per grave and shall be set flush with the surrounding turf.

Private Family Estate Mausoleums & Tombs

Private family estate Mausoleums and Tombs are not allowed at this time.

Lawn Crypts

Refer to Appendix A on page 11 of this document for regulations relating to preinstalled lawn crypts.

Garden Columbarium

Refer to Appendix B on page 15 of this document for regulations relating to Cremation niches.

In General

Persons aggrieved by these Rules and Regulations and their interpretation or application by management, have the right of appeal when made in writing to the Board of Selectmen and the Department of Public Works within 30 days of the date of aggrievement.

The statement of any employee of the cemetery shall not be binding upon management, except as such statement coincides with the document conveying the right of interment and with the rules and regulations.

The Town of Southborough and its cemeteries, through its management, reserves the right and authority, without notice, to make temporary exceptions, suspensions, amendments or modifications of any of the Rules and Regulations, when in its judgment, the same appears advisable in the public interest for public health, safety and welfare purpose. In no way will it be considered as affecting the general application of such Rules and Regulations.

The Town of Southborough, through its Board of Selectmen, reserves the rights and authority at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule and regulation with respect to its cemeteries or anything pertaining thereto.

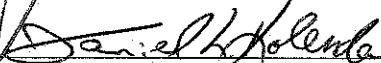
These Rules and Regulations are promulgated in accordance with all applicable State and Federal laws, to the extent applicable to the subject matter herein. In the event of any conflict of laws between these locally promulgated Rules and Regulations and any State or Federal law, then upon Judicial determination, the applicable State or Federal law may supercede the specific regulation conflict determined herein.

Further, if any provision, term, or part of these regulations are deemed unenforceable by a Court of competent jurisdiction, then remaining Rules and Regulations shall continue in full force and effect.

The above Rules and Regulations were approved by the Board of Selectman of the Town of Southborough, in their joint official capacity, and not individually, on the sixth day of December 2011.


William J Boland, Chairperson


John F. Rooney, III


Daniel L. Kolenda

Attest:

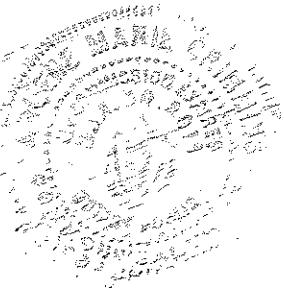

Paul J. Berry, Town Clerk

Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 6 day of December, 2011, before me, the undersigned notary public, personally appeared Paul J. Berry ^{above} ~~selected~~ ^{reproved} to me through satisfactory evidence of identification, which was Personally Known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


Aleene L. Remmick
, Notary Public

My commission expires: March 30, 2018

APPENDIX A

LAWN CRYPTS

Town of Southborough
Rural Cemetery
Rules and Regulations

Lawn Crypt/Grave Section

The Rules and Regulations of the Town of Southborough Rural Cemetery are adopted and apply to the sections of the cemetery with preinstalled *Lawn Crypts* for the common protection of the purchasers of these rights to these graves and the preservation of the memorialization of these grave sections. All purchasers of these graves with the pre-installed *Lawn Crypts* and visitors shall be subject thereto and to such other rules and regulations, amendments or alterations as have been adopted by the Town of Southborough Rural Cemetery from time to time.

Reference to the rules and regulations in the license, deeds, grants, contract, or other instruments issued shall have the same force and effect as if they were set forth in full therein.

Lawn Crypt

These are a pre-installed durable and permanent liner, placed in a double depth earth burial grave that allows for two (2) traditional casket burials of the human dead, with one casket being interred (buried) above a second casket burial with a partition dividing the two areas.

Inter

To place/bury in the ground.

Interment

Shall mean the permanent placement of a dead human body placed in a casket and buried in the ground.

Capacity

The capacity of the Lawn Crypt Grave Sections and the rights of burial granted shall be stated on the document and on the plan of the Rural Cemetery Lawn Crypt section, which shall be kept on file at the office of the Cemetery. The capacity will designate two (2) traditional human casket burials interred in the pre-installed unit not exceeding 29-1/2 inches in width, 24 inches in height, and 85 inches in length.

Grantee

Is the sole purchaser of the licensed rights of burial of the lawn crypt grave section, designated in the document for this section by the Town of Southborough and Rural Cemetery.

Conveyance and Devolution of Purchaser's Rights

The use of Lawn Crypt graves are for the license holder and their designee only and are not for resale or profit. The Grantee of the rights of the Lawn crypt grave section may convey it with the consent of his (or her) spouse to the Southborough Cemetery only, but only if no interment has been made therein: otherwise, it may not be conveyed. If a sole purchaser dies intestate, right of interment in the grave/ lawn crypt shall vest in his (or her) heirs-at-law but his (or her) spouse shall have the right of interment therein which may be released. A sole Grantee may, however, devise the rights by express disposition or other mention of it in his or her will, but subject to the rights of his or her spouse to interment therein, and if an interment has been made therein, devise may be made only to a member of his or her family or a member of the person interred. If a sole purchaser fails to make such express disposition or other mention specific to the rights to this grave and section, it will not pass under the residuary or other general clause of his or her will but will vest in the heirs-at-law irrespective of whether or not a member of his or her family at the time of the purchaser's death. Devisees or heirs-at-law may convey their undivided interest to one another only, and are otherwise subject to the limitations on conveyance and testamentary disposition which apply to a sole purchaser.

Succession

Upon the death of any grantee, whether a sole purchaser or a successor, it shall be the duty of the person or persons succeeding to his (or her) rights to file with the Department of Public Works – Cemetery Division satisfactory proof thereof including if such grantee died testate, a certified or other authenticated copy of his or her will as allowed by court and otherwise a true statement giving the names of all his heirs-at-law. The Rural Cemetery and the Town of Southborough reserve the right not to permit any interment in the lawn crypt / grave until such proof is presented.

Representative of Lawn Crypt Grave

After the death of the grantee/license holder, the spouse having a right of interment therein shall be representative for that grave, or among the devisees or heir-at-law. The representative shall have the authority to act for all devisees or heirs-at-law on all matters respecting the grave/lawn crypt.

Removal of Casket Burial

Except upon final order of a court having jurisdiction, the removal of a previously interred human burial in a grave/lawn crypt is permitted only with the express written consent of the Town of Southborough and their designee.

Temporary Restraint of Use of a Lawn Crypt

If the pre-installed lawn crypt in the grave at time of interment has any problem or concern, including a casket size restriction, the Town of Southborough Rural Cemetery

may cause the interment therein to be either (1) temporarily held, and or placed in a receiving tomb pending the restoration of the problem or concern, and upon restoration of the grave/lawn crypt inter therein, in any case Rural Cemetery shall determine in view of the extent of the problem to the grave and lawn crypt the advisability of restoration, and correct as required.(2) In the event of a size restriction (oversized casket) the Cemetery and their designee will offer other options within the cemetery for permanent interment. In the event first above mentioned, all prior rights and obligations existing at the time of concern shall continue in full force and effect. If other grave options are chosen, all prior rights and obligation with respect to the concerned lawn crypt grave shall terminate.

Casket Requirement

No human remains shall be received for interment (burial) unless it is contained in a suitable casket. The size restriction for interment (burial) in the lawn crypt grave section is mentioned above under Capacity.

Full Payment

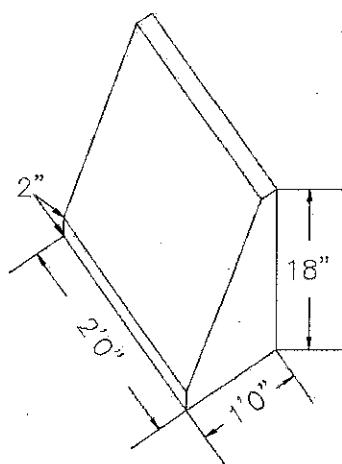
No interment shall be permitted in any grave or grave lawn crypt for which payment has not been received.

Memorialization/Inscription Work

All memorials and inscription must be of standard types and sizes approved by Rural Cemetery. Specification of size and type of memorials for each cemetery section including the lawn crypt section shall be in accordance with the Memorial & Rules for Memorial Work section of these Rules and Regulations. A fee for memorial foundation services will be paid for in advance before any monument is allowed.

Each lawn crypt is allowed one slant face marker, see Figure 1 for dimensions. The monument company that you choose for your monument must submit a detailed drawing of your monument to management for approval. See Memorial & Rules for Memorial Work on page 8 for more information regarding memorials.

Figure 1:



APPENDIX B

GARDEN COLUMBIARIUM

Town of Southborough **Rural Cemetery** **Rules and Regulations**

Garden Columbarium

These Rules and Regulations of the Town of Southborough Rural Cemetery are adopted and apply to the Garden Columbarium for the common protection of the purchasers of all Niches and the preservation of the memorialization of the Garden Columbarium. All purchasers of Niches and visitors shall be subject thereto and to such other rules and regulations, amendments or alterations as have been or shall be adopted by the Town / Rural Cemetery from time to time.

Reference to these Rules and Regulations in the deeds, grants, contract, or other instruments issued shall have the same force and effect as if they were set forth in full therein.

Columbarium

Shall mean a permanent structure, owned by the Town of Southborough Rural Cemetery, containing Niches or other suitable spaces for the permanent memorialization of the cremated human remains.

Niches

Shall mean a discrete chamber designed, constructed, and intended for use as a permanent repository, for the inurnment of cremated human remains, encased in an urn.

Inurnment

Shall mean the permanent placement of cremated remains in a niche, or space in a columbarium, owned by the Town of Southborough. The Grant or inurnment right in a niche gives only a right of inurnment of the cremated human remains, the ownership in fee to land and structure remaining in the Town of Southborough / Rural Cemetery.

Capacity

The capacity of each niche shall be stated on the Grant thereof and on the plan of the Garden Columbarium, which shall be kept on file at the Office of the Cemetery. The capacity may designate 2 cremated human remains inurned in a niche not exceeding 12 inches in width, 12 inches in height and 15 inches in depth, see Figure 2. Urns must be sized according to these dimensions and the niche capacity.

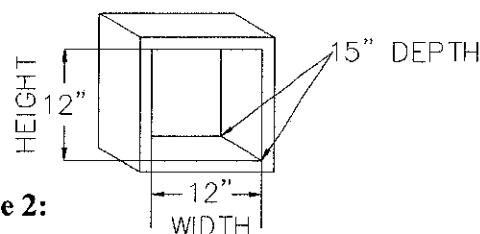


Figure 2:

Grantee

Is the Sole Purchaser of the licensed rights of a Niche, designated in, the Grant of Niche, by the Town and Rural Cemetery.

Conveyance and Devolution of Purchaser's Rights

The use of Niches are for license holders and their designee only and not for resale or profit. The Grantee of a Niche may convey it with the consent of his (or her) spouse to the Southborough Cemetery only, but only if no inurnment has been made therein; otherwise, it may not be conveyed. If a sole purchaser dies intestate, right of inurnment in the Niche shall vest in his (or her) heirs-at-law but his (or her) spouse shall have a right of inurnment therein which may be released. A sole Grantee may, however, devise a Niche by express disposition or other mention of it in his (or her) will, but subject to the right of his (or her) spouse to inurnment therein, and, if an inurnment has been made therein, devise may be made only to a member of his (or her) family or a member of the family of the person inurned. If a sole Purchaser fails to make such express disposition or other mention of the Niche, it will not pass under the residuary or other general clause of his (or her) will but will vest in his (or her) heirs-at-law irrespective of whether or not a member at his (or her) death. Devisees or heirs-at-law may convey their undivided interest to one another only, and are otherwise subject to the limitations on conveyance and testamentary disposition which apply to a sole Purchaser.

Succession

Upon the death of any Grantee of a Niche, whether a sole Purchaser or a successor, it shall be the duty of the person or persons succeeding to his (or her) rights to file with the Department of Public Works – Cemetery Division satisfactory proof thereof including if such Grantee died testate, a certified or other authenticated copy of his (or her) will as allowed by the Court and otherwise a true statement giving the names of all his (or her) heirs-at-law. The Rural Cemetery and the Town of Southborough reserves the right not to permit any inurnment in the niche until such proof is presented.

Representative of Niche

After the death of the Grantee of a niche, the Grantee's spouse having a right of inurnment therein shall be the Representative for that niche, or among the devisees or heirs-at-law. The Representative shall have authority to act for all devisees or heirs-at-law on all matters respecting the niche.

Removal of Inurned Cremations

Except upon final order of a court having jurisdiction, the removal of cremations previously inurned in a niche is permitted only with the express written consent of the Town of Southborough and their designee.

Destruction or Damage of Niche

If the niche be destroyed or damaged for any reason, the Town/Rural Cemetery may cause any cremations inurned therein to be either (1) promptly interred elsewhere in the Cemetery, or (2) temporarily placed in a receiving tomb pending restoration of the niche, and upon restoration re-inurned therein, in each case as Rural Cemetery shall determine in

view of the extent of the destruction or damage to the inurned remains, to the niche and the structure containing it, and the advisability of restoration. In the event first above mentioned, adequate inurnment rights shall be provided by the Southborough Cemetery in lieu of inurnment rights in the destroyed or damaged niche, and all rights with respect to the destroyed or damaged niche shall terminate; in the second event above mentioned, all prior rights and obligations existing at the time of damage shall continue in full force and effect.

Full Payment

No inurnment shall be permitted in any niche for which full payment has not been received.

Urn or Container Required

No cremated human remains shall be received for inurnment unless it is contained in an urn or other suitable durable container, sealed and leak-proof. Rural Cemetery and the Town shall not be responsible or liable for any defects in the urn or container. In case of said defect, the Grantee, his or her heirs, administrators, executors, or assigns shall assume and be liable for any resulting damages there from, including expenditures incurred to remedy the same.

Inscription Work

All inscriptions on niche panels must be of standard types and sizes approved by Rural Cemetery, see Figure 3 for dimensions. A charge, which shall be payable in advance, shall be made before any inscription work shall be started.

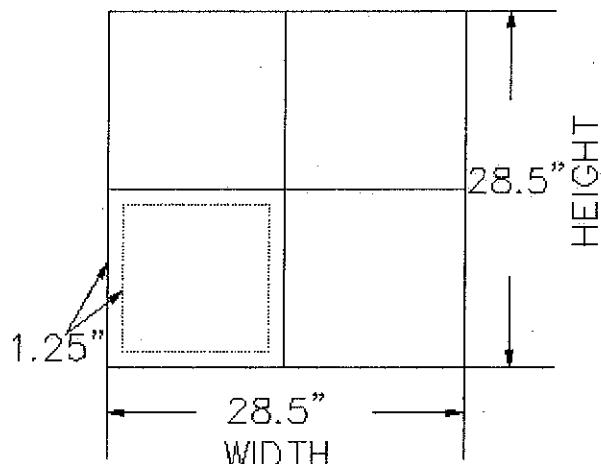
Niche Plaques

Mounted bronze plaques shall be used in the memorialization of cremation niches. Plaques shall maintain a minimum 1.25" border of the quarter panel, regardless of shape or continuous ownership, see Figure 3 for dimensions. All plaques must be bronze and be securely, but not permanently, attached by the plaque vendor under the direction and scheduling of management.

A detailed drawing of the plaque must be submitted to management for approval. See Memorial & Rules for Memorial Work on page 8 for more information regarding memorialization.

Repair and maintenance of the memorial plaque is the responsibility of the license holder. Any panels or plaques damaged by a vendor must be replaced by the vendor with panels and/or plaques of the same quality and color and must be approved by management.

Figure 3:



Removal of Panels

Niche front panels may not be removed or disturbed in any manner except by approval and by Rural Cemetery Staff.

No Alterations

No ornamentation, structural change, or addition shall be made on or about any niche, and the Town/Rural Cemetery reserves the right to remove any such ornamentation or correct any such alteration at the expense of the Purchaser without being deemed guilty of any manner of trespass.

APPENDIX C
SCHEDULE OF FEES

Town of Southborough

Department of Public Works Cemetery Division

Schedule of Fees Rural Cemetery

Effective February 1, 2012

	Effective February 1, 2012
Committal service fees	
Ground Burial	
Adult	\$ 600.00
Children to 10 years	\$ 480.00
Babies to 11 months	\$ 175.00
Cremation	\$ 225.00
Niche Inurnment	
Cremation	\$ 100.00
Additional Fee	
Premium Fee	\$250
Memorial Fees	
Memorial Foundation	
Cost per Square Foot	\$ 40.00
Grave Markers	
Each	\$45.00
Veteran's Markers	No Charge

APPENDIX D
SCHEDULE OF PRICES

Town of Southborough

Department of Public Works
Cemetery Division

Schedule of Prices
Rural Cemetery

Effective February 1, 2012

	Each	Perpetual Care	Total
Single Grave	\$ 600.00	\$ 250.00	\$ 850.00
Lawn Crypt	\$ 1,000.00	\$ 250.00	\$1,250.00
Cremation Niche	\$ 400.00	\$ 200.00	\$ 600.00

APPENDIX E

SAMPLE FORMS

INTERMENT AUTHORIZATION

**Town of Southborough
Rural Cemetery**
Southborough, MA 01772

**Rural Cemetery
11 Cordaville Road**
Tel. 508-485-1618
Fax 508-485-8052

**Southborough Public Works
147 Cordaville Road**
Tel. 508-485-1210
Fax 508-229-4444

Interment Authorization

The undersigned hereby request and authorizes the Town of Southborough and Rural Cemetery subject to its Rules and Regulations, to inter on this _____ day of _____ 20_____
at _____ the remains of _____
estimated arrival time of funeral in cemetery

late of _____ who was born on _____ and
Address
who died at _____ on the _____ day of _____ 20_____
in Grave No. _____ Section No. _____ Lot No. _____

I hereby certify that I am the _____ state relationship
of the above decedent, and that this your authority to make disposition of the remains of said decedent as
above indicated. I hereby certify and represent that I have the right to make this authorization and agree to
hold the Town of Southborough and its cemetery harmless from any liability on account of said
authorization and interment.

Signed _____ Address _____
License Holder or legal Representative
State relationship to original license holder _____

By signing below the undersigned attests that the License Holder or Legal Representative has reasonably proven himself or herself to have authority over the grave/lot listed above.

Funeral Director (signature) _____

A minimum of twenty-four hours notice is required before an interment, see the Interment Procedures and Instructions to License Holders sections in the cemetery Rules and Regulations booklet for specific scheduling requirements. Interment orders must be signed by the proprietor/ license holder or legal representative, and after the decease of the proprietor/license holder by all authorized person(s), in accordance with M.G.L. 114, Sections 28 and 29. No Interment will be made without a Board of Health Burial Permit, in accordance with M.G.L. Chapter 114, Section 45, and a signed interment order. The Town and its cemetery will not be responsible for orders and location of graves received by telephone. All license fees and perpetual care fees must be paid at or before interment service. Interment fees must be paid within 30 days of billing. No memorials will be allowed at a grave until all interment fees and foundation fees are paid.

*Town of Southborough
Rural Cemetery*

Application for Removal of Remains and / or Monument

We, the undersigned, (names and addresses) _____

Being the {Parents, Widow, Husband, and all the {only child, children, brothers, sisters, nieces, nephews, cousins, and only heirs-at-law & next -of- kin.

- Specific beneficiaries under will of:

(Name of Decedent) _____

who died in _____ on _____ testate-intestate record owner of

Grave No. _____ Section _____ Lot No. _____ in said Town of Southborough Cemetery, hereby apply for permission to remove:

Remains of (name of deceased) _____ for re-interment in _____

Monument on said burial grave/lot for the purpose of _____

It is agreed that the said Town and cemetery shall not be responsible for any defects in the outside container, vault or liner or injuries or damage arising there from.

Attached hereto is a certified copy of the will of the deceased record owner as allowed by the Court.

Witness my/ our hand and seal this _____ day of _____ 20____

Signatures of legal heirs

Witness to Signatures

Commonwealth of Massachusetts

Worcester, ss.

Personally appeared the above named _____ and acknowledged the foregoing to be his/her free act and deed before me, and proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document

Notary Seal

My commission Expires _____ Notary Public

I, _____ Funeral Director, hereby make application for removal of remains of within named _____ on behalf of the interested parties, and agree to comply with the conditions herein and the rules and regulations of said cemetery.

I, _____ Monument Contractor, hereby make application for removal of monument on within described burial grave on behalf of interested parties, and agree to comply with the conditions herein an the rules and regulations of said cemetery.

HELPFUL CHECK LIST OF INFORMATION TO BRING WHEN PURCHASING A LOT

Proof of Residency

Current Residents (bring at least one of the following):

- Current Drivers License
- Current Pay Stub with Current Address
- Voter Registration Card (issued by Clerk's Office)

Former Residents (provide the following):

- Name/Former Name
- Former Residential Address
- Approximate Dates of Residency
- Town Clerk's Certification of Former Residency*

(*other information not necessary if you provide this document)

License Holder And License Holder's Heirs Information

Spouse's Name, Maiden Name and Address (If Applicable)

Children's Names, Married Names and Addresses (If Applicable)

Other Relatives' Names, Married Names and Addresses Likely to Use Lot (If Applicable)
