

# TOWN CEMETERY TOWN OF DUBLIN, NH

## RULES AND REGULATIONS



December 2013 edition

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TOWN CEMETERY  
TOWN OF DUBLIN, NH  
December 2013

RULES AND REGULATIONS

The Town Cemetery in Dublin, NH was established in 1751 and is the only public cemetery available for town residents. It contains the graves of most, if not all, of those citizens who played an important role in Dublin's development, as well as veterans of all of this nation's wars, including the American Revolution.

The objective of the Town is to maintain this cemetery's historical heritage, simplicity, and dignity. Consequently, restrictions are in place which do not allow certain types of memorial stones, benches, ornamentation, landscaping etc. which may be perceived as appropriate by individuals but which may not be in keeping with the overall objective and/or whose inclusion could impact the symmetry and beauty of the final resting place of our citizens. Memorial stones with strong religious or artistic themes, unusual proportions, size and/or color will generally not be permitted. Final design acceptance rests with the Cemetery Trustees.

All prospective or current cemetery plot owners are urged to read and comprehend the regulations to ensure that no misunderstandings develop subsequent to the purchase of plots or related expenditures.

Dublin Cemetery is located on the shore of Dublin Lake on the northerly side of Route 101 and abuts Old Common Road to the north and south. The site of Dublin's first Meeting House, Hearse House, Town Pound, and early ice house sites are located on cemetery grounds.

Maps showing the locations of all roadways and burial places in the Town Cemetery are on file with the superintendent and may be seen on request at the Town Archives Center.

Schedules of prices giving current charges for interment, disinterment, lots, etc., are available from the superintendent.

Cemetery rules are for the protection of all plot owners, to prevent the use of inappropriate memorials or plot landscaping which might otherwise impair the dignity, beauty, and visual symmetry of the cemetery.

State law empowers the Cemetery Trustees with the responsibility to adapt and/or modify these regulations.

The Cemetery Superintendent has the responsibility to enforce these regulations, and bring any matters requiring an exception to these regulations to the Trustees.

For the mutual protection and benefit of lot owners, the following Rules and Regulations have been adopted as the Rules and Regulations of the Dublin Town Cemetery. All owners and visitors within the cemetery and all lots sold shall be subject to said Rules and Regulations, and subject further, to such Rules and Regulations amendments or alterations as shall be adopted from time to time by the Cemetery Trustees. 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.

### **DEFINITION OF TERMS**

- The term “Trustees” shall mean those elected officials who, under State statute RSA 289:7 have the authority to operate and administer the public cemeteries with the Town of Dublin, NH, and whose duties include, but are not limited to:
  - The adoption of the by-laws and regulations for the establishment and management of all municipal cemeteries.
  - Preparation of annual budgets for funding necessary to support and maintain all municipal cemeteries including capital improvements, expansions, and establishment of new cemeteries within the municipality.
  - Expenditures of all monies raised and appropriated by the municipality for cemetery purposes, including income from all trust funds created for cemetery purposes.
  - Appointment of a cemetery superintendent, custodian, or sexton (who is not a Trustee) and who shall be responsible to the Trustees for supervising work done in the cemeteries.
  - Appointment of other Cemetery employees

The term “Superintendent” shall mean the person duly appointed by the Trustees for the administration of the Town Cemetery(s) and whose duties include, but are not limited to:

- Strict enforcement of these rules and regulations.
- Dealing with the public, funeral directors, and outside contractors for all cemetery functions such as plot purchase, interments, and approved work within cemetery grounds.
- Attendance, either personally or via an assigned representative, at all interments.
- Maintenance of all cemetery records, maps, etc.
- Maintenance of cemetery grounds, buildings, and equipment.

- The term “headstone” or “grave marker” shall mean an above ground stone or non-ferrous metal structure which identifies those individuals interred in a designated burial space or plot. Structures named as memorials, tablets, monuments, etc. fall within the category of headstones or grave markers.
- The term “footstone” shall mean a secondary above ground structure located at the foot of an individual grave, and which was common to 18<sup>th</sup> and 19<sup>th</sup> century graves but is currently not permitted in present interments.
- The term “footing” shall mean the below-grade structure, usually constructed of concrete, which is designed to support a headstone or grave marker and minimize or prevent its shifting due to frost action.
- The term “base” shall mean an above-grade structure which may be used as part of a headstone or grave marker and which rests directly upon a footing.
- The term “flush marker” shall mean a stone or non-ferrous structure which is placed so that the entire upper surface is even with the adjacent surface of the ground and which marks and otherwise identifies those individuals interred in a single grave or two adjoining graves. Typically, flush markers are utilized to designate individual interments contained within any given burial lot.
- The term “interment” shall mean the permanent disposition of the remains of a deceased person by cremation, entombment, or burial.
- The term “lot” and “plot” shall be used interchangeably and shall apply to those areas of specific dimensions which were sold or acquired within the cemetery to contain the grave or graves of the remains of deceased persons.
- The term “corner marker” shall mean structures of granite or non-ferrous metal, no more than 6” square, which are placed by cemetery personnel to mark the corner boundaries of grave plots, and which contain the first letter of the last name of the plot owner, cut into the top face.
- The term “perpetual care” shall mean that the municipality has assumed responsibility for the mowing, trimming, and leaf removal of the cemetery grounds and plots contained therein, as well as care of the trees, shrubs, etc. within cemetery grounds. Repair of above ground headstones, grave markers, etc. is not included within the scope of perpetual care but may be authorized by the Trustees in cases where responsible plot owners cannot be located and their appearance is detrimental to the appearance of the cemetery.
- The term “full burial lot” shall mean a plot capable of accommodating one casket together with its required vault. Present regulations limit the sale of full burial lots to those capable of accommodating two caskets.

- The term “standard cremation lot” shall mean a plot less than 17 sq. ft. in size, subject to special regulations prohibiting headstones.
- The term “family cremation lot” shall mean a plot of less than 44 square feet in size subject to special regulations which limit headstone design and size.

## **GENERAL SUPERVISION**

### **Article 1:**

The Superintendent is hereby empowered and required to enforce all Rules and Regulations, and to exclude from the property of the Town Cemetery any person violating the same, and the Superintendent shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons within the cemetery, including the conduct of funerals, traffic and employees.

### **Article 2:**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations, when, in its judgment, the same appears advisable; and such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application or such rule. Such exceptions must be approved by a majority vote of the Trustees and referenced in written minutes of the Trustees' meeting.

### **Article 3:**

Emergency conditions may necessarily cause a labor or material shortage so that certain rules cannot be strictly enforced. To meet these conditions, the rules, where necessary, may be temporarily modified or suspended. Any such suspension shall not be constructed as a waiver nor affect the strict enforcement of the rules upon the conclusion of the emergency.

### **Article 4:**

The Trustees may, and they hereby expressly reserve the right, at any time, or times, to adopt new rules and regulations, or to amend alter or repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations. All rules formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer effective.

## **VEHICULAR & PEDESTRIAN TRAFFIC**

### **Article 5:**

Automobiles shall not be driven through the grounds at a greater speed than five miles per hour. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at a funeral.

### **Article 6:**

No motorized or animal driven conveyance shall be driven across or upon any grave, lot or lawn, nor parked or left thereon. It is prohibited to park or leave any conveyance on any road or driveway within the cemetery at such location or in such a position as to prevent any other car or vehicle from passing the same, and if so parked or left, such motor car or vehicle will be removed and the cost of removal borne by owner.

### **Article 7:**

No bicycles or motorcycles, shall be admitted to the cemetery except such as may be in attendance at funerals or on business. No snowmobiles or other motorized vehicles shall be permitted on cemetery grounds after the facility is closed for the winter. No all-terrain vehicles are permitted on cemetery grounds at any time.

### **Article 8:**

Any damage caused to cemetery property including, but not limited to grave markers, grounds, posts, trees or shrubs shall be the financial responsibility of the owner of the vehicle or conveyance, and identification of the cost to remedy any damage shall be promptly conveyed by the Superintendent to the responsible party.

### **Article 9:**

All persons visiting the cemetery or working therein beyond the boundaries of established Roadways and walkways shall do so at their own risk, and the Town shall assume no responsibility for any injury incurred by any party within the cemetery bounds.

## **PERSONAL CONDUCT ON CEMETERY GROUNDS**

### **Article 10:**

All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, defacing or otherwise damaging monuments or structures, or disturbing the birds or animal life. Metal detector use is prohibited. No stones shall be removed or relocated from the stone walls within the cemetery grounds.

Article 11:

No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services, nor shall any person generate any loud or offensive noise or behavior within the confines of the cemetery.

Article 12:

No waste material shall be left within the cemetery.

Article 13:

Dogs shall not be allowed on the cemetery grounds unless leashed and quieted. Owner shall be responsible for removal of any animal waste or destruction of grass, plants or shrubs caused by the animals.

Article 14:

Discharge of firearms shall not be permitted within the cemetery except at military funerals, Memorial Day celebrations, actions by public service employees in the performance of their duties, or on special written permit from the Trustees.

Article 15:

No signs or notices of any kind shall be allowed in the cemetery unless placed by the Cemetery Trustees or Superintendent.

## **INTERMENTS AND DISINTERMENTS**

Article 16:

Besides being subject to these Rules and Regulations, all interments and removals are made subject to the orders and laws of the properly constituted authorities of the Town, County, and State courts.

Article 17:

Notice of interment by the funeral director should be given to the Cemetery Superintendent at least 48 hours in advance. The notice itself does not constitute a final time or date of interment; the time and date shall be approved by the Superintendent, and factors such as other scheduled interments, equipment and personnel availability, etc. may be such that the requested schedule be altered. This 48 hour notification will be waived in those instances where religious practices dictate prompt interment, but it shall be the responsibility of the funeral director to coordinate scheduling with the Superintendent.

Article 18:

Interments shall take place between sunrise and sunset except when otherwise directed by the Town Health Officer or his/her duly appointed agent.

Article 19:

Funeral directors, upon arrival at the cemetery, must present the necessary burial permits to the Superintendent.

Article 20:

Once a casket containing a body is within the confines of the cemetery, no funeral director, or his embalmer, assistant, employee or any agent, shall be permitted to open the casket or to touch the body without consent of the legal representative of the deceased or court order.

Article 21:

All interments, disinterments, and removals must be made at the time and manner as set by the Superintendent. The Superintendent or his duly appointed representative must be present for all interments, disinterments, or removals.

Article 22:

Special rates, as established by the Trustees, will be charged for all interments, disinterments, and removals performed after normal working hours, on weekends, or holidays.

Article 23:

The Superintendent reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose, except on written application by the plot owners of record or their legally-appointed heirs.

Article 24:

When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Superintendent shall inform the Funeral Director and he, upon consulting with the family, shall work with the Superintendent to resolve the issue with the family. The expansion of regulations regarding vaults, difficulty in grave openings, etc. may prevent the use of an existing plot for an intended interment. In such cases, it may be necessary for a substitute plot to be selected, the cost of which shall be borne by the Town. In the event special equipment is needed to prepare a plot for interment, the cost of said equipment shall be borne by the estate of the deceased.



Article 25:

Detailed written instructions are desired by the Superintendent for all relevant aspects concerning interments, disinterments or removals from the Funeral Director, and the Town shall not be responsible for any instruction given verbally or by telephone or for any error or omission resulting from such action. Any family requests, etc. must be forwarded to the Superintendent by the Funeral Director.

Article 26:

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

Article 27:

The Town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Rules and regulations have not been complied with. The Town shall be under no duty to recognize any protests of interment unless they be in writing and submitted to the Superintendent and the Trustees.

Article 28:

The Town shall not be liable for the interment permit nor for the identity of the person sought to be interred. At the discretion of the Superintendent, interment of two (2) bodies may be made in one grave provided the first interment is made at extra depth and in case of parent and child or two infants buried in one casket or three separate infants buried at a distance of one foot apart or an infant in a grave with an adult, provided there is adequate space.

Article 29:

No interment of any body, or the cremated remains of any body, other than of a human being, shall be permitted in the cemetery.

Article 30:

Artificial grass, lowering devices and other equipment shall be provided by the Funeral Director.

Article 31:

Full burial remains must be enclosed in a concrete, stone, or other permanent vault which fully surrounds the burial casket. A lined, sealed burial vault is required for all full burial interments within 100' of designated wetlands. Cremation remains must be interred with an approved container of permanent material or enclosed in an approved cremation vault.

Article 32:

Removal, by the heirs, of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the express or implied consent of the original plot owner is forbidden.

Article 33:

If for any good reason, removal is required, the Town shall assume no liability for damages to any casket, burial case, urn or memorial incurred in making the removal. Further, the costs for any removal and the subsequent restoration of the site shall be born by the plot owner or his/her lawful representative.

## **OVERDUE INDEBTEDNESS**

Article 34:

Payment of all charges for cemetery services is the responsibility of the Funeral Director, and must be paid in full to the Town within 60 days of any interment, disinterment, or removal.

Article 35:

Failure to pay in full all related charges may result in the Town's refusal to allow any delinquent Funeral Director to perform any other service within the cemetery until the indebtedness has been cleared.

## **PURCHASE OF PLOTS**

Article 36:

It is recommended that on-site selection of an interment space be made in all cases by the prospective buyer, as it is difficult to convey by plan or verbal description the atmosphere of any particular location or the memorial restrictions relating thereto.

Article 37:

Deeds are issued for lots once said lot has been paid for in full. Description of lots and their location shall be kept on file at the Town Archives Center..

Article 38:

Purchase of plots: Due to space limitations, the purchase of cemetery plots is restricted so that the Town can accommodate the needs of its residents. A distinction is made between the purchase of “full burial” plots and “cremation plots” as follows:

a) Full Burial Plots

- 1) Limited to current legal residents of Dublin, NH over the age of 21 years who have resided in town for more than five (5) years.
- 2) Limited to no more than one (1) two burial plot for any family unit (husband and wife) or single person and companion.
- 3) No contiguous plots for any individual family.
- 4) No new plot purchase allowed for owner (and spouses) who currently own a plot within the cemetery, unless the existing plot is repurchased by the Town from the owners with the consent of the Trustees, or the present lot will not accommodate the number of burials for which it was intended.

b) Cremation Only Plots

- 1) a) Limited to current legal residents of Dublin, NH, over 21 years of age.  
b) Persons who have legally resided in town for a period of five (5) consecutive years or more.  
c) Persons with a long established association with the Town of Dublin.
- 2) Limited to no more than one (1) cremation plot for any family unit (husband and wife) or single person. (Note: refer to “Definition of Terms” section for types and sizes of cremation lots available).
- 3) No contiguous plots for any individual family.
- 4) No new plot purchase allowed for owners (or spouses) who currently own any plot within the cemetery, unless the existing plot is repurchased by the Town from the owner with the consent of the Trustees, or the present lot will not accommodate the number of burials for which it was intended when purchased.

In any cases where the residency qualifications and/or association with Dublin, NH is unclear, plot purchase eligibility will rest with the Cemetery Trustees and is considered final. If documentation regarding residency is either insufficient or missing, the burden of proof shall rest with prospective plot purchaser.

Under very limited circumstances, such as when a resident relocates to a nearby town for medical or age related assistance, the Trustees may permit the plot purchase provided such circumstances are clearly documented.

The intent of this Article 38 is to allow the Town to provide for the interment location for the purchasers of a plot and his/her spouse or lifetime companion, and not to allow plot purchase for the interment of non-resident associates, friends, etc. who have other options in other localities in which they reside. The Trustees have the right to reject interment of any person not meeting the above qualifications if, in their judgement, such interment would limit or prohibit the later interment of currently living residents or their spouses. In cases where a person with less than five (5) years residency in town passes away, full burial plot purchase shall be permitted.

## **PROPERTY RIGHTS OF PLOT OWNERS**

### **Article 39:**

On the decease of the proprietor of a lot, when the lot is not specifically mentioned in his will, an affidavit must be filed at the office of the Superintendent signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of names of all heirs and a majority must also designate one of their number as the representative, who shall be authorized to sign orders for interments in the lot and to give all other needful directions regarding the lot. If no such affidavit shall be filed, the Superintendent may designate one of the heirs at law so to act until such time as the before mentioned affidavit shall have been filed.

### **Article 40:**

If no interment has been made in a plot which has been transferred by deed or certificate of ownership to an individual owner by the Town, or if all the bodies have been lawfully removed therefrom, in the absence of the specific disposition thereof by the owner's last will and testament, the whole of said plot except the one grave, niche or crypt which must be reserved to the surviving husband or wife of the owner, shall, upon death of said owner, descent in regular line of succession to the heirs of law of the owner.

## **SALES, ASSIGNMENTS, OR TRANSFERS**

### **Article 41:**

The Town may permit the owner of a cemetery plot which contains no remains to relinquish ownership of said plot to the Town and will be reimbursed at an amount established by the Trustees. No sale, assignment, or transfer of any plot by a plot owner to any individual or entity other than the Town is permitted.

### **Article 42:**

The subdivision of plots is not permitted, and no one shall be interred in any plot not having an interest therein, except by written consent of the owner and approved by the Trustees. A relative of any owners of record may be buried in said plot, provided such authorization is provided in writing by the plot owner.

### **Article 43:**

The statement of any employee, or agent, unless confirmed in writing by the cemetery Superintendent, shall in no way be binding.

## **PROTECTION FROM LOSS OR DAMAGE**

### **Article 44:**

The Town shall take reasonable precautions to protect the plot owners, within the cemetery, from loss or damage; but it distinctly disclaims all responsibility for 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, and order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

## **ADDRESS CHANGES OF PLOT OWNERS**

### **Article 45:**

It shall be the duty of the plot owner to notify the Superintendent of any change in his post office or legal address. Notice sent to the plot owner at the last address on file in office of the cemetery shall be considered sufficient and proper legal notification.

## **MODIFICATIONS OR IMPROVEMENTS TO PLOTS**

### **Article 46:**

The certificate of ownership and these Rules and Regulations and any amendments hereto shall be the sole agreement between the town and the plot owner. The statement of any employee or agent, unless confirmed in writing by the Trustees, shall in no way be binding.

### **Article 47:**

All openings and closings of interment sites within any plot shall be done by the Town. The placement of grave markers and their required foundations shall be done by qualified, insured contractors under Town supervision. The placement of flush markers, corner markers, and cremation markers shall be done by the Town.

### **Article 48:**

All improvements or alterations of individual property in the cemetery shall be under the direction and subject to the consent, satisfaction and approval of the Superintendent and should they be made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner, or, in any event, at any time, in his judgement they become unsightly to the eye.

### **Article 49:**

If any trees or shrubs, situated on any lot shall, by means of their size, shape, roots, or branches, become detrimental to the adjacent lots, or unsightly or inconvenient to the proper and timely maintenance of any lot, the Town shall have the right to enter the said lot and remove said trees or shrubs or such parts thereof as they shall determine to be detrimental, unsightly or inconvenient, without the consent of the plot owner.

## **DECORATION OF PLOTS**

### **Article 50:**

No flower receptacles may be placed on any plot unless they meet the approval of the Superintendent. The Town shall have the authority to remove all floral design, flowers, trees, shrubs, plants or herbage of any kind, from the cemetery, as soon as in the judgement of the Superintendent they become unsightly, dangerous, detrimental, or diseased. The Town shall not be liable for floral pieces, baskets, or frames in which, or to which such floral pieces are attached beyond the acceptance of such floral pieces for funeral service held in the cemetery. They shall not be liable for lost, misplaced or broken flower vases. The Town shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control. The Town shall exercise reasonable care in mowing and

trimming, but shall not be held liable for any damage incurred during maintenance. The Town reserves the right to prevent the removal of trees, shrubs, or plants, or herbage of any kind unless the Superintendent gives his written consent.

Article 51:

For cut flowers, the use of a sunken vase of heavy metal with removable inner contains is recommended. The submerged vase keeps the water cooler and thus helps to prolong the freshness of the flowers.

Article 52:

Plastic flowers are prohibited and shall be immediately removed if present by the Superintendent.

Article 53:

The use of glass or china jars or vases, tin cans, or other non-approved containers is prohibited and shall be immediately removed by the Superintendent and discarded.

Article 54:

The use of permanent flower containers is discouraged, but one tub or urn of stone or non-ferrous material may be permitted by the Superintendent provided it visually blends with the surrounding area and is not obstructive. Flower beds in front of head stones are permitted, but may not be enclosed or bounded by fences, stones, brick, etc. No wires or other means of support are permitted as they may pose a hazard to mowing or trimming. No loose pea stone, washed stone, etc. is permitted on any plot.

Article 55:

The placing of boxes, shells, toys, metal designs ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles, upon plots shall not be permitted, and if so placed shall be immediately removed. Flags or pennants, except those approved by the Superintendent to honor deceased veterans or affiliated service personnel, are not permitted.

Article 56:

All fittings, adornments, urns, inscriptions and arrangements or crypts or niches shall be, and are hereby declared to be subject to the approval and control of, and acceptance or rejection by the Town.

Article 57:

As a special mark of respect to those who have so served our country, the American flag shall be displayed only on the grave of those persons who have honorably served in the armed

forces of the United States of America. These flags will be removed without notice when they become soiled, faded, torn or otherwise unsightly.

## **CHANGES IN GRADE AND REPLANTING**

### **Article 58:**

The right to enlarge, reduce, replant or change the boundaries or grading of the cemetery or of a section, or sections, from time to time, including the right to modify or change the location of or remove or re-grade roads, drives, or walks, or any part thereof, is hereby expressly reserved for the Town. The right to lay, maintain, and operate or alter or change pipe lines or gutters for sprinkling system, drainage, etc., is also expressly reserved for the Town as well as is the right to use cemetery property, not sold to individual plot owners, for legitimate cemetery purposes including the enclosed storage of cemetery maintenance equipment. The Town reserves to itself, and to those lawfully entitled, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots or to and from areas held in common within the cemetery.

### **Article 59:**

No easement or right of interment is granted to any plot owner in any 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.

## **CARE OF PLOTS**

### **Article 60:**

The term "perpetual care" shall include the cutting of grass upon the lot at reasonable intervals, and the seasonal cleaning of the lot.

### **Article 61:**

Perpetual care shall in no case be construed as meaning the maintenance, repair or replacement of any memorial tomb or mausoleum placed or erected upon lots; nor the planting of flowers or ornamental plants; nor watering or sprinkling the lots; nor the doing of any special or unusual work in the cemetery, including work caused by impoverishment of the soil nor does it mean the reconstruction of any marble, granite, bronze, or concrete 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.



Article 62:

The money received for perpetual care shall be held in trust and invested as provided by law.

Article 63:

The perpetual care monies, whether applied to lots, graves, mausoleums, or to anything within the confines of the cemetery, shall be limited absolutely to the income part of the principal being expended, anything herein stated to the contrary notwithstanding.

Article 64:

It is understood and agreed between the purchaser and the Town that all of said funds may be deposited with other of like character and intent to the end that the income from such accumulated general fund shall be used in the general improvement and perpetual care as above defined; but in no case shall their deposit be construed as a contract to care for any individual property or space other than as above defined, except special care agreements duly executed and on file at the Town Archives Center.

Article 65:

The income from the perpetual care fund shall be expended by the Trustees in such manner as will, in their judgement, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the State applicable to the expenditure of such funds. The Trustees are hereby given the full power and authority to determine upon what property, for what purpose and in what manner the income from said fund shall be expended, and it shall expend said income in such a manner as in their sole judgement, they may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery grounds for any purpose necessary to the execution of their duties.

Article 66:

The amount of said perpetual care funds to be assigned to the perpetual care trust funds shall be 50% of the net revenue obtained from plot purchase (after deduction for corner marker or other costs) with the balance being applied to general town revenue.

Article 67:

The record books of the cemetery and the annual reports issued by the Town shall show the amount of perpetual care fund that has been required of the individual and set aside for that purpose.

Article 68:

All plots within the cemetery shall be mowed and maintained in such a manner as to contribute to the general appearance of the grounds. When no provision, or insufficient provision, has

been made for perpetual care, the Town provides “annual care”.

## **MONUMENT AND MARKERS**

### **Article 69:**

The cemetery shall utilize corner markers to identify boundaries of individual cemetery plots as well as permanent markers placed to facilitate survey dimensions of cemetery sections. Corner markers shall be placed flush with adjacent ground surfaces.

### **Article 70:**

Only one central or family memorial shall be allowed on a lot and that shall be set on the space designated by the Superintendent at least three inches within the lot line. On a limited basis, the Trustees may approve more than one memorial if the design, color, and size is deemed appropriate for the setting and will integrate with surrounding memorials. This exception is limited to those areas within the cemetery where individual memorials are common.

### **Article 71:**

Bases and monuments shall be of the same material.

### **Article 72:**

Monuments shall have a foundation of width and length at least equal to the dimensions of the monument and must be a minimum of two (2) feet deep.

### **Article 73:**

No lot owner shall erect or place, or cause to be erected or placed, on any lot in the cemetery, any memorial not approved beforehand by the Trustees. Memorial colors are limited to gray, black, white or brown and must blend within the cemetery area in which they are erected. Color-etched surfaces are not permitted. The profile and design of any new memorial must blend with the existing memorials which will surround it.

### **Article 74:**

Corner markers require no foundations. They shall not exceed six (6), inches wide by six (6) inches long and shall be set at the extreme corners of the lot and square with the bounds of the lot. They shall be set flush and level with grade. Initials shall be incised, (cut in), not raised.

Article 75:

Individual grave markers (flush markers) shall be set so that the top will be at grade level. They shall conform to dimensions approved by the Superintendent, and be of granite or non-ferrous materials.

Article 76:

No coping, curbing, fencing, hedging, grave mounts, borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel or wood shall be allowed on any lot.

Article 77:

It is required that a sketch drawn to scale, showing design, color and complete inscription in detail, with all dimensions, be submitted in duplicate and that approval in writing be secured from the Cemetery Trustees before the foundation for the memorial is installed. It is essential that the approval of the material, style, and size of the memorial be secured before commencing work upon the memorial.

Cemetery Trustees shall have the authority to reject any plan or design for any memorial which, on account of size, design, inscription, quality of stone, or other reason is unsuited to the lot on which it is to be placed or is not in conformity with the Rules and Regulations.

If the plan for the memorial is rejected, such rejection shall be made within fifteen (15) days and the reasons for the rejection provided.. If a rejection is appealed by the applicant, the Trustees shall schedule a review meeting within 30 days and their determination following the review shall be considered final.

Article 78:

The Superintendent reserves the right to stop all work of any nature, whenever, in the opinion of the Superintendent proper preparations have not been made; or when tools and machinery are insufficient or defective; or when work is being executed in such a manner as to threaten life or property; or when the monument dealer has been guilty of misrepresentation; or when any reasonable request on the part of the Superintendent is disregarded; or when work is not being executed according to specifications; or when any person employed on the work violates any rules of the Cemetery.

Article 79:

The completed work is subject to the approval of the Superintendent, and if unsatisfactory, it may be removed by the Superintendent after approval by the Trustees.

Article 80:

The name or inscription on each monument, vault or marker must correspond with the name and record in the office of the Superintendent, and no changes shall be made thereon except upon request of the proper parties and by permission of the Trustees.

Article 81:

All monuments must be of quality workmanship, and the Town reserves the right to reject any monument showing drill or tool marks, staining, uneven lettering, etc.

Article 82:

Persons engaged in erecting monuments, or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways or from leaving materials on the ground longer than is absolutely necessary. They must make every effort to not damage the grass, trees, and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition.

Article 83:

Damage to lots, walks, drives, trees, shrubs or other property, by dealers and contractors, or their agents, shall be repaired by the Town and the cost of such repair shall be charged to the dealer or contractor or to his principal.

Article 84:

While a funeral or interment is being conducted nearby, all work of any description shall cease. It shall be the responsibility of the Superintendent to notify any outside contractors or others working within Cemetery grounds in the vicinity of a funeral.

Article 85:

Memorial dealers and other contractors shall abide by all rules of the cemetery.

Article 86:

Letter cutters, persons or firms who engage in the business of cleaning monuments (not connected with established retail dealers already on the approved list of dealers), and all other persons or firms, must procure a permit from the Superintendent before any work in the Cemetery is commenced. In order to secure the permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged, as well as proof of workman's compensation (if applicable) and general liability insurance.

#### Article 87:

The size and design of a memorial shall be governed by the size of the lot and its relationship to surrounding memorials within the cemetery section where it is to be located. Our objective is to avoid any single memorial from dominating the general area in which it is to be located or deviating from the overall appearance of the cemetery section within which it is located. Consequently, any and all proposed memorials are subject to review and approval by the Trustees prior to fabrication and installation.

Maximum memorial sizes, within certain areas of the cemetery, are as follows and shall be measured from ground level and from the widest dimension of the memorial, including the base:

Standard cremation lot (approx. 4'X4')-no upright monuments permitted. (In-ground stones allowed in any quantity provided the total impervious surface does not exceed 50% of the lot size. Maximum individual in-ground stones shall not exceed 12"X24".

Family Cremation lots (approx. 7'X6')-maximum size 32"(W) X 12" (D) X 24" (H), either straight upright or slant top. In-ground stones allowed in any quantity provided the total impervious surface, including the headstone, does not exceed 50% of the lot size. Maximum individual in-ground stones shall not exceed 12" X 24".

Single interment lot (approx. 4' X 12")-No upright monuments permitted. In-ground stones allowed in any quantity provided the total impervious surface does not exceed 50% of the lot size. Maximum individual in-ground stones shall not exceed 16" X 28".

Double interment lot (approx. 8' X 12')-maximum size 42" (W) X 14" (D) X 40" (H). In-ground stones allowed in any quantity, provided the total impervious surface, including the headstone, does not exceed 50% of the lot size. Maximum in-ground stones shall not exceed 16" X 28".

Note: Monuments in the section designated as the "Earliest burial area" are subject to special restrictions per Article 95.

#### Article 88:

All monuments and markers will be constructed of good quality granite or native stone, free from defects which may cause staining or cracking. In the event any installed monument or marker becomes damaged or visually unappealing or settles due to faulty material or workmanship within five years from date of placement in the cemetery, the Trustees reserve the right to require its removal or repair without cost to the town.

The utilization of natural boulders or rocks as a monument or marker is discouraged, but may be permitted by the Trustees if the quality, appearance, and location will not detract from the visual aesthetics of the cemetery section in which it is proposed to be located.

The use of cement, artificial stone, composition stone, wood, tin, iron or steel, etc. shall not be permitted for any memorial.

Article 89:

The use of bronze may be approved for tablets when attached to monuments and/or flush markers provided the bronze has been cast from an alloy containing not less than 85% copper nor more than 5% lead, and supplied from an approved dealer. Fasteners, if applicable, must be of the same material. No other metals may be so used unless they are non-corrosive, of proven permanence, and will blend with the visual aesthetics of the cemetery. In all cases, Trustee approval is required prior to placement.

**OTHER**

Article 90:

Grave rubbings are not permitted unless authorized in writing by the Superintendent.

Article 91:

The utilization of cemetery grounds for commercial purposes (such as a setting for movies, etc.) is not allowed without Trustee approval, but may be allowed under controlled circumstances where the dignity of the setting will not be compromised.

Article 92:

The cemetery will be closed for interments from December 1<sup>st</sup> to May 1<sup>st</sup> of each year due to either winter or ground conditions. Each of the above dates may be modified by the Trustees if conditions warrant such change, and interments can be accommodated without damage to cemetery grounds. In the absence of a timely Trustee's meeting the Chair may modify either of the above dates after consultation with the Superintendent. A date modified by the Chair should be noted in the minutes of the next Trustee meeting.

Article 93:

If any decision is rendered by the Trustees which is deemed unreasonable, the applicant may appeal in writing to the Board of Trustees. The Trustees will re-review their determination within 30 days following receipt of any appeal and advise the applicant accordingly. This response will be considered final, unless appealed to and modified by the State of NH Superior Court.

Article 94:

For all cemetery lots, the total square footage of flush markers and monuments shall not exceed 50% of the total square footage of the lot.

Article 95:

The section of the Cemetery designated as the “earliest burial area” and shown on the Cemetery Plot Plan of December 22, 2004 is subject to additional restrictions in order to preserve the visual historical integrity of the area.

No new lot sales, exchanges, or transfers are permitted within this area.

For any lots within this area which do not have monuments, monument design, size, color, and inscription will be limited to blend with the predominate markers currently located there. For example, monument thickness will be limited to a maximum of 4” and approved material will be of gray or black granite or slate. Written approval by the Cemetery Trustees must be obtained prior to erection of any monument in this area. The above referenced plan dated December 22, 2004 and drawing no. B-1024 dated December 14, 2009 are incorporated into and made a part of these regulations.