

Draft Revision 2011

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

**Rev:8-06; 8-11
Effective: 1-07**

**Cemetery Trustees
David Yetman
Betty Ann Trought
Bethann Weick**

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 and 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.
- (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) Horseback ride within or through cemeteries is expressly prohibited unless part of 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 Grounds Keepers so designated by the Dorchester Select Board, unless permission has been received from the Trustees of the Cemetery or Cemetery Grounds Keepers.
- (c) No person shall unload any stone, dirt or other material from trucks in any cemetery, except under the direction of the Grounds Keepers in the normal discharge of their work.
- (d) No motorized off road vehicles such as snowmobiles and recreational vehicles shall be operated within cemetery property.

5. ESTABLISHMENT OF CEMETERIES:

- (a) The Trustees of Cemeteries, in concert with the Dorchester Select Board 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.

(b) EXISTING CEMETERIES. The following first named existing cemeteries shall be deemed to have been established as municipal cemeteries:

1. Blodgett Cemetery
2. Cheever Cemetery
3. North Cemetery (Burnham)
4. Town House Cemetery
5. Dorchester Cemetery – Rte 118 (includes Wright Cemetery)
6. King or Big Pasteur 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

MUNICIPAL, BUT NOT LOCATED

None known

PRIVATE AND NOT MAINTAINED BY TOWN

None Known

(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) PLOTTING OF CEMETERIES. Before any new land is opened for cemetery use and the sale of rights of burial 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 two sizes: large lots which are twenty feet by ten feet; and small lots which are ten feet by ten feet.

(2) Large lots are traditionally limited to four full (casket) burials or ten cremation burials or a logical combination of full and cremation burials.*

(3) Small lots are limited to two full burials or six cremation burials or a logical combination. *

* Persons holding rights to burial for lots may request exceptions of the Trustees of the Cemeteries based on alternative burial methods or years in use. All requests for exceptions must be made in writing.

6. PURCHASE OF LOTS:

- (a) **CONDITION OF Right For Burial PURCHASES.** Lots identified as purchased for a Right for Burial in laid out sections of cemeteries of the Town of Dorchester shall be conveyed by special deed 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. Purchasers do not own the property so must be explicit in identifying any persons who may use this lot for a Right For Burial being sure that a notation is also added to the Town Clerks copy found in the Dorchester Town Office. Rights for burial are **not inherited as property.**
- (b) **Right For Burial** purchases shall be sold only to residents of Dorchester, except by approval of the three Dorchester Cemetery Trustees. Rights for burial will only be honored when appropriate designation has been made on the special deed located in the Town Clerks office or added with approval of the Cemetery Trustees.
- (c) **PURCHASE PROCEDURE.** Lots in cemeteries of the Town of Dorchester may be selected and **Right For Burial** purchased from the Town Clerk and payment for such a purchase 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 special deed prepared by the Town Clerk and one Trustee of the Dorchester Cemeteries. This special deed shall state the name of the purchaser, names or others (son, daughter, etc) who would have a Right For Burial in this lot, purchase price, amount paid, name of cemetery, lot number(s), grave number(s) and section in which located as appropriate. Perspective 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 the Town Clerk and 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 Trustees of the Cemeteries to receive copies 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 deeds conveyed for right for burial lots purchased shall be recorded by the Town Clerk including the names of

individuals with Right for Burial in both a book provided for this purpose and on the Town computer system.

- (e) **TRANSFER OF LOTS.** As of the approval date of these Rules and Regulation the Town of Dorchester will no longer sell lots but merely confer lots for Rights For Burial. No transfer or assignment of a Right For Burial shall be made 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 transfers:

\$10.00 for each transfer

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

EACH SINGLE FULL SIZE GRAVE SITE \$300.00, which will help defray continuing care and maintenance.

EACH LARGE SIZE GRAVE SITE \$750, which will help defray the continuing care and maintenance.

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

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, fences, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Cemeteries will be cleared of all flowers, artificial or natural, on April 1st and October 1st, for a period of one month, each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to those dates.
- (b) **PLANTING TREES OR SHRUBS PROHIBITED.** No trees or shrubs shall be planted in any lot in any municipal cemetery by any person or persons, except Grounds Keepers under the direction of the Trustees. Existing trees or shrubs may be removed by the Grounds Keepers 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 Grounds Keepers or Cemetery Trustees. Flowers are to be set on one

side of the monument (the side where the family name is engraved) and twelve (12) inches from the stone. Veterans' flags are to be set beside the monument only.

- (c) GRADING AND CARE OF LOTS. All grading of lots shall be done by the designated Grounds Keepers. 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 and only with permission of the three Cemetery Trustees.
- (d) CURBING AND FENCING. No curbs or fences shall be permitted around any individual lot or group of lots.
- (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 monumentation of a permanent nature that protrudes above the lawn surface. All such monumentation 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). 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 designated Grounds Keepers 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 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 individual acting as the Funeral Director. This person shall provide a copy of the death certificate to the Town Clerk and then communicate with the designated Grounds Keepers regarding coordination of their efforts.

- (c) WINTER BURIALS. The Grounds Keepers 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 individual acting as 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 by check made out to the Town of Dorchester on site to the Grounds Keepers 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.

Legal holidays include:

- (1) New Years Day, (2) Civil Rights Day, (3) Presidents Day, (4) Memorial Day, (5) July 4, (6) Labor Day, (7) Columbus Day, (8) Veterans Day, (9) Thanksgiving, (10) Christmas 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 from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Town Clerk in writing. Documentation must be available regarding proof of Right to Burial.

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

- (h) The Town of Dorchester does not require permanent outside containers.

- (i) **PERMANENT OUTSIDE CONTAINERS.** In interments, the remains may be enclosed in a permanent outside container and that shall be installed under the supervision of the Town of Dorchester personnel. Those having a Right For Burial of a 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.

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

9. CARE OF LOTS

- (a) The monies from the sale of all cemetery Rights For Burial 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, the raking and cleaning of lots, the grading and seeding of lots, maintenance of cemetery fences and gates 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 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.

