

POCASSET HILL CEMETERY

HANDBOOK

CEMETERY COMMISSION
TOWN OF TIVERTON, R. I.

SEPTEMBER 2018

Approved by
Tiverton Town Council
September 10, 2018

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HOME RULE CHARTER

TOWN OF TIVERTON

ARTICLE X BOARDS AND COMMISSIONS

Section 1006 Cemetery Commission

The Cemetery Commission shall consist of five (5) members appointed by the Town Council for three (3) year terms staggered so that no more than two (2) terms expire in any one year. The Pocasset Cemetery Superintendent (contractor) shall be an advisory member of the Commission. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. In October the Cemetery Commission annually shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer. The Treasurer shall present all bills and invoices to the Commission for approval and shall inform the Commission of any changes in the status of funds and accrued interest. The fee schedule for grave plots shall be set by the Town Council upon recommendation of the Commission and revised when necessary. The Town Treasurer shall maintain control and custody of Commission funds which shall be expended by or under the direction of the Commission with the approval of the Town Council.

(Amendment Minutes of August 12, 2009)

(a) Duties and Responsibilities

The Cemetery Commission shall report on its activities to the Town Administrator. Responsibilities include management of the Pocasset Hill Cemetery and any other cemetery which is or shall be under the management and/or control of the Town of Tiverton [Note: Osborn Burial Lot]. The Town Council shall upon recommendation of the Town Administrator in consultation with the Cemetery Commission, retain a contractor [Superintendent] to perform the duties associated with the maintenance of the cemeteries and the digging of graves. The Cemetery Commission shall develop Rules and Regulations governing the use of cemetery properties for adoption by the Town Council. These Rules and Regulations shall be updated periodically as required.

CEMETERY COMMISSION BYLAWS

Officers' Duties

Chairperson. The Chairperson shall preside at all meetings of the Commission, supervise the affairs of the Commission, keep a full and accurate record of all sites within Pocasset Cemetery and, with the assistance of the Vice Chairperson, Secretary and Treasurer, prepare an annual report for the Town Administrator.

(Amendment Minutes of August 12, 2009)

The Commission Chair has been authorized by the Commission [1] to execute transfers of ownership and [2] to execute reacquisitions without consulting the Commission. Transfers and reacquisition shall be reported by the Chair to the Commission.*

Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson during the absence of the Chairperson, and shall assist the Chairperson in the supervision of the affairs of the Commission and preparation of the annual report.

(Amendment Minutes of August 12, 2009)

Secretary. The Secretary shall keep full and accurate records of the business transacted by the Commission at its meetings, keep a list of the officers and members of the Commission, conduct the correspondence of the Commission, preserve the Commission's records, and post agendas and minutes of all meetings according to State and Town law and requirements.

(Amendment Minutes of August 12, 2009)

Treasurer. The Treasurer shall keep a full and accurate record of all receipts and disbursements, present all bills approved by the Commission to the Town Treasurer for payment, serve as the Commission's sale representative, present to the Commission a monthly financial statement, prepare for the Town Treasurer and also to the Commission a proposed annual budget, and assist the Chairperson in the preparation of an annual report.

(Minutes of March 15, 1994) (Amendment-Minutes of July 19, 1994)

(Amendment Minutes of August 12, 2009)

Cemetery Superintendent (Bids)

All bids for appointment as Cemetery Superintendent must include Workman's Compensation insurance and liability insurance.

[Minutes of May 17, 1993]

CEMETERY COMMISSION POLICIES

Size of Graves and Lots

1. All single grave lots shall be 42” wide. (Amendment Minutes of August 12, 2009)
2. All graves in multiple-grave lots shall be 48” wide. Four-grave lots shall be 96” wide. Amendment minutes 12 July 2017
3. All lot size in cremation section (3 ft x 1 ft) Max urn size (5 ins x 5 ins x 10 ins ht) Flat maker size, max (2 ft x 1 ft), one per grave.

Purchases

Residence requirement. Lots are to be sold to Tiverton residents only. Exception may be made for someone who has lived in Town the greater part of his /her life but who currently lives elsewhere for reasons of health or finances.

[Minutes of June 12, 1985]

(Amendment Minutes of August 12, 2009)

Acknowledgement of rules. A lot purchaser must sign 2 copies of the cemetery rules, regulations and purchasing acknowledgement. A signed copy must be given to the Cemetery Commission and purchaser at the time of purchase.

(Amendment Minutes of 12 July 2017)

Ownership Changes

Return of lots. The Commission will comply with applications for a refund of the original purchase price and the return of lots to Town ownership providing that:

1. Return to Town ownership is possible, i.e., no graves are being used or division of the lot is unimpeded by either graves-in-use or monuments and
2. The application for refund must be notarized and accompanied by an original grant of burial right/s issued in the name of the applicant.

(Amendment minutes of 12 July 2017)

Transfer of Ownership. The Commission will comply with applications for a transfer of ownership of lots providing that the application is notarized and accompanied by an original grant of burial right/s issued in the name of the applicant.

(Amendment minutes of 12 July 2017)

Burial

Conduct. Unless they request otherwise, funeral directors shall [a] inform themselves in advance regarding the location of the grave to be used and [b] lead the procession to the grave. Cemetery personnel shall remain out of sight during interments unless requested otherwise.

[Minutes of Sept. 25, 1986-Amended Nov. 22, 1994]

Affidavit and permission for burial. Permission from a lot owner must be obtained before a burial can take place. The Commission requires an affidavit asserting that the lot owner is either the original owner of the grant of burial right/s or the legal heir thereto.

[Minutes of May 17, 1994]

Mechanical Maintenance and Materials Fee. A Mechanical Maintenance and Materials Fee of seventy-five (\$75) shall accompany each grave opening and (\$50) for cremation burials when used.

(Amendment Minutes of 12 July 2017)

Monuments

Repair of monuments. Unless caused by the Commission or its Superintendent, repair of broken, dislodged, or tilting markers is the responsibility of the monument owners. If desired, the Commission will assist such owners in making arrangements. However, if [a] the monument presents a problem and [b] its owners cannot be located, and then the Commission will arrange and pay for repairs. The Commission will arrange and pay for repairs in cases where the Commission or its Superintendent is at fault.

[Minutes of March 21, 1995-Replaces policy of June 21, 1994]

Veterans' markers in the general cemetery. Veterans' markers are to be placed at the foot of the grave except in single grave lots.

[Minutes of April 18, 1991]

Equipment.

Loaning cemetery equipment. Cemetery equipment [artificial turf, for example] will not be loaned.

[Minutes of September 25, 1989]

Vault storage. No vaults are to be stored at Pocasset Hill Cemetery.

[Minutes of September 25, 1986]

Veterans' Graves

1. The privilege of burial in the veterans' section is conferred upon

a. Those who have served honorably in the Armed Forces of the United States as evidenced by:

(1) death while on active duty or

(2) an honorable discharge or

(3) a general discharge under honorable conditions or

b. Those who served honorably in a reserve component of the Armed Forces and whose death was caused by illness or injury contracted or incurred while on active duty for training or inactive duty training and

c. Who were residents of the Town of Tiverton at the date of

(1) their enlistment or

(2) their entering a hospital or retirement home or

(3) their death.

2. A qualified veteran (see #1 above) may reserve a grave in the veterans' section only if all of the following conditions are met:

- a. The parent, child, sibling, or spouse of that person is already buried in the veterans' section must be a veteran and (Amendment Minutes of August 12, 2009)
- b. The adjacent grave is available and
- c. The person will accept that grave.

3. The "Armed Forces of the United States" is defined as including only the following named services:

- a. United States Army (and WAC)
- b. United States Navy (and WAVE)
- c. United States Air Force (and WAF)
- d. United States Marine Corps (and WMC)
- e. United States Coast Guard (and SPAR)

"Reserve components" is defined as the reserve elements of the above named services (including Reserve Officer trainees attending an authorized training camp or cruise), the Army National Guard, the Air National Guard, and American merchant seamen who were in active ocean service at any time between 12/7/41 and 8/15/45 and to whom the United States Coast Guard has issued a DD-214.

[Minutes of August 16, 1994]

4. No plantings are permitted in the veterans' section.

[Minutes of September 20, 1994]

Lot Purchase

Sale of Lots

**Monday-Saturday, 10:00 a.m. – 4:00 pm, by appointment only.
Minutes of 8 April, 2015**

Commission Treasurer

1. View / select lot with Buyer
2. Collects payment (check made out to Town of Tiverton)
3. Buyer signs two copies of “Rules, Regulations and Purchasing Acknowledgement”
4. Treasurer prepares Purchase Card
5. Treasurer prepares one File Card
6. Gives purchase and file card to Town Clerk
7. Deposits check and gives deposit slip to Town Treasurer

Town Treasurer

1. Accepts deposit slip, grant of burial right/s and Purchase Card
2. Posts sale transaction appropriately, and files Purchase Card
3. Affixes seal to grant of burial right/s
4. Forwards grant of burial right/s to Town Clerk (once check has cleared)

Town Clerk

1. Makes out grant of burial right/s
2. Files one grant of burial right/s
3. Mails second grant of burial right/s to Buyer

**POCASSET HILL CEMETERY
RIGHT OF BURIAL IN TOWN OWNED CEMETERY**

Town of Tiverton, R. I.

DATE:.....

This certifies that.....

of

having paid into the Treasury of said Town of Tiverton the sum of

.....*Dollars and into the*

Perpetual Care Fund the sum of.....*Dollars, the receipt of which is hereby acknowledged, is entitled to the sole and exclusive use, as a place for burial of the dead, of a Lot in Pocasset Hill Cemetery, owned by and situated in the Town of Tiverton, and numbered* **Section**..... **Number** (grave).....

in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton. Said use and occupancy of said Lot by the said

.....*heir heirs*

and devisees, to be subject to all rules and regulations which have been or may be made by authority of said Town in relation to said Cemetery.

In Witness Whereof *the Treasurer of said Town of Tiverton has hereunto set his hand and seal of said Town the day and year above written*

.....*Treasurer*

Countersigned by.....*Town Clerk*

POCASSET HILL CEMETERY
RULES, REGULATIONS AND PURCHASING ACKNOWLEDGEMENT
(Amendment Minutes of August 29, 2018)

Tiverton Town Code: Chapter 2, Article XI, Section 2:52
Adopted by the Tiverton Town Council, July 26, 1993

1. Glass, plastic or spiked vases and pots, fences, artificial flowers and wire blankets or anything that does not comply with the cemetery regulations are prohibited from March 1st to November 1st.
(Amendment Minutes of August 12, 2009)
2. From November 1st to March 1st, artificial flowers will be allowed on cemetery premises if fastened to the base of the monument.
(Amendment Minutes of August 12, 2009)
3. In those locations where plants and/or shrubs are allowed, they shall not exceed the height of the monument.
(Amendment Minutes of August 12, 2009)
4. Any flowers or personal mementos left at grave sites will be removed after five [5] days and held for seven days by the Superintendent prior to disposal.
(Amendment Minutes of August 12, 2009)
5. Only flat markers shall be allowed on single grave lots. No trees, shrubbery or edging shall be allowed on single grave lots. Only American flags will be allowed on graves and only one (1) planter no higher than twelve (12) inches or wider than the maker shall be allowed on single grave lot.
(Amendment Minutes of March 13, 2012)
6. Monuments cannot exceed the height of those in the area and placed in a row. Also, the monument base should not exceed (3 ft x 1 ft) in the 4 grave lots. The Commission shall have authority to reject any plan or design for any monument which, in the opinion of the Commission, on account of size, design, inscription, kind or quality of stone, is unsuited to the lot on which it is to be placed, or is not in conformity with these Rules and Regulations.
(Amendment Minutes of November 14, 2012)
7. No walking of pets, sledding, skiing, skateboarding, fast bicycling, roller-blading or picnicking is allowed on cemetery grounds.
(Amendment Minutes of August 12, 2009)
8. No flammable candles of any kind are permitted.
Cemetery Commission Policy, December 13, 1994)
(Amendment Minutes of August 12, 2009)
9. Only human remains can be buried according to state law.
(Amendment Minutes of August 12, 2009)
10. Cremation Section: Shrubs, fencing, or edging is prohibited and will be removed immediately. Only a (1ft x 1ft) planter is allowed for flowers.
(Amendment Minutes of August 12, 2009)
11. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Commission therefore reserves the right, at a public hearing with at least seven days prior newspaper notice, to make exceptions or modifications in any of these Rules and Regulations, and such exception or modification shall not be construed as affecting the general application of such rule. In any instance where a modification is granted for a larger size monument, the Owner shall be responsible for any damage to the monument due to movement by the supervisor.
(Amendment Minutes of November 14, 2012)

12. The Pocasset Hill Cemetery Commission (From here on known as P.H.C.C.) will have final say in any errors made in the everyday operation of the cemetery business. Such as but not limited to Deed (from here-on known as burial rights) errors, Monument size, Monument placing, Burial errors in Lot or Grave numbers. (Any current or existing Deeds will henceforth be called grant of burial rights.)

In the event of a Person Body or Cremains are accidentally buried in a wrong Grave / Plot the P.H.C.C. shall have the right to transfer ownerships of said Grave / Plot as the P.H.C.C. sees fit providing.

A) If a single Grave / Plot and said Grave / Plot is in the same section as the original Grave / Plot.

B) The said Grave / Plot is not adjacent to another Family Members Grave / Plot.

C) If it involves multiple Graves / Plots as long as no other person Body or Cremains has been buried in said Graves / Plots and said Graves / Plots are in the same section as original Graves / Plots and is not adjacent to other Family Members graves / plots the P.H.C.C shall have the right to transfer all grant burial right/s involved in said graves / plots as they see fit.

D) Family Members shall be defined as:

1) Husband, Wife, 2) Son, Daughter, 3) Mother, Father, 4) Brother, Sister, 5) Grandmother, Grandfather, 6) Grandson, Granddaughter

(Amendment Minutes of (July , 2017) (Amendment Minutes of August 29, 2018)

Purchasing Acknowledgement:

By purchasing burial rights in the Pocasset Hill Cemetery and affixing my signature hereto, I hereby acknowledge that my purchase of said burial rights is subject to all of the Tiverton Cemetery Commission Bylaws, Rules, Regulations, and Purchasing Acknowledgement both as currently enacted and as may be amended in the future. I hereby acknowledge that I received a copy of the same, reviewed the same, and that I, as my free act and deed, acknowledge that my purchase and use of these burial rights will be governed by and subject to said Bylaws, Rules, Regulations and Purchasing Acknowledgement as currently enacted and as amended at any future date.

Purchaser's Signature _____

Chairperson's Signature _____

Section _____ Lot _____

Burial Requirements

[Cemetery Commission Policy, May 17, 1994]

At the time of burial the Funeral Director will be required to furnish the Cemetery Superintendent with the following four [4] items:

1. A burial certificate.
2. A permission form signed by the grant of burial right/s purchaser or legal heir.
3. A check to the Cemetery Superintendent for the opening fee.
4. A check to the Town of Tiverton for a mechanical maintenance fee.

Transfer of Burial Rights

Commission Chair

1. Receives request for information regarding the transfer of burial rights in a Lot.
2. Responds to questioner by sending a Certification of Transfer form.
3. Receives **Certification of Transfer** form-- properly signed, notarized, and with original grant of burial rights attached and gives both certificate of transfer form and original grant of burial rights to Town Clerk.

Town Clerk

1. Copies the Certificate of Transfer.
2. Attaches copy of Certificate of Transfer to front of the file copy of original grant of burial rights and files under new name.
- 3 Revises File Card in card file in vault, and Purchase Card in Commission's file.
4. Assembles--in order (a) the Certification of Transfer, and (b) the original grant of burial rights. Gives assembly to Town Treasurer.
5. Mails Certificate of Transfer and original grant burial rights to transferee.

Town Treasurer

1. Changes records to reflect change in the holder of the burial rights.
2. Returns Certification of Transfer and original grant of burial rights to Commission.

POCASSET HILL CEMETERY

Town of Tiverton, R. I.

Certification of Transfer

This certifies that _____ (herein and hereafter also known as the (Grantor) transfers the burial rights in a Lot in Pocasset Hill Cemetery, owned by and situated in the Town of Tiverton, and numbered _____ No. _____ in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton to _____ whose address is _____

In Witness Whereof

GRANTOR has hereunto set his hand on the day and year above written.

.....Date..... /..... /.....
Grantor

.....Date..... /..... /.....
Notary Public

My commission expires

* GRANTOR must attach the original grant of burial rights to this Certification of Transfer.

Reacquisition of Lots

Commission Chair

1. Receives request for information regarding return of a Lot.
2. Ascertains possibility of return--see Policy File.
3. If-return is possible: responds to questioner by sending a Certification of Refund and Return form. If return is not possible: informs the questioner.

Commission Chair

1. Receives Certification of Refund and Return form--properly signed, notarized, and with original grant of burial rights attached.
2. Assembles--in order (a) the Certification of Refund and Return, and (b) the original grant of burial rights.
3. Gives assembly to Town Treasurer.

Town Treasurer

1. Changes records to reflect return of burial rights in the Lot to the Town.
2. Mails check to Grantor.
3. Returns the Certification of Refund and Return, and the original grant of burial rights to Commission Chair.

Commission Chair

1. Replaces old file copy of original grant of burial rights with the Certification of Refund and Return and the original grant of burial rights.
2. Removes File Card from card file in vault, and Purchase Card from Commission's file.

POCASSET HILL CEMETERY

Town of Tiverton, R. I.

**Certification of Refund
and Return**

This certifies that _____ herein and hereafter also known as the (Grantor) having received from the Cemetery Commission of the Town of Tiverton a refund in the amount of _____ Dollars, the receipt of which is hereby acknowledged, returns to the burial rights in the Town of Tiverton a Lot in Pocasset Hill Cemetery, owned by and situated in said Town, and numbered _____ No. _____ in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton.

In Witness Whereof the GRANTOR has hereunto set his hand

on the day and year above written.

.....Date..... /..... /.....
Grantor

.....Date..... /..... /.....
Notary Public

My commission expires.....

* GRANTOR must attach the original grant of burial rights to this Certification of Refund and Return.

PERMISSION FOR BURIAL

Superintendent

1. Accepts Affidavit and Permission form Funeral Director.
2. Re-supplies Funeral Director with forms if requested.
3. Gives Affidavit and Permission form to Commission Treasurer.

Commission Treasurer

1. Attaches Affidavit and Permission form to card in file.
2. Assures that the Superintendent is adequately supplied with forms.

POCASSET HILL CEMETERY
Tiverton, RI

AFFIDAVIT AND PERMISSION FOR BURIAL

Date _____

Name of original Lot Purchaser as appears on grant of burial rights

I/We _____

Husband

Wife

Son

Daughter

Heir by Legal Will

Grant permission of burial to _____

In Plat _____, Lot _____, Grave _____.

Witness: _____

Signature: _____

Notarized By _____

