

**TOWN OF DORCHESTER, NH
MUNICIPAL CEMETERIES
RULES & REGULATIONS**

**Rev:8-06; 8-11; 7-12; 12-12; 11-16
Effective: 1-07; 8-11; 1-13**

Cemetery Trustees

**Bethann Weick
Shawn Russell**

1. **DECLARATION OF POLICY:** The Trustees of Cemeteries of the Town of Dorchester hereby ordain that the following rules & regulations are hereby established for the proper operation and use of municipal cemeteries in the Town of Dorchester. The Trustees of Cemeteries recognize that the municipal cemeteries are sacred grounds reserved as a final resting place for the people of the Town and desire to have the cemeteries maintained in the best possible manner. The Trustees firmly believe that these rules & regulations are necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemeteries.
2. **APPLICATION OF THE RULES & REGULATIONS:**
 - a) These rules & regulations shall apply to any person, firm, corporation, association, club, partnership, society, or any other form of association or organization.
 - (b) The Dorchester Trustees of Cemeteries upon its own motion, or upon recommendation of the Town Selectmen, for good cause shown, may modify, suspend, repeal, or amend the provisions of these rules & regulations in whole or in part. It is the intent of the Trustees of Cemeteries that if any portion of these rules & regulations are held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining sections or parts.
3. **GENERAL REGULATIONS:** The following shall be the general rules & regulations for use of municipal cemeteries.
 - (a) **CONDUCT IN CEMETERIES.** No person shall:
 - (1) Enter a cemetery except through an established gate or entranceway.
 - (2) Deposit rubbish or debris on cemetery grounds.
 - (3) Pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs, or other planted material.
 - (4) Consume alcoholic beverages in a cemetery, or bring the same upon the premises.
 - (5) Use any forms of advertising on cemetery premises.
 - (6) Discharge firearms in any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United

States.

- (7) In any way injure or deface any monument, stone, fence or other structure, or property within any cemetery. No rubbings are allowed as they increase speed of deterioration to stones.
- (8) Allow any dog or other domestic animal to run at large within any cemetery.
- (9) Allow a child under the age of twelve (12) years in any cemetery unless accompanied by an adult.
- (10) Ride horseback within or through cemeteries is expressly prohibited unless a part of an honor guard ceremony.
- (11) Hunt on cemetery property.

4. TRAFFIC REGULATIONS:

- (a) No persons shall operate or cause to operate any vehicle within a cemetery except on roads designed for that purpose, and no vehicle shall be driven at a speed in excess of five (5) miles per hour upon any roads within municipal cemeteries.
- (b) No persons shall enter any cemetery with a loaded truck, except the Groundskeeper(s), unless permission has been received from the Trustees of the Cemetery or Cemetery Groundskeeper(s).
- (c) No person shall unload any stone, dirt or other material from trucks in any cemetery, except the Groundskeeper(s) in the normal discharge of their work.
- (d) No off road recreational vehicles shall use cemetery land for crossing.
- (e) Any person operating a vehicle within any cemetery shall be subject to all of the traffic laws of the Town of Dorchester and State of New Hampshire.

5. ESTABLISHMENT OF CEMETERIES:

- (a) The Trustees of Cemeteries shall have the final authority for the establishment of cemeteries within the corporate limits of the Town of Dorchester, and shall, as the need arises, set aside new ground areas for this purpose.
- (a) EXISTING CEMETERIES. The following named existing cemeteries shall be deemed to have been established as:
 1. Blodgett Cemetery
 2. Cheever Cemetery - maintained

3. North Cemetery (Burnham) - maintained
 4. Town House Cemetery - maintained
 5. Dorchester Cemetery (includes Wright Cemetery) - maintained
 6. King or Big Pasture Cemetery
 7. "See-it-all" Cemetery
 8. Blake Cemetery
 9. Graham Cemetery
 10. Pollard Cemetery
 11. Norris Cemetery
 12. Norris Hill Road Cemetery
 13. White (or Kimball Hill Road) Cemetery
 14. Sandborn Cemetery
 15. John Stephens Cemetery
- (c) **PLANNING BOARD TO REVIEW.** The preliminary plan and layout of new cemetery land areas shall be submitted to the Planning Board for review and approval. Upon approval, the Planning Board shall advise the Trustees of Cemeteries of its approval with recommendation for adoption.
- (d) **PLATTING OF CEMETERIES.** Before any new land is opened for cemetery use and the sale of lots the Trustees of Cemeteries shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots.
- (e) **LOT SIZE ESTABLISHED.** Lot sizes for municipal cemeteries are hereby established as follows:
- (1) Lots shall be sold in three sizes: large lots which are twenty feet by ten feet; medium lots which are fifteen feet by ten feet; and small lots which are ten feet by ten feet.
 - (2) Large lots are limited to four full burials or eight cremation burials or a logical combination of full and cremation burials.
 - (3) Medium lots are limited to three full burials or six cremation burials or a logical combination of full and cremation burials.
 - (4) Small lots are limited to two full burials or four cremation burials or a logical

combination

6. PURCHASE OF LOTS:

- (a) **CONDITION OF LOT PURCHASES.** Lots purchased in the laid out sections of cemeteries of the Town of Dorchester shall be conveyed by a 'Right to Inter' for burial purposes only, and shall be subject at all times to the provisions of the Town of Dorchester Rules & Regulations and applicable State Laws.
- (b) Lots shall be sold only to residents of Dorchester, except by approval of the three Dorchester Cemetery Trustees.
- (c) **PURCHASE PROCEDURE.** Lots in cemeteries of the Town of Dorchester may be selected and purchased from the Cemetery Trustees or Town Clerk and payment for lots purchased shall be made out to the All Cemeteries Fund and be deposited for long-term cemeteries maintenance requirements. Such purchases shall be evidenced by a 'Right to Inter' document prepared by a Cemetery Trustee or the Town Clerk and signed by the Town Clerk and one of the three Trustees of Cemeteries. Such Right to Inter shall state the name of the purchaser, purchase price, amount paid, name of cemetery, lot number(s), grave number(s) and section in which located as appropriate. Prospective purchasers with the immediate need for a grave space may, for the purchase of that single grave, pay for it within a period of ninety (90) days subject to approval by one of the three Cemetery Trustees. In the event that a prospective purchaser may wish to buy more than one grave, or to purchase graves in a pre-need situation, full payment is expected before such ownership is evidenced.
- (d) **RECORD OF CEMETERIES AND PURCHASE OF LOTS.** The keeping of records of the cemeteries of the Town of Dorchester shall be the responsibility of the Town Clerk. (The Chair of the Trustees of the Cemeteries to receive a copy of all sales, transfers and burials) All maps showing laid out sections of each cemetery, records of lot ownership and burials shall be kept in the Town Office. Copies of the Rights to Inter conveyed for lot purchases shall be recorded by the Town Clerk in both a book provided for this purpose and on the Town computer system.
- (e) **TRANSFER OF LOTS.** No transfer or assignment of a lot shall be made by any owner without the express approval of the Trustees of Cemeteries, and all transfers, upon approval, shall be made by the Town Clerk and recorded in the cemetery records. The following fee is required by the Town to accommodate such deed transfers:

\$25.00 for each transfer

- (f) **CHARGE OF LOTS.** The following price is hereby established as the purchase price, the full amount to go to the ALL CEMETERIES TRUST

FUND.

EACH SMALL SIZE GRAVE LOT: \$300.00, which will help defray continuing care and maintenance.

EACH MEDIUM SIZE GRAVE LOT: \$525.00, which will help defray continuing care and maintenance.

EACH LARGE SIZE LOT: \$750, which will help defray continuing care and maintenance.

For information pertaining to cremation burial and lot size required refer to Section 5 (e).

- (a) FORFEITURE PROCEDURE. Whenever a burial space or spaces in any cemetery subject to the provisions of the Town of Dorchester have remained unused for a period of 50 years, and the owner has not improved such space or spaces by causing a monument, gravestone, or other permanent appurtenance to be placed on the burial space, the person, corporate manager, or cemetery trustees having jurisdiction over such cemetery may institute proceedings for termination and forfeiture of the rights and interests of such owner. All purchase contracts for burial spaces executed after August 7, 1994 shall include a notice that this procedure may be invoked in the future.

1. Whenever such person, corporate manager, or board of

trustees determines that these conditions have been met, then they may send to the owner a notice of intent to terminate and forfeit the owner's rights, served on the owner personally by a competent person or sent by certified mail with return receipt requested to the owner's last known address.

1. When the owner receives the forfeiture notice, the owner

may notify the cemetery management of continued intent to use the space, in which case the procedure shall be canceled, or the owner may return the space to the cemetery and receive in compensation the same amount the owner paid for the space, less any portion of the original purchase price that was specified for inclusion in a perpetual care trust fund.

1. If no response is received from the owner for 60 days, the

cemetery management may advertise in a paper of local distribution for information regarding the present whereabouts of the owner. If information is forthcoming, the notification process shall be repeated using the new address information. If no information is received, the original purchase contract may be voided and the space sold to a new owner. Any owner contacting

the cemetery management after the space has been resold shall be reimbursed the amount he originally paid, including the portion set aside for perpetual care.

7. CEMETERY MAINTENANCE.

- (a) **RESPONSIBILITY OF THE TOWN.** The general maintenance of the cemeteries and grounds, designed to improve and maintain their appearance and condition, shall be the responsibility of the Town. It shall include such items as the upkeep of drives, buildings, removal of trees, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Cemetery Trustees and Groundskeeper(s) may move or remove decorative items which interfere with normal maintenance at any time. Cemeteries will be cleared of all flowers, artificial or natural, and other decorative items the day after Veteran's Day each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to this date.
- (b) **PLANTING TREES OR SHRUBS PROHIBITED.** No trees or shrubs shall be planted in any lot in any cemetery by any person or persons, without approval of the Trustees. Existing trees or shrubs may be removed by the Groundskeeper(s) if detrimental to the maintenance of lots. All natural flowers and plants shall be potted in containers readily movable for maintenance operations. Any plants or flowers permanently planted may be removed and disposed of by the Groundskeeper(s). Flowers are to be set on one side of the monument (the side where the family name is engraved). Veterans' flags are to be set in holders beside the monument. All movable flower pots, ornamentation and flags shall be removed after Veterans Day as part of winter preparations. American flags will be placed at the entrance to our maintained cemeteries to honor Veterans from Veterans Day until spring set up for Memorial Day.
- (c) **GRADING AND CARE OF LOTS.** All grading of lots shall be done by the Groundskeeper(s). No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. Only a licensed contractor shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot.
- (d) **CURBING AND FENCING.** No curbs or fences shall be permitted around any individual lot or group of lots.
- (1) Fencing around cemeteries is no longer required by state law. Existing fencing will be maintained until deemed burdensome by the Cemetery Trustees and Groundskeeper(s).
- (e) **MONUMENT AND MARKERS.** All municipal cemeteries shall be

permitted to have monuments, markers and corner stones of such dimension and material as shall be approved by the Trustees of Cemeteries. All reference to "Monuments" is to mean memorial structures such as headstones, granite benches, etc of a permanent nature that protrudes above the lawn surface. All such memorial structures requires a concrete foundation (refer to Section 7 (f). The intent of this section is to allow only one (1) above ground monument per owner's lot (grave or group of graves). All cornerstones, grass markers, and markers shall be set flush with the lawn surface (so that no part shall protrude above the surface of the ground). Monuments and Markers and their maintenance are the financial responsibility of the owners of the plot or their descendants. In the event that the preceding rule is not observed, the Trustees of Cemeteries shall notify the lot owner, in writing, concerning the deficiency and advise a date corrective action must be taken, after which time the marker in violation may be pulled pending correct placement. Any work done by the Groundskeeper(s) to correct above deficiency will be billed at \$50.00 an hour.

- (f) MONUMENT FOUNDATION AND MARKER SETTING. Foundations for monuments shall be constructed of concrete by the installer.

8. BURIALS:

- (a) CONDITION FOR BURIAL. No burial shall take place without a burial permit from the Town Clerk who will inform a Cemetery Trustee of burial plans and all conditions of laws and rules & regulations having been complied with. Usually it is the Funeral Director who obtains the burial permit, however the Town of Dorchester does recognize Family members may act as their own Funeral Director under NH law.
- (b) PREPARATION OF GRAVE. This shall be the responsibility of the Funeral Director. This person shall provide a copy of the death certificate to the Town Clerk and then communicate with the designated Groundskeeper(s) regarding coordination of their efforts.
- (c) WINTER BURIALS. The Groundskeeper(s) will open graves for burial from April 15 to November 15, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary interment shall be the responsibility of the funeral director.
- d) BURIAL RATES. The Town of Dorchester burial rates shall be as follows: Please note exceptions.

Weekday Full Burials	\$250.00
Saturday Full Burial until 1 p.m.	\$350.00
Weekday Cremation Burial	\$75.00

Saturday Cremation Burial until 1 p.m. \$125.00

PLUS RATES. Overtime charges will be levied for any services the Cemetery Grounds Keepers cannot commence by 3:00 P.M. (\$50.00 per hour for each hour or part thereof).

Should extra equipment need to be rented such as a pump or special digging equipment or should the grave preparation require more than a normal amount of time the cost could be greater than the set rate. In this instance the funeral director will be contacted.

All fees are paid on site to the Groundskeeper(s) at the time of burial or by prior arrangement with the Town Clerk.

- (e) BURIALS ON SUNDAYS OR LEGAL HOLIDAYS are allowed only with the permission of two (2) Cemetery Trustees and agreement of Groundskeeper(s).

Legal holidays include:

(1) Memorial Day, (2) July 4, (3) Labor Day, (4) Columbus Day, (5) Veterans Day, and any other holiday honored by the Town of Dorchester.

- (f) TOWN NOT RESPONSIBLE. The Town of Dorchester, the Trustees of Cemeteries, nor the Grounds Keepers shall be responsible for errors in location of graves on lots arising from improper instructions or geological obstructions or other land imperfections that require shifting of a burial space. In all cases, orders for grave openings shall be communicated to the Trustees of Cemeteries or Town Clerk in writing. Orders from Funeral Directors shall be construed as orders from owners.

- (g) OUTSIDE BURIAL. In matters pertaining to burials coming into the Town from outside agencies, unless the exact lot and grave location is ordered with sufficient identification to the satisfaction of the Trustees of Cemeteries, the body will remain with the outside agency pending proper arrangements at family's expense.

- (h) PERMANENT OUTSIDE CONTAINERS. The Town of Dorchester does not require permanent outside containers. However, in all interments where the remains are to be enclosed in a permanent outside container these shall be installed under the supervision of the Town of Dorchester personnel. The owner of the lot or his agent shall provide the container. The following are considered permanent outside containers: concrete boxes with one piece vault cover, copper or steel vaults, ceramic cremation urns encased in a concrete container, or any material made to withstand the elements of burial.

- (i) ENTOMBMENT. The Town of Dorchester has no provision for entombment. Arrangements must be made through a funeral director.

- (j) GREEN BURIALS. The Town of Dorchester is encouraging of green burial practices. The use of a pine box and/or shroud is permissible; a vault is not required.
- (k) HOME BURIALS are permitted so long as the property owner includes the location of the burial on their tax map and property deed, and has notified the Town Clerk of this change. All setbacks must be observed.

9. CARE OF LOTS

- (a) The monies from the sale of all cemetery lots sold after the effective date of these rules & regulations will go into an All Cemetery Trust Fund. The monies are used for care and maintenance of all municipal cemeteries or left in the Trust to increase the Trust Fund. (Lot transfer fees, etc are paid to the Town.)
- (b) DEFINITION OF CARE AND MAINTENANCE. The care and maintenance of lots shall include the mowing and trimming of grass at reasonable intervals, and may include the raking and cleaning of lots, the grading and seeding of lots, repair of grave markers and the upkeep of drives and buildings.

Repair of damages to individual grave tablets or monuments, or cleaning of same, are the responsibility of the individual lot owners or their heirs or assigns.

- (c) BURIAL OF INDIGENTS. The Town will provide space and maintenance of a section for single grave lots for burial of indigents by discussion with the Town Clerk and at least one Cemetery Trustee. Cremation is encouraged.

- 10. PENALTY FOR VIOLATION. Unless otherwise provided by State law pertaining to cemeteries or burial of the dead, a maximum fine of fifty dollars (\$50.00) plus restitution of damages shall be imposed upon any person violating the provisions of this rules & regulations.
- 11. EFFECTIVE DATE: These rules & regulations shall become effective November 30, 2016.
- 12. REVIEWED/REVISED: August, 2006; October, 2011; July, 2012; December 2012; November 2016