

# **CEMETERY REGULATIONS**

## **TOWN OF TUFTONBORO, NEW HAMPSHIRE**

Adopted Nov. 1, 2016

# CEMETERY REGULATIONS

## TOWN OF TUFTONBORO, NEW HAMPSHIRE

These Regulations are promulgated in accordance with New Hampshire RSA 289  
Cemeteries/Burials.

### I. PURPOSE and INTENT

These Regulations are hereby established for the mutual protection of Lot Owners, Right of Burial Owners and the cemetery as a whole. All Owners and persons visiting and contracted to work within the cemeteries are expected to abide by these Regulations which are intended to assist in maintaining our cemeteries in a peaceful, dignified, safe and attractive area as well as a reverent symbol of respect for the dead and a valuable link to the heritage of the community.

### II. AUTHORITY

These Regulations are established by the Cemetery Trustees of Tuftonboro in accordance with New Hampshire RSA 289:2 and may from time to time be amended for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Tuftonboro, and shall also apply to all sites declared abandoned by the Board of Selectmen under RSA 289:19-21.

### III. DEFINITIONS

**Cemetery Staff:** Employee or subcontractor of the Town of Tuftonboro under the direction of the Cemetery Trustees.

**Certificate of Right to Burial:** Certificate issued by the Cemetery Trustees and the Board of Selectmen transferring a limited right to inter remains in a specific lot to a purchaser for a fee.

**Corner Marker:** A device used to mark the corners of a burial plot – typically stone or concrete 4” x 4” with or without initials of the plot owner.

**Cremains:** The ashes and residue from a cremation.

**Full Burial:** A burial in a casket, placed in a concrete vault.

**General Care:** Funds placed on deposit with the Tuftonboro Trustees of the Trust Funds, the income from which can be spent for reasonable and practical care including raking, mowing and seeding of the entire cemetery including all lots, unsold areas of the cemetery, and such areas as lawns, roads and trees which have been established by the Town.

**Green Burial:** A burial with no casket and no embalming.

**Interment:** The permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

**Interment Property:** Grave, plot, cremation space, lot or right to burial.

**Lot:** A numbered division of space or land within a cemetery.

**Lot Owner:** Person who holds a valid deed or a Right to Burial for a lot or lots in a cemetery.

**Objectionable:** Objectionable includes, but is not limited to, language referring to alcohol or drug use, or language/behavior/objects, including flags, markers, monuments, etc., determined to be disrespectful, obscene, profane, pornographic, frightening, disgraceful or degrading.

**Perpetual Care:** Funds placed on deposit with the Tuftonboro Trustees of the Trust Funds, the income from which can be spent for reasonable and practical care including raking, mowing and seeding of the specified lot(s) and may include maintenance or repair of a monument depending upon the availability of funds.

**Right to Burial:** Exclusive right to a plot for burial purposes allowed by these Regulations.

**Sexton:** The person who supervises the operation and maintenance of town cemeteries working under the direction of the Trustees.

**Trustee:** Cemetery Trustee of the Town of Tuftonboro.

#### **IV. GENERAL RULES**

1. In these Regulations whenever Cemetery Trustees are referred to, it also includes their designee, the Cemetery Sexton.
2. The cemeteries will be open to the public from dawn to dusk. Alternate arrangements must be made with the Trustees. The cemetery is closed to vehicles from approximately Dec. 1 to mid-April, depending on weather and ground conditions. Walking in the cemetery, while closed, is at the person's own risk.
3. Horses, dogs, recreational bicycles, motor driven dirt bikes and off-road vehicles are prohibited in cemeteries. No vehicles except maintenance or other commercial vehicles involved in grave site preparation or restoration shall be driven on any part of the cemeteries except upon avenues or roadways.
4. Persons within cemeteries are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring and memorial, fence, gate or other structure within the grounds of any cemetery.
5. All hunting within cemeteries is prohibited.
6. Any person intoxicated, disorderly or disturbing the quiet and good order shall be asked to leave the cemetery. If said person does not leave, the Tuftonboro Police shall be summoned.
7. Firearms shall not be discharged in cemeteries except for salutes at military funerals and ceremonial salutes for holidays.
8. Funeral Directors and/or vault and monument workers shall be under the jurisdiction of the Trustees when operating in the cemetery.
9. No individual Trustee may make a decision on his/her own regarding variances to these adopted Cemetery Rules and Regulations.

10. Work done in cemeteries by owners, their aides or employees, shall be subject to the supervision of the Trustees. All rubbish and waste resulting from this work will be removed by the owners, their aides or employees.

11. Vehicles are prohibited within the boundaries of cemeteries except for approved cemetery business or visiting graves. Where allowed the following rules apply:

A. Maximum speed limit is 5 miles per hour.

B. No vehicle, except maintenance or other commercial vehicles involved in gravesite preparation or restoration shall be driven or parked on any part of the cemeteries except upon roads.

C. No person or persons shall park, or permit to be parked, a motor vehicle owned or controlled by them in the cemetery after sundown. Parking or leaving any car or vehicle is prohibited and a violation of this rules will be cause for the removal of such vehicle by the Trustees at the owner's expense.

12. Loss or Damage done to the lots, walks, drives, or other property by Lot owners, funeral directors, next of kin or designated agent, dealers, contactors or their agents shall be repaired by same.

13. Gravestone rubbing is prohibited.

14. No animals shall be buried in the cemetery.

15. The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to cemeteries except where trash receptacles are provided.

16. No signs, advertisements of any nature, peddling or soliciting the sale of any commodity shall be permitted within a cemetery.

17. The use of cemetery grounds for commercial purposes (such as settings for movies, plays, etc.) is not allowed without the approval of the Trustees and only under controlled circumstances where the dignity of the setting will not be compromised.

18. All in-ground planting of any kind, including shrubs, plants, trees or flowers is prohibited on individual lots and will be removed. Plantings which occurred prior to adoption of these Regulations and which have become unsightly or spread beyond the limits of the lot(s) on which they were originally planted will be removed by the Trustees and the cost of such removal and repair of the ground surface may be charged to the owner of the lot(s).

19. Any flowers or artifacts that interfere with cemetery maintenance are not permitted except that extra flowers are allowed for a thirty-day period immediately following a burial. No glass jars, unsightly metal receptacles, breakable flower containers or other breakable objects shall be placed on lots. No plastic flowers containing wires are allowed. Wires must not be used to hold pots or flowers upright as they may constitute a serious hazard to mowers and trimmers. Any items deemed to be objectionable by the Trustees will be removed.

20. Flowers, wreaths, baskets, etc. left on graves or lots will be removed by the Trustees as soon as possible after they fade or become unsightly. Urns and pots are to be emptied before the winter season, and winter wreaths, etc. are to be removed before the spring season.

21. Solar lights or other illuminations are not permitted. These lights not only encourage after dark use of the cemetery but also make it difficult to know if there is night time trespassing.

22. The Trustees shall have the right and responsibility to remove without notice any articles deemed inappropriate, improper, unsafe, or detrimental to the maintenance and/or general appearance of a cemetery. Articles removed shall be held by the Trustees for retrieval by the lot owner. Articles still in possession of the Trustees by the end of the year may be disposed of.

## **V. PURCHASE OR TRANSFER OF LOTS**

1. The sale and purchase of cemetery lots shall be by a Right to Burial only. Title to the real estate remains with the Town. No Right to Burial is granted in any road, drive or walkway within the cemetery, but such road, drive or walkway may be used as a means of access to the cemetery as long as it shall be devoted to such purpose.

2. The sale of Rights to Burial is restricted to those who are or have been residents of the Town of Tuftonboro with the following exception: any non-resident of the Town of Tuftonboro who has been or is an employee of the Town for a minimum of 10 years may purchase a Right to Burial. Exceptions would be allowed to individuals who have family members already interred in the cemetery or who, in the judgement of the Trustees, have shown a personal connection to Tuftonboro.

3. The owners of Rights to Burial, or their heirs, shall not grant, sell, alienate or convey the said Rights to Burial to any person or persons without having first obtained written approval from the Cemetery Trustees or Board of Selectmen. It shall be optional to grant such approval or consent. Any approved sale of Rights to Burial may only be made back to the Town of Tuftonboro for the sum of the original purchase price, and provided no burials have occurred in the plot.

4. After the date of adoption of these Regulations, at the time of sale, the purchaser shall submit to the Trustees a written list of names of those authorized to be interred within the lot. If the purchaser makes no designation, then by default these authorized persons include the lot owner his/her partner at the time of his/her death, and his/her children, subject to the capacity of the lot, State Statutes and these Regulations. Only the current owner of the Right to Burial may designate or alter an existing designation and must do so in writing to the Trustees.

5. Payments of Rights to Burial in a lot, including Perpetual Care and placement of corner markers, must be made within ninety (90) days after purchase thereof. Checks should be made payable to Town of Tuftonboro. If payment is not made within the ninety (90) day time limit, the Town shall have the right to prohibit further burials in the Right to Burial lot until payment is made in full. Interest will be charged at the rate of 1 ½% per month on the unpaid balance. If after one year the Right to Burial has not been paid for, the related lot shall revert to the Town for resale.

6. Purchase of Rights to Burial shall be limited to a maximum of 8 lots.

7. Rights to Burial are sold in a consecutive manner. This makes for a more orderly progression of use and maintenance of the cemetery and simplifies tracking the ownership and location of rights to burial plots.

## **VI. INTERMENTS**

1. Interments are the responsibility of owner(s), their executor or the funeral home and are to be arranged at the direction of the Cemetery Sexton in coordination with the Cemetery Trustees.

2. There are no interments allowed when frost is in the ground which is generally from early December to mid-April.

3. Proof of ownership or permission from the owner for burial in a designated plot must be validated BEFORE an interment can take place. State of NH permit forms may be obtained from the Town Clerk or the Trustees.

4. Cemetery lots shall only be used as a place to bury the human dead.

5. The placement of monuments and all burials shall be under the supervision of the Trustees.

6. All full body interments shall be enclosed in a cement vault and conducted under the supervision of a licensed undertaker and must follow all laws and regulations of the state. Infants may be buried in a fiberglass container or cement vault.

7. Green burials are not permitted. All full burials must have a concrete vault. Bodies may be buried without a coffin, but a burial vault must be placed upside down over the body.

8. Cremation interments require the presence of the Sexton. Cremation ashes may be buried directly in the earth or in a cement, granite or marble container.

9. A single 4' by 10' lot may contain two full vault burials (two infant vault burials may be fit into one full vault burial space) OR one full vault burial (or two infant vault burials) and two cremations OR four cremations only. Double deep full burials will not be permitted in any plot that is less than 4' by 10' in size.

10. A single 4' x 4' cremation plot may contain two burials. Only one (1' x 2'6" maximum size) flat, approved marker with a maximum of two engravings will be allowed per cremation burial plot.

11. No grave shall be opened for interment, removal or inspection unless under the direction of the Trustees. A removal shall be at the direction of the Trustees with a Funeral Director present, without family or relatives in attendance unless specific permission has been granted by the Trustees.

12. No lots will be enlarged, redesigned or altered and no compensation will be paid by the Town of Tufonboro for a situation in which a tree, shrub or monument denies the full amount of interments intended in the said lot.

13. In the case of an indigent person, the Town will provide a single grave and cover the cost of interment. No markers will be permitted on the grave until all fees for said lot and grave opening have been paid to the Town.

## **VII. MONUMENTS and MARKERS**

1. No lot owner shall erect (or cause to be erected/placed) on any lot in the cemetery, any memorial without prior approval of the Trustees.
2. All monuments shall be set on a cement foundation suitable for the size of the monument.
3. All lots must have corner markers installed following purchase of Right(s) to Burial. Cost of purchasing the corner markers and setting them will be included with the purchase of a Right to Burial. Corner markers will be set by the Sexton.
4. On a full grave site (4' x 10') only one monument of granite, slate or marble placed aboveground is allowed per lot. The size of the monument may not exceed 2' (24") on the face of the monument by 8" deep. The base may not exceed 30" wide by 14" deep (three inches all around larger than the monument stone). The total height of base and monument stone may not exceed 3' (36").
5. Double grave site – 8' x 10'. This can be treated as two separate sites or can have one monument of up to 36" on the face side of the monument by 8" deep with a base not to exceed 42" wide by 14" deep with a total height not to exceed 3' may be installed.
6. Any monument of a non-traditional nature (i.e. bench, birdbath, sculpture) must have the prior written approval of the Cemetery Trustees.
7. No curbing, fencing, hedges or enclosures of any kind will be allowed around any lot.
8. Flags are permitted between Memorial Day and Veteran's Day. They must be placed so as not to be an impediment to maintenance. Flags are to be no larger than 12" by 17" and must be mounted such that the flag does not touch the ground. American Legion flag holders are acceptable. Flags deemed objectionable by the Trustees will be removed. Flags found under snow will be considered in a state of disrespect and will be removed.

## **VIII. PERPETUAL CARE**

1. All Rights to Burial purchased include perpetual care.
2. Perpetual care includes the cutting of grass at reasonable intervals, the raking and cleaning of the grounds. Perpetual care may include the maintenance, repair or replacement of any memorial, marker or structure erected on a plot, dependent upon the availability of funds.
3. Perpetual care does not include planting flowers or ornamental plants

## **IX. VANDALISM/THEFT**

1. Any person or persons apprehended for acts of vandalism, theft or other illegal acts at grave sites and other cemetery property will be prosecuted to the fullest extent of the law.

**X. APPEALS**

- 1. Any person aggrieved by any provision of these Regulations or a decision rendered by the Trustees may appeal said decision or action to the Trustees.
- 2. All appeals must be submitted in writing and include all pertinent documentation as well as specific reference to the regulation or decision giving rise to the appeal. The Trustees shall review and respond to the appeal in a timely manner.

**XI. SEVERABILITY**


- 1. If any provision of these Regulations or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of these Regulations, which can be given effect without the invalid provision or application and, to this end, the provisions of these Regulations are severable.


**XII. EFFECTIVE DATE**

- 1. Future changes to these Regulations may occur only by a majority vote of the Cemetery Trustees.

Given under our hands this 1<sup>st</sup> day of November, 2016.

TOWN OF TUFTONBORO CEMETERY TRUSTEES

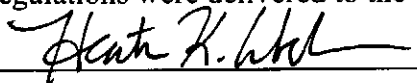
  
 \_\_\_\_\_  
 Susan H. Weeks

  
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 Peter Sluski

  
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 Guy Pike

**XII. CERTIFICATION**

This is to certify that on the 2<sup>nd</sup> day of November 2016, the foregoing Regulations were delivered to the Town Clerk for recording.

  
 \_\_\_\_\_ Town Clerk



**SCHEDULE OF FEES**

**Cremation Lot**

Right to Burial	\$150.00
Interment Charge (if no undertaker)	\$100.00

**Single Full Grave**


Right to Burial	\$350.00
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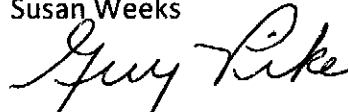
**Corner Markers (Cremation and Full Grave):**

Current market value plus installation fee.

Fees adopted and effective following public hearing held on April 3, 2018

By vote of Cemetery Trustees

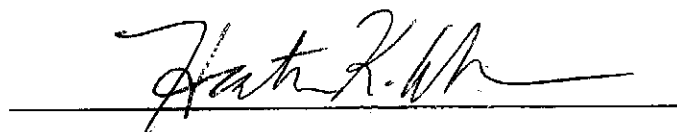
  
Susan Weeks

  
Guy Pike

Charlotte Allen 

**CERTIFICATION**

This is to certify that on the 3<sup>rd</sup> day of April 2018, the foregoing Schedule of Fees was delivered to the Town Clerk for recording.

. Town Clerk