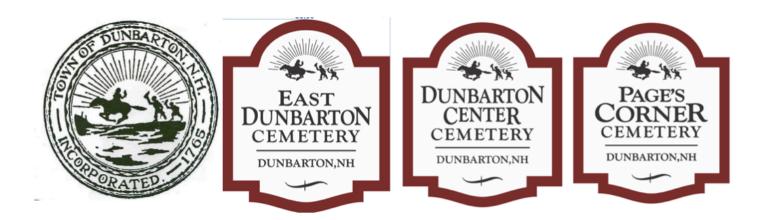
CEMETERY REGULATIONS



DUNBARTON NEW HAMPSHIRE

ADOPTED: Nov. 1, 2008

REVISED: April 1, 2020

Cemetery Trustees

Don Larsen, Judith Stone, Justin Nault

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The Cemetery Regulations are for the mutual protection of the Town, Cemetery Trustees, Cemetery Right to Inter Holders and the general public. The Trustees reserve the right, at any time, to amend, alter, repeal, modify, or make exception to these rules and regulations as circumstances demand. Visitors are encouraged to enjoy the beauty, serenity, and history of Dunbarton Cemeteries, while respecting the privacy of family members who may be visiting gravesites.

For further information regarding these Regulations, the purchase or use of burial sites, or for other related burial or cemetery issues please contact:

Dunbarton Cemetery Trustees 1011 School St. Dunbarton, New Hampshire 03046 (603) 774-3541

E-mail: cemeterytrustee@dunbartonnh.org
Website: http://www.dunbartonnh.org

Town of Dunbarton, New Hampshire Cemeteries

Active Cemeteries

There are two Active Cemeteries that are open for public visitation. The cemeteries are closed from the first snowfall to a time in the spring when the Trustees determine the roads are firm enough for vehicular traffic.

DUNBARTON CENTER CEMETERY PAGE'S CORNER CEMETERY

Inactive Cemetery

There is one Inactive Cemetery that is open for public visitation. Interment is limited to members of the named families.

EAST CEMETERY

Private Cemetery

There is one Private Cemetery that is not administered by the Cemetery Trustees or subject to these Regulations. Please use the following contact:

STARK CEMETERY
Dunbarton Historical Society
(603) 774-3681

Revised: April 1, 2020

CEMETERY REGULATIONS DUNBARTON, NEW HAMPSHIRE

REGULATIONS GOVERNING THE FOLLOWING CEMETERIES:

Active Cemeteries: Center Cemetery and Page's Corner Cemetery Inactive Cemetery: East Cemetery

SECTION 1: PURPOSE AND INTENT

The following regulations are hereby established for the mutual protection of lot owners and the cemeteries as a whole. Lot owners and persons visiting and contracted to work within the cemeteries will be expected to abide by such regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as a peaceful, dignified, safe and beautiful areas as well as a reverent symbol of respect for the dead and a valuable link to the heritage of the community.

These Regulations shall also apply to lots sold by deed prior to the adoption of the these Regulations except as noted herein.

SECTION 2: AUTHORITY

These Regulations are established by the Cemetery Trustees in accordance with the NH Handbook For Trustees of Trust Funds, Cemetery Trustees, Library Trustees, 2017: RSA Chapter 289, RSA Chapter 290, RSA Chapter 635, RSA 561:1, RSA 31:19-22a, RSA 485 - A29. They may at times be amended, for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Dunbarton.

SECTION 3: DEFINITIONS

CEMETERY TRUSTEE - Elected by ballot at town meeting and are responsible for the care and maintenance of the three cemeteries in town. Cemetery Trustees establish bylaws for the care, protection, preservation, and use of the cemeteries as well as prepare an annual budget, prepare the right to inter documents for cemetery lots and arrange for appropriate maintenance of the cemeteries. There are three cemetery trustees.

CERTIFICATE OF RIGHT TO INTER - Certificate issued by the Cemetery Trustees transferring a limited right to inter remains in a specific lot /plot to a purchaser for a fee.

CORNER STONES - The owner will have four granite posts placed flush to the ground as marked by the Trustees to the dimensions of the owner's lot/plot. This must be done as soon as possible after the purchase of the lot/plot. Exception: Cremain Gardens and Mills section of Page's Corner Cemetery.

CREMAINS - The ashes of a cremated human body.

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DEED - Deed issued transferring a limited right to inter remains in a specific lot to a purchaser for a fee. Deeds were the form of transfer prior to the adoption of the 2008 Regulations. Deed does not convey ownership of the real estate, it does give the right to inter in the lot/plot and right to erect a memorial.

GREEN BURIAL - The set of body preparation, funeral, and burial practices that allow a body to decompose naturally (no embalming) in a site specifically set aside for this type of burial. Dunbarton Cemeteries do NOT allow green burials.

INTERMENT - The permanent disposition by burial of the body or cremains of a deceased person.

LOT - The space required to accomodate an adult interment and accomodate up to three cremains.

LOT OWNER - Person(s) who holds a valid deed or right to inter.

MARKER - A memorial that lies flush with the ground.

MONUMENT - A headstone of approved material that extends above the surface of the ground.

PLOT - Shall apply to two or more lots.

REGULATIONS - Town of Dunbarton, New Hampshire Cemetery Regulations, as amended. and the NH Handbook For Trust Funds, Cemetery Trustees and Library Trustees 2017.

RIGHT TO INTER - Exclusive right to a lot/plot for the purposes allowed by these Regulations.

SECTION 4: GENERAL REGULATIONS

A. Administration

All business pertaining to cemeteries shall be processed through the Cemetery Trustees, Town of Dunbarton 1011 School St., Dunbarton NH 03046. Direct contact can be made to the Cemetery Trustees as listed in the Town records, through the regular business hours of the Town Office of the Town of Dunbarton, or at a regularly scheduled Cemetery Trustee meeting as posted.

B. Cemetery Hours

The cemeteries are open from sunrise to sunset. They are closed for burials and vehicles from the first snowfall to a time in the spring when the Trustees determine the roads are firm enough for vehicular traffic. The cemeteries may be closed to the general public if any conditions within the cemetery grounds become hazardous, including ice and snow. The cemetery will not be used for recreational purpose. Cemeteries are not maintained for public access during winter months.

C. Loss or Damage

Damage done to lots, walks, drives, trees, shrubs or other property by lot owners, funeral directors, next of kin or designated agent, dealers, contractors, or their agents shall be repaired by same.

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D. Sole Agreement

These regulations, including amendments thereto, constitute the sole agreement between the Cemetery Trustees, Town of Dunbarton, and the lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemetery of the Town of Dunbarton shall in no way bind the cemetery or the Town of Dunbarton.

SECTION 5: LIMITS OF MUNICIPAL LIABILITY

The Trustees shall take reasonable precautions to protect lot owners within cemeteries from loss or damage; but distinctly disclaim all responsibility for loss or damage from causes beyond their 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.

SECTION 6: CEMETERY VISITORS

Visitors are encouraged to enjoy the beauty and serenity of Dunbarton's cemeteries, and experiece its rich history, while respecting the privacy of family members who may be visiting gravesites.

All visitors are prohibited from gathering flowers, either wild or cultivated, cutting trees or shrubs, or defacing or otherwise damaging memorials or structures. The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to cemeteries. **Carry in - carry out.**Dogs must be leashed at all times. Please clean up after your dog. No off-highway recreational vehicles or horses shall be admitted to the cemeteries.

The cemeteries are open to the public, but unsupervised, therefore, visitors assume any risk to accidents and damages, whether direct or collateral, that may occur. The Cemetery Trustees attempt to avoid loss or damage within the cemeteries, but disclaim any and all respondibility for accidents or the actions of persons not within the Trustee's control.

Gravestone rubbings are not permitted in any of the Dunbarton cemeteries. Questions can be directed to the Cemetery Trustees.

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SECTION 7: LOT SALES

Upon adoption of these Regulations, the sale and purchase of cemetery lots shall be by a right to inter only. Title to the real estate remains with the Town. No easement or right of interment is granted to any lot owner in any road, drive, or path within the cemetery, but such road, drive or path may be used as a means of access to the cemetery as long as it shall be devoted to such purpose.

- **A.** Persons desiring to purchase burial rights should contact the Trustees who will aid them in making a selection. Regulations relating to such graves will be explained and a copy of the regulations will be offered to each purchaser, who will acknowledge receipt in writing. Payment will also be explained and arrangements made for such.
- **B.** 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 mate 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 lot may designate or alter an existing designation, and must do so in writing to the Trustees. For further details on ownership see Section 9.
- **C.** Burial rights can only be sold to a current or former Dunbarton resident. However, persons authorized to be interred within the lot(s) by the purchaser are not so restricted.
- **D.** The total sale price for each lot includes the installation of granite corner markers (where required). Corner markers are not required in Cremain Gardens or Mills Section of Page's Corner Cemetery.
- **E.** A Certificate of Right to Inter signed by the Cemetery Trustees will be issued when the total sale price is paid in full.
- **F.** No interment may occur and no foundations, markers, or stones may be placed upon a lot/plot until it is paid for in full. Lots/plots sold by deed prior to November 1, 2008 are not exempt.
- **G.** For rights to inter sold as of November 1, 2008; a cemetery lot is defined as a one-lot site.
 - 1. One-lot sites are limited to the following:
 - a. One full burial plus three cremation burials above; or
 - b. One full burial plus two infant burials; or
 - c. Three cremation burials.
 - 2. Multiple adjacent one-lot sites may be purchased. This will allow additional burial marker configurations (see Section 13: H). For lots sold by deed prior to November 1, 2008, the Trustees upon their determination that adequate space can be documented may approve multiple interments. (see Section 7: G.1.)
 - 3. In the case of Cremains Garden: Center Cemetery Cremains Garden allows no more than one cremain burial in each 3"x3" cremain lot. Page's Corner Cremains Garden offers single 3'x3' cremain burial lots and 4"x4" double cremain burial lots.

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- H. All lots and all non-lot areas within the cemetery are maintained under the responsibility of the Trustees. Maintenance is limited to raking, mowing and seeding of lots when necessary. It includes reasonable and practical care of the unsold areas of the cemetery, such as lawn areas, roads, shrubs and trees, which have been established by the cemetery. In no case shall the Trustees be responsible to maintain, repair, or replace any memorial, tomb, or mausoleum erected or placed upon a lot, nor perform any special or unusual work in the cemetery.
- Ledge, large boulders, or mature trees may reduce the capacity of a lot. The owner may ask the Cemetery Trustees to have these impediments removed. If the Trustees agree, the owner must pay for the work in advance. The owner may instead choose to accept the reduction in capacity or relinquish the lot as herein described.
- J. The right to enlarge, reduce, re-plot, or change the boundaries or grading of the cemetery, or a section or sections thereof, 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 reserved. The right to lay, maintain, and operate, or alter or change, pipelines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Trustees reserve to themselves and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
- **K.** The Trustees reserve the right when they deem it to be in the best interests of the town to purchase outright, or by exchange for other graves, any unoccupied grave or graves or cremation spaces at the original price.

SECTION 8: LOT/RIGHT TO INTER OWNERSHIP

- **A.** RSA 290:24 and other applicable laws of the State of New Hampshire govern the descent of title for cemetery lots, as well as other matters relating to their ownership.
- **B.** On the death of an owner of the lot, the heirs or devisees of such person should file with the Trustees proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills or probate records are normally sufficient.
- C. No person shall be considered as the rightful owner of any lot unless he/she shall be in possession of a duly executed Deed or Certificate of Right to Inter signed by the authority having jurisdiction. If a Deed or Certificate cannot be presented in relation to a planned burial, a person shall sign an Interment Order. However, the books of the Cemetery Trustees shall be considered as final in determining ownership of any grave or cremation space. The Trustees reserve the right to make an interment of any member of the immediate family of the lot owners upon their own authorization. No other person may be interred in any plot without proof of ownership or written consent of the owner. Description of graves or cremation spaces shall be in accordance with the cemetery graves or cremation spaces, which are kept on file by the Trustees.
- **D.** The subdivision of plots is not allowed.
- **E.** It shall be the duty of the lot owner to notify the Trustees of any change in address.

F. Notice sent to the lot owner at the last address on file with the Trustees shall be considered sufficient and proper legal notification.

SECTION 9: LOT/RIGHT TO INTER RESALE/RELINQUISHMENT

- A. The owners of interment property, or their heirs, shall not grant, sell, alienate, or convey, the said interment property to any person or persons other than the Town of Dunbarton. Resale of interment property to the Town shall be for the same sale amount as originally paid for the interment property.
- **B.** Upon request of the lot owner, when interment property is relinquished or resold to the Town, the original sale amount shall be returned to the owner. The original general perpetual care monies, all income, and corner post installation are not refundable.
- **C.** After completing the noticing required by RSA 289:18, as amended, the Trustees may declare forfeiture of unused lots meeting the stated conditions. Lots so forfeited may be resold.

SECTION 10: INTERMENTS/DISINTERMENTS

- A. When an interment is requested, the applicant must provide a signed Interment Order, proof of ownership and/or proof of right of burial. In the instance of a pre-existing lot for which the Town has insufficient burial records, no interment shall be allowed unless the applicant also provides proof that available burial space exists. In the instance where ground-sensing radar is utilized it shall be at the expense of the applicant. 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 Trustees may, in their discretion, authorize it opened in such location in the lot as they deem best and proper, so as not to delay the funeral; and the Town shall not be liable in damages for any error so made. The Trustees and the Town shall not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.
- **B.** The cemetery will be open for interments only upon appointment with the Trustees. A minimum notice of 24 hours shall be given for an interment. The Trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.
- C. Generally interments will not be made on Sundays, Holidays, and from the first snowfall to a time in the spring when Trustees determine the roads are firm enough for vehicular travel, except with the prior consent of the Trustees. Every effort will be made to accommodate requests, however, permission will be granted subject to availability of staff and weather conditions that allow gravesites to be located and opened without damage to cemetery property or other gravesites.
- **D.** A contractor pre-approved by the Trustees shall do all interments, including cremains, under the supervision of the Trustees.
- **E.** The funeral director, next of kin or designated agent shall present all burial documents upon arrival in the cemetery.

- **F.** Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or his assistants or on an order signed by a court of competent jurisdiction.
- **G.** The Trustees do not provide services for interment, disinterment, ceremonial activities, or monument, marker or foundation installation, repair or maintenance. A funeral director, next of kin or designated agent, shall provide all burial services. Services shall include grave opening/closing, artificial grass, lowering devices and any other materials and/or equipment associated with the burial ceremony.
- **H.** Once opened, the funeral director, next of kin or designated agent and contractor shall be liable to see that graves are adequately covered/secured until the burial.
- Once an interment has been made, graves will be opened only by Trustees in their sole and exclusive judgment that such opening is proper, necessary, and duly authorized or when directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the Trustees. In all cases, the responsibility of the Trustees shall be limited to authorizing the opening. The person authorized to do so must make the opening of the grave and the actual disinterment.
- J. The Trustees and 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 Regulations have not been complied with; and further, said Trustees reserve the right, under such circumstances, to place the body in a receiving vault until the full rights of the parties have been determined. The Trustees shall be under no duty to recognize any protests of interment unless they are in writing and filed with the Trustees.
- **K.** Removal, by the heirs, of a body or cremated remains so that the plot may be sold, or removal contrary to express or implied wish of the original plot owner, is forbidden.
- **L.** A body, or cremated remains, may be removed from its original plot to a larger or better plot in the cemetery, where there has been an exchange or purchase for that purpose.

SECTION 11: CREMATIONS

- **A.** Refer to Section 7 of these Regulations for allowed cremains configurations per lot.
- **B.** Cremation Gardens are located in Center Cemetery and Page's Corner Cemetery.
- C. Only a token scattering of ashes on a lot is permitted and requires the approval of the lot owner. Notice is to be made to the Trustees for record keeping purposes. Token scattering of ashes may not occur in other areas or on other non-owned lots with the exception of within Cremains Garden areas where provided.
- **D.** Only one flat marker, not to exceed 12" X 24" is allowed per lot.

SECTION 12: GREEN BURIELS

Dunbarton Cemeteries currently do NOT have an area for green burials. The Dunbarton Cemetery Trustees are working with the New Hampshire Cemetery Association on the specific standards for green burials. Dunbarton Cemeteries do NOT offer green burials.

SECTION 13: MINIMUM STANDARDS

- A. No granite or other curbing, fence, or enclosure of any kind will be permitted in or around any grave or cremation space, and no post, indicating either an extreme or intermediate boundary in any grave or cremation space will be allowed to protrude above the level of the walkway or ground adjacent to said grave or cremation space.
- **B.** Graves shall be used for no other purpose than a place of burial.
- C. No animal(s) will be allowed to be buried in or on any cemetery site, or property with the exception that pet cremains may be included with a human interment.
- **D.** All non-cremains interments shall be enclosed in a sealed cemetery cement vault.
- E. Cremains shall be interred in a non-biodegradable container. An outer container/chamber or urn vault will be required in conjunction with a biodegradable container. If a concrete outer chamber or urn vault is not used, then cremains shall be enclosed by, in what is considered good judgment, a non-breakable/rigid container (e.g. <u>not</u> low impact plastic, glass, or what could be crushed under normal weight when buried). If there is doubt the funeral director, next of kin, or designated agent shall confer with the Trustees. The Trustees decision shall prevail.
- **F.** All subjects for burials including amputated limbs must be received in an enclosed, rigid container.
- **G.** No monument or other structure shall be erected until a suitable foundation is laid. All foundations for monuments and markers shall be no less than 4 feet in depth. Deeper foundations will be used when deemed advisable by the Trustees.
- **H.** Monuments and Markers:

For Cremains, only one flat marker, not to exceed 12" X 24" per lot is allowed. For rights to inter sold after April 1, 2020:

- 1. The total number of markers per lot is not to exceed the interments per lot.
- 2. A full lot(s) are allowed:
 - a. A flush marker not exceeding 12" X 24" and/or
 - b. One monument per lot with a base not exceeding 30" wide by 12" deep by 6"/8" high and the monument 26" in total height and 24" wide (unless one of the joint monument options below is utilized). Remaining lot interments shall utilize a flush marker if a marker is desired.
 - c. Two or more adjacent lots may have one joint monument, the base not to exceed 36" wide by 12" deep and 6"/8" high and the monument 26" in total height, and 30" wide and placed at the center of the lots.
 - d. Four or more adjacent lots may have one joint monument with a base not to exceed 54" wide by 12" deep and 6"/8" high and the monument 30" in total height, and 42" in width placed at the center of the lots.
 - e. For lots sold by deed prior to November 1, 2008, the Trustees upon their determination that adequate space exists may approve the above configurations.

- I. No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze.
- **J.** Monument installation shall be by the owner's contractor under the supervision of the Cemetery Trustees.
- **K.** Should any monument, memorial, mausoleum or tomb become unsightly, dilapidated, or a menace to visitors, the Town shall have the right to either correct the condition or to remove same at the expense of the lot owner.
- L. No monument or marker shall be removed from the cemetery. In the instance where a replacement monument or marker is installed, the original stone shall remain within the lot. It shall be placed, face down, on the grave at ground level.
- **M.** Changing the surface of a lot is not permitted.

SECTION 14: PLANTS, SHRUBS, FLOWERS, DECORATIONS

- **A.** Flowers, wreaths, baskets, etc. left on graves or lots will be removed by Trustees or cemetery staff as soon as possible after they fade or become unsightly.
- **B.** Planting of shrubs and trees is prohibited. Shrubs and trees, which were planted in the cemeteries prior to the adoption of these Regulations, will be left. However, existing plantings shall not hinder maintenance or the aesthetics of the cemetery or by means of its roots or branches become detrimental to the subject lot or adjacent lots or areas. It shall be the duty of the Trustees and they shall have the right to enter the said lot and remove the said tree, shrub, or such parts thereof as deemed detrimental or dangerous.
- **C.** The in-ground planting of flowers on lots with above ground monuments is allowed, but is limited to an area of 12 inches in front of the aboveground monument.
- **D.** Only removable pots will be permitted on graves with flush markers.
- **E.** Urns and pots are to be emptied before the winter season, and winter wreaths, etc. are to be removed before the spring season.
- F. No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on lots. True floral containers and rustic baskets are recommended. No plastic flowers containing wires shall be placed on lots. Plants or silk flowers are recommended.
- **G.** The placing of small flags on graves is allowed between Memorial Day and Veteran's Day. The Trustees have the right to remove flags at other times or in the case of a flag in deteriorated condition.
- **H.** No decorative landscaping stones will be permitted on any lot. It is not permissible to place fences, curbs, or other articles on any lot.
- I. The placing of boxes, shells, toys, ornaments, chairs, settees, statues, vigil lights, breakable objects of any kind, any items containing wires or similar unauthorized items upon lots will not be permitted.
- J. The cemetery has the right to remove non-conforming items from any lot after an attempt has been made to contact the lot owner to remove said item.
- **K.** If, as the result of work done, the good appearance of the cemetery is affected, the Trustees may put such lots in order at the expense of the owners.

SECTION 15: CORRECTION OF ERRORS

The Trustees reserve the right to correct any errors that may be made by them in making interments, disinterments, or removals; or in the description, transfer, or conveyance of any interment property.

SECTION 16: ENFORCEMENT

- A. The Trustees are hereby empowered to enforce the foregoing Regulations and to exclude from the cemetery any person deliberately violating such Regulations. The said Trustees shall have charge of the cemetery grounds and shall have supervision and control of employees and all persons visiting the cemetery, whether lot owners or otherwise.
- **B.** It shall be the duty of the Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by law.

SECTION 17: WAIVER

Upon written request, the Trustees may waive or modify the requirements of these Regulations when, in the opinion of the Trustees, specific circumstances surrounding a proposal indicate that such waiver or modification will properly carry out the purpose and intent of these Regulations.

THE FOREGOING REGULATIONS ARE SUBJECT TO CHANGE BY VOTE AT A LEGALLY NOTICED MEETING OF THE CEMETERY TRUSTEES.

Effective Date: April, 2020

CEMETERY TRUSTEES:

Don Larsen, Chairman

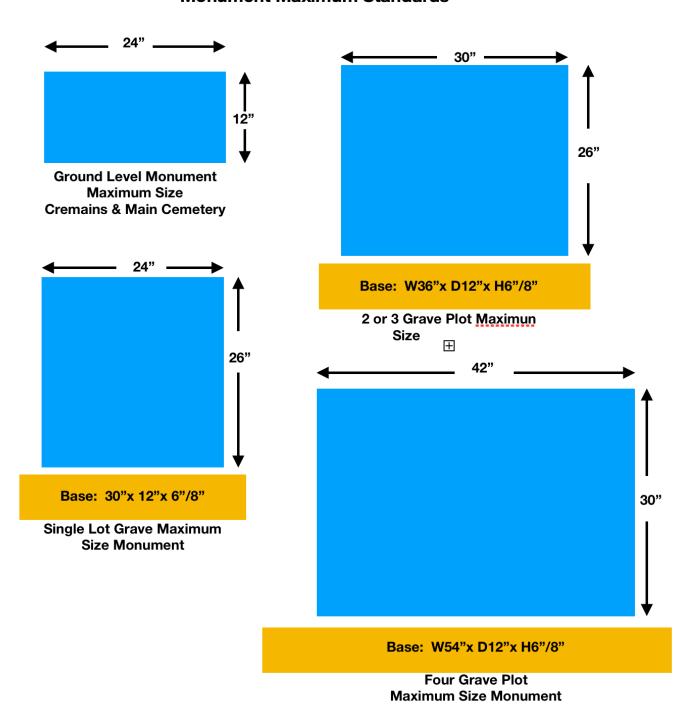
Judith Stone, Trustee

Justin Nault, Trustee

Original Signatures on File

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Appendix A Dunbarton Cemetery Regulations Section 13:H Monument Maximum Standards



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Local Cemetery Monument Companys

Dignified Cemetery Service
345 Suncock Valley Rd
Chichester, NH
(603) 738-3086

Perry Brothers Monument Company
253 Sheep Davis Road
Concord, NH
(603) 225-6721

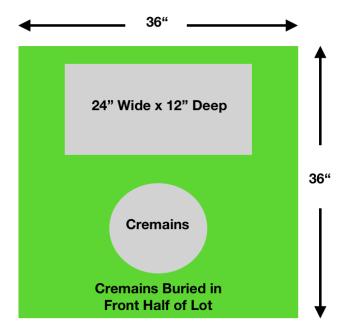
Star Granite Company, LLC 41 Little Pond Road Concord, NH (603) 224-5355

Manchester Memorial Company
305 Calef Road
Manchester, NH
(603) 622-9013

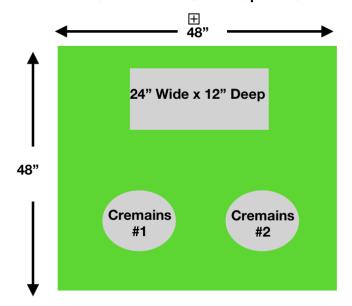
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Appendix B Cremation & Traditional Burial Monument & Cremains Placement

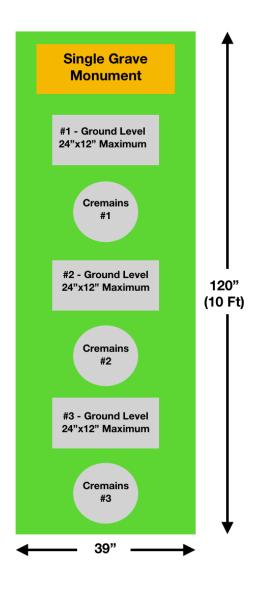
Cremains Monument
24 "x 12" Maximum
Placed three inches from top of the lot
Center Cemetery & Page's Corner



Page's Corner Double Lot Cremains Monument 24" x 12" Maximum Placed three inches from top of the lot



Traditional Full Body Burial with up to three Cremains on top with individual monument markers for each



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