

RULES AND REGULATIONS OF THE TOWN OF SOMERS CEMETERY COMMITTEE

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the Somers Cemetery Committee (hereafter, “the Committee”) as the rules and regulations of Somers cemeteries and all lot owners and visitors within the cemetery and all lots sold, shall be subject to said rules and regulations. And subject further, to such other rules and regulations, amendments, or alterations as shall be adopted by the Committee from time to time and the reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in full therein.

DEFINITIONS

- 1. Cemetery:** The term cemetery is hereby defined to include a burial park for earth interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one thereof.
- 2. Plot:**
 - a.** The term plot shall apply to a single space of sufficient size to accommodate one adult interment approximately three by ten feet.
 - b.** The term cremation plot shall be three feet by five feet.
- 3. Lot:** The term lot shall apply to numbered divisions as shown on the record lot which consists of two plots.
- 4. Interment:** The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and interment, entombment, or burial.
- 5. Memorial:** The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place.
- 6. Monument:** The term monument shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
- 7. Marker:** The term means a flat stone flush with the ground.
- 8. Lot Marker:** The term lot marker refers to any means used by the cemetery to locate corners of the lot or plot.
- 9. Burial Lot Certificate:** The term shall mean the right to burial of the deceased given by the Town of Somers to the original purchaser.
- 10. Management:** The term management shall mean the Committee and other persons duly appointed, by the Committee for the purpose of conducting and administering the cemetery.
- 11. Cemetery Office:** The term Cemetery Office shall mean the Treasurer’s Office at the Town Hall.

12. Plot Owner: Purchaser of a plot or burial lot Certificate

GENERAL RULES

Rule 1. The cemetery will be open from sunrise to sunset.

Rule 2. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

Rule 3. Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing, or injuring any memorials, fence or other structure within the cemetery grounds.

Rule 4. Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going the same direction. Motor cars must not be left with engine running and the emergency brakes must be set when the driver is not in his seat. Mufflers must not be opened nor the horn sounded within the cemetery.

Rule 5. The following things are prohibited:

- (a) The driving of motor cars or other vehicles through the gates or in the cemetery at excessive speeds.
- (b) Driving any motor car, vehicle or animal across or upon any grave, lot or lawn or parking or leaving the same thereon.
- (c) Making a complete or partial reverse turn of any motor car or vehicle on any road or driveway within the cemetery.

Rule 6. No bicycles, motorcycles or horses will be admitted to the cemetery except as such as may be in attendance at funerals or on business.

Rule 7. Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

Rule 8. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or any part of the grounds or in the building, is prohibited.

Rule 9. It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place, including:

- (a) Loud or boisterous talking.
- (b) Loitering on the grounds or in any of the buildings.
- (c) Bringing lunches or refreshments into the cemetery or consuming them on the grounds.

- (d) Peddling or soliciting the sale of any commodity within the cemetery
- (e) Placing the signs or notices or advertisements of any kind within the cemetery.
- (f) Bringing dogs or horses into the cemetery, or any of its buildings.
- (g) Bringing firearms into the cemetery except by a Military escort accompanying a veteran's funeral or attending a memorial service.

Rule 10. It is the duty of the Management to see that the rules and regulations are complied with and its duty to see that order is maintained and to protect and promote the best interests of the cemetery. To that end they are authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these rules and regulations.

Rule 11. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Committee therefore, reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, without notice, when in the judgment of the management such action appears necessary; and such temporary exception, suspensions or modification shall in no way be construed as affecting the general application of such Rules and Regulations

Rule 12. The Committee hereby expressly reserves the rights to adopt additional Rules and Regulations or to amend, alter or appeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations, at any time. Sufficient notice will be given by the cemetery of any rule change that will create expense, hardship or inconvenience to lot owners or other individuals having business with the Cemetery.

Rule 13. On January 10, 2007 the Somers Cemetery Committee amended its rules to prohibit grave stone rubbings in any of the Somers Cemeteries.

Rule 14. The Somers Cemetery Committee policy is no 'buy-back' of cemetery plots. The owners may sell them privately, and register as such with the Town Clerk when there is a deed.

LOTS AND LOT OWNERS

Rule 1. Persons desiring to purchase lots should visit the Town Treasurer's Office where they will be assisted.

Rule 2. Before any burial is made in a plot or lot, complete payment for the plot must be made to the Cemetery. No flat grave markers or upright monuments shall be executed until the plot or lot is paid for in full.

Rule 3. No lot shall be used for any other purpose than for the burial of the human dead.

Rule 4. 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 or buildings, as long as the Management designates it to that purpose.

Rule 5. The rights to enlarge, reduce, re-plot or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or

remove or re-grade roads, drives, or walks or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary incidental or convenient thereto. The Committee reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

Rule 6. Description of lots will be in accordance with the Cemetery lots which are kept on file in the Town Treasurer’s Office on maps and otherwise.

Rule 7. The Committee will take all reasonable precautions to protect owners, and those with property rights, within the cemetery from loss or damage; but the cemetery disclaims all responsibility from loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Rule 8. It is the duty and responsibility of the plot owner to notify the Management of any change in his mailing address.

Rule 9. The Burial Lot Certificate of Ownership, these Rules and Regulations, and any amendments thereto constitute the sole agreement between the Committee and the plot owner. The statement of any employee or agent, unless confirmed in writing by the Committee shall in no way bind the Committee.

Rule 10. Lots sold are designed to allow up-right monuments or flat markers only. No up-right monument shall be allowed on a gravesite designed for a flat marker.

Rule 11. The up-right monument size shall be determined by the lot size as follows:

	<u>BASE WIDTH</u>	<u>MONUMENT HEIGHT</u>
TWO (2) GRAVE LOT	Not to exceed 4 feet	Not to exceed 3 feet
THREE (3) GRAVE LOT	Not to exceed 5 feet	Not to exceed 4 feet
FOUR (4) GRAVE LOT	Not to exceed 7 feet	Not to exceed 4 feet
FIVE (5) GRAVE LOT	Not to exceed 8 feet	Not to exceed 4 feet 6 inches
SIX (6) GRAVE LOT	Not to exceed 10 feet	Not to exceed 5 feet
SEVEN (7) GRAVE LOT	Not to exceed 12 feet	Not to exceed 5 feet 6 inches
TWENTY (20) ESTATE LOT	Not to exceed 14 feet	Not to exceed 10 feet

All upright monument sketches and outlines shall be submitted to the Management for approval prior to installation.

CARE OF LOTS

Rule 1. The general care of the Cemetery is assumed by the Management and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the management.

Rule 2. The general care assumed by the cemetery shall in no case mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the Cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Rule 3. The Committee has the following responsibility: To manage and control the investments, securities, and other properties held and received by the Committee now and from time to time; to change such investment securities and other properties and in such event to invest and reinvest the proceeds thereof in securities investments and other property authorized for the investment of trust funds by the laws of the State of Connecticut.

CORRECTION OF ERRORS

The Committee reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as, may be selected by the management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Committee reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

DESCENT OF TITLES

Rule 1. The laws of the State of Connecticut govern the descent of title to those cemetery lots , as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability.

INTERMENTS

Rule 1. The Cemetery will be open for interment daily with the exception of the following holidays: News Years Day, Good Friday, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

a) Normal business hours on days that burials are allowed are as follows: Monday thru Friday: until 4 PM; Saturday until 1 PM.

b) There will be no burials allowed on Sundays or holidays without the approval of the Cemetery Committee.

Rule 2. Where immediate burial is required by the laws of the State of Connecticut or under the rules and regulations of the Board of Health, interments may be made on Sundays and holidays but an additional fee will be added to the regular interment charge and entrance to the cemetery will be allowed only to the hearse and vehicles in the funeral procession.

Rule 3. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

Rule 4. Funeral directors, upon arrival at the Cemetery, must present the necessary burial permit.

Rule 5. Lot owners shall not allow interments in their lots in return for remuneration of any kind.

Rule 6. No interment of two or more bodies (double depth burial) shall be made in one plot.

(a) In addition, a maximum of one body and the cremation remains of one person may be interred in one plot.

(b) A maximum of two cremations are allowed in one three by ten foot plot. A maximum of one cremation is allowed in each three by five foot cremation lot, for a total of two (2) cremations in one three by ten foot plot.

Rule 7. When an interment is to be made in a lot, the location of such interment shall be designated by Somers Cemetery Sexton.

Rule 8. The Committee and its employees are the only persons who will be permitted to open graves with the following exceptions:

(a) When the Committee is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Management.

(b) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Committee his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.

Rule 9. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wood boxes, it is required that all burials must be made in **Vaults** made of natural stone or of metal, or of reinforced concrete. All such containers must be so made and installed as to meet specifications established by the Committee.

Rule 10. All charges for interment or services in connection therewith, shall be paid to Management or its designee who will issue a receipt therefore upon request.

Rule 11. Arrangements for the payment of any and all indebtedness due to the Cemetery must be made before interment will be made.

Rule 12. The right is reserved by the Management to insist upon at least twenty-four hours notice prior to any interment and at least one week's notice prior to any disinterment or removal.

Rule 13. All interments, disinterment, and removals must be made at the time, and in the manner, and upon the charges fixed by the Committee.

Rule 14. Besides being subject to these Rules and Regulations all interments, disinterment, and removals are made subject to the orders and laws of the properly constituted public authorities.

Rule 15. The Committee will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in the plot, where interment is desired.

Rule 16. The Committee will not be liable for the interment permit nor for the identity of the person sought to be interred.

Rule 17. All remains must be placed in a permanent container before burial is allowed in any of the Somers Cemeteries.

PLANTS AND SHRUBS

Rule 1. The Committee will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual planting/planters.

Rule 2. Private plantings of suitable size and type will be permitted in planters that are placed abutting the front of Monument. The planters will not exceed a maximum of 12" wide by 24" long by 15" high. The planters should be sufficiently durable to withstand ground maintenance equipment without serious deformation or disintegration. Lot owners are expected to maintain their plantings/planters with complete cleanup no later than November 1st.

Rule 3. There shall be no glass containers used on the premises for the holding of floral bouquets.

Rule 4. The Management shall not be responsible for any kinds of plantings damaged by the elements, vandals, thieves, or by other causes beyond its control. The Management shall have further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, herbage, or ornamentation of any kind from the Cemetery as soon as in the judgment of the Management, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.

Rule 5. The Committee shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached.

Rule 6. The Committee reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind.

FLAGS

Rule 1. U.S. flags and Armed Services flags are to be no longer than 12" by 15". Flags must be placed on the grave in a suitable holder, located against the front of the gravestone.

ETERNAL LIGHTS

Rule 1. Eternal light standards, no wider than 5" in diameter and 18" in height, are permitted and should be placed in the ground in front of the gravestone.

EFFECTIVE DATE: APRIL 22, 2003

Regulations revised, approved and in effect as of January 1, 2006.

Regulations revised, approved and in effect as of January 9, 2008.

Regulations & addendum revised, approved and in effect as of August 4, 2010

SOMERS CEMETERY COMMITTEE ADDENDUM TO REGULATIONS

Re: Center Cemetery, Section Two, Estate Plots

Approved 8-4-2010

- A. Somers Cemetery Committee has paid for survey and pinning of section two.
- B. All Cemetery regulations will apply to Section Two Estate Plots, unless specifically noted or changed.
- C. The layout of plots, type of monuments & footing allowed, (min. and max. size); can be amended as needed by the Somers Cemetery Committee.
- D. Actual size of each plot varies slightly because of curve in road.
- E. Monument base & upright memorial stone: one per estate plot; Monument not to exceed 14 feet wide, 10 feet high. Monument must be approved at a Somers Cemetery Meeting.
- F. Flush stones allowed for individual graves; size of flush stone same as regulations for section one.
- G. Each of the nine Estate Plots must be sold as a 20 plot unit at the same as prevailing price for section one.
- H. Numbering of Estate Plots will start with **2001 to 2009**
- I. No ornamentation, trees or plantings of any kind allowed, unless approved by the cemetery committee.
- J. Burial Lot Certificates will be issued for all lots sold after July 14, 2010. No copies will be given without proper identification. Each copy will be clearly marked as a '**copy**'.
- K. Somers Town Hall Treasurer's Office is the only agent to sell burial and Estate Plots.
- L. It is the policy of Somers Cemetery Committee not to "buy back" any burial plots.

