



The Gardens is a special place
to honor and remember
the people you love.

Guiding Principles

Rules and Regulations

670 Baker Street, Boston, MA 02132

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The
GARDENS
C E M E T E R Y

The Gardens at Gethsemane, also known as The Gardens Cemetery, was established in 1871 and Incorporated in 1956 as a non-profit corporation which exists under Chapter 114 of the General Laws of the Commonwealth of Massachusetts. The Corporation owns and, through its Board of Directors, operates the Cemetery on a non-profit basis in conformity with its charter and by-laws and the laws of the Commonwealth. The Cemetery is located at 670 Baker Street in Boston, MA 02132. For the mutual protection of resting place owners and the Cemetery, these Rules and Regulations have been adopted by The Gardens at Gethsemane and supersede all prior Rules and Regulations. All resting place owners and all visitors to the Cemetery are subject to these Rules and Regulations, as amended or adopted from time to time by Management of the Cemetery.

Introduction and General Supervision of Cemetery

It is Management's duty to the Directors to ensure that these Rules and Regulations are followed, and to ensure that order is maintained in the Cemetery. Management has the necessary authority from the Directors to enforce all Rules and Regulations. Management also has charge of the grounds and buildings including the conduct of funerals, memorial services, traffic, employees, resting place owners, visitors and contractors at all times.

Management reserves the right to: regulate the conduct of all persons coming onto the Cemetery grounds, including independent contractors; refuse admission to anyone without a resting place; or refuse the use of any of the Cemetery facilities at any time to any person or entity violating the Rules and Regulations.

All funerals, upon entering the Cemetery, will be under the charge of Management. When a casket containing human remains or urn containing cremains is brought onto the Cemetery grounds, no funeral director, employee, agent or representative of any funeral director, and no member or representative of a family member of the deceased is permitted to open the casket or to touch the remains/cremains without the consent of the legal custodian and Management or a court order.

Management will make reasonable efforts to protect against loss or damage to owners of resting places within the Cemetery. However, Management expressly disclaims all liability or responsibility for any loss or damage to persons or property from causes beyond its control, including but not limited to loss or damage from riots, fire, explosions, strikes, theft, vandalism, wars, or the unlawful acts of third parties, and so called acts of God, including, but not limited to, lightning, flooding, rain and wind. Headstones are the property of resting place owners and as such, Management will make reasonable efforts to protect them against damage resulting from Cemetery activities, but ultimately headstone care is the responsibility of resting place owners. The use of chemicals for cleaning headstones is not permitted. Inquiries about headstone cleaning by Cemetery staff can be addressed at the Cemetery Office and Family Center.

Special cases may arise in which the literal enforcement of a Rule or Regulation may impose unnecessary hardship. Management may make exceptions to these Rules and Regulations, without notice, in its discretion and

judgment. Any exception should in no way be construed as limiting the general application of these Rules and Regulations. The Cemetery may, at any time, adopt new Rules and Regulations, or amend any of these Rules and Regulations.

Compassionate Care

Visitors will notice the difference in compassionate care with their first visit to The Gardens Cemetery. All visitors are welcomed into the Cemetery Office and Family Care Center where they are treated as honored guests. Coffee, water, pastries and clean restrooms are available. The Gardens Cemetery serves visitors by providing a tranquil resting place for their loved ones and offers support during a difficult time. Families say that the hospitality at The Gardens Cemetery is unparalleled.

General Rules

The Cemetery grounds are accessible from dawn until dusk. The Cemetery Office and Family Care Center and is open from 8:00 a.m. until 4:30 p.m. Monday through Friday, and Saturday, Sunday and after normal business hours by appointment. The lower level restroom is open from dawn until dusk. This schedule is subject to change without notice if required by Management.

Automobiles or other vehicles must be operated or parked exclusively on paved road surfaces and as directed by Management while within the Cemetery grounds. The speed limit is 15 miles per hour on all roads.

All persons within the Cemetery grounds must conduct themselves in an orderly, quiet and reverent manner. Any person who violates this Rule may be subject to removal from the Cemetery grounds.

Visitors to the Cemetery should not walk on or across resting places or lawns unless it is necessary to gain access to a particular resting place. The Cemetery is not responsible for any injuries or damages sustained by any person who has violated this Rule.

Picking flowers, injuring any tree, shrub or planting, and defacing or injuring any memorial, fence or structure within the Cemetery grounds will subject the offender to removal from the Cemetery and/or prosecution.

The placing of chairs, toys, shells, boxes, metal designs, ornaments, vases or other objects upon resting places should be approved by Management. Questions concerning the approval of such items may be addressed in person, by phone or via email.

Solicitation is not permitted in the Cemetery. Temporary name plates with funeral company names and memorial company tabs affixed to memorials are considered solicitation.

Children under the age of 16 are not permitted within the Cemetery grounds or in any Cemetery building unless accompanied by an adult.

Pets are permitted within the Cemetery grounds as long as they are leashed, obeying all applicable laws, and are visiting a resting place.

No recreational activities are permitted within the Cemetery grounds without prior permission from Management.

No photography or video is permitted within the Cemetery grounds. Music is permitted as part of memorial ceremony or gathering with permission from Management.

Memorial ceremonies planned to take place within the Cemetery grounds require approval from Management. Food and drink, including alcoholic and non-alcoholic beverages, require additional approval from Management. Consumption of alcohol is the responsibility of the consumer. The Cemetery accepts no liability for any incidents or accidents that may occur as a result of persons who are under the influence of alcohol or drugs while on or after leaving the Cemetery grounds.

The possession of illegal drugs or weapons of any kind is forbidden within the Cemetery grounds, with the exception of ceremonial weaponry to be used by military guards of honor during military services. Smoking is permitted within the Cemetery grounds. However, smokers must be respectful of other visitors to the Cemetery and properly dispose of smoking materials.

Receptacles are supplied for discarding florals and other Cemetery items. Household trash is not to be disposed of in these receptacles.

Resting Place Rights

A resting place is an area within the Cemetery grounds consisting of one or more interment spaces established by the Cemetery for the disposition of the human body or cremated remains.

Persons desiring to acquire the rights to a resting place are asked to visit the Cemetery Office and Family Center where Management will provide information about the Cemetery, its services and available resting places.

The Agreement or any other document of issuance constitutes evidence of the rights of the owner to use a resting place. Any such Agreement or other document does not grant any right to any land or road within the

Cemetery grounds.

Descriptions of resting places are in accordance with the Cemetery plot plans, which are on file in the Cemetery office. No resting place may be used for any purpose other than for the interment of human or cremated remains

It is the duty of the resting place owner to notify Management of any changes in contact information, including mailing address and email. Parties considering the transfer, sale or subdivision of a resting place should make an appointment with Management.

Interment/Disinterment

Interment is the lawful disposition of the remains of a deceased person through the placement of remains in the ground.

Interments are permitted with 24-hour notice to Management. The owner of the resting place or their legal representative must sign all requests for interments in person. Before any interment is made, arrangements for complete payment for the ceremony, interment and resting place must be made with Management. Funeral directors, upon arrival at the Cemetery for an interment, must present the necessary permit from the local health office.

The Cemetery requires that an authorized representative visit the Cemetery when interment services are being planned so that resting places can be verified, records updated, and appropriate services offered. The Cemetery will not be responsible for errors in requests communicated by phone, in writing or electronically (rather than in person).

If a resting place owner or their legal representative

has not made a designation for a location within the resting place, Management will designate the location of the interment in the resting place without liability. Management and employees of the Cemetery are the only persons authorized to open and close resting places.

The Cemetery is not responsible for the interment permit or the identity of the person's remains sought to be interred. Management will rely upon the licensed funeral director in these matters.

The Cemetery offers Green farewell ceremonies. Interested parties should make an appointment to speak with Management. All other interments must be made in rigid containers made of durable materials.

Management will permit disinterment of remains from the Cemetery grounds upon receipt of written authorization from the resting place owner, legal representative or a court order. Sufficient notice to Management is requested before disinterment of remains will be permitted.

The Cemetery will exercise due care in making a disinterment, but assumes no liability for damage to the remains, casket, outer container, or urn in making a disinterment. Any additional costs associated with a disinterment, such as the need for a new casket, outer container or urn are the responsibility of the owner.

All interments and disinterments must be made at the time and in the manner and at charges fixed by Management, and only in accordance with Massachusetts state laws.

Independent Contractors and Third Parties

Contractors, sub-contractors, or other persons employed in placing or erecting flowers, monuments and other structures, or delivering materials, operate as

independent contractors under the general supervision of Management and must adhere to the Rules and Regulations.

No work may be performed at the Cemetery by an independent contractor without first obtaining permission from Management.

No material, machinery or other equipment for construction may be brought onto the Cemetery grounds until the time, date and location of work has been coordinated with Management.

All work by independent contractors is done at their risk. Management may require that independent contractors furnish policies of Bodily Injury Liability Insurance and Property Damage Liability Insurance in amounts satisfactory to Management. When such insurance is required, work will not commence until the independent contractor furnished satisfactory proof of insurance.

Management reserves the right to stop any and all work when an independent contractor fails to adhere to the Rules and Regulations or for any other reason whenever, in the discretion and judgment of Management, it is not in the best interests of the Cemetery to permit such work to continue. All work will cease while a ceremony, interment or memorial service is in progress near the work area.

Care of Resting Places

Part of the mission of the Cemetery is to provide exceptional service and maintain each individual resting place with immaculate care.

The regular care of the Cemetery grounds is provided by Management and includes cutting grass at reasonable

intervals, raking and cleaning grounds, and pruning shrubs and trees that have been placed or planted at the direction of Management.

The Cemetery does not maintain, repair, reconstruct or replace any monument, memorial, tomb or mausoleum placed or erected on resting places. These items are the responsibility of the resting place owner.

Plants and Shrubs

The Cemetery maintains all plantings, trees and shrubs, and preserves and maintains the landscape.

Annuals and perennials are only permitted at upright memorials. Flush memorials may have planted window boxes and pots placed directly upon them. Visitors should not plant shrubs or rosebushes, and should not place floral arrangements on grass areas.

Management is not responsible for any plantings damaged by the elements or by other causes beyond its control. Management may remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in its discretion and judgment, they become unsightly or dangerous.

The Cemetery is not liable for floral pieces, baskets or pots, beyond accepting the floral piece to be appropriately placed during a ceremony, interment or memorial service. The Cemetery reserves the right to prevent the removal of any flowers, floral designs, tree, shrubs, plants or herbage of any kind once placed on a resting place.

Correction of Errors

The Cemetery reserves the right to correct any errors which may occur when conducting ceremonies, interments, disinterments, and installing foundations.

The Cemetery may also correct errors occurring in the description, transfer or conveyance of any resting place. This may be done by canceling such right and substituting and conveying a resting place in a similar location of equal value, or by refunding the amount paid for the resting place purchase. Any correction of errors may be done at the sole discretion of Management. In the event an error involves the interment of the remains of any person in an incorrect area, the Cemetery reserves the right to remove and transfer those remains to another area of equal value and similar location as may be substituted, and the right in the substituted area will then be conveyed by the Cemetery to the appropriate resting place owner.

Descent of Titles

Chapter 114 of the General Laws of the Commonwealth of Massachusetts governs the descent of title to cemetery resting places as well as other matters pertaining to assignments, conveyances, devises, trust agreements and inalienability. Management will assist any resting place owner who desires information or advice on questions pertaining to their resting place. Upon presentation to Management of a resting place owner's proof of death and an affidavit stating the name of the person or persons entitled to use that resting place, the Cemetery has complete authority to permit the use of the unoccupied portions of that resting place by the person represented in the affidavit to be entitled to use of the resting place.