

## Rules and Regulations of the Rumney Town Cemeteries

### **INTRODUCTION**

**REVISED: MARCH 2016**

Pursuant to the authority of New Hampshire Revised Statutes Annotated, RSA 289:7 and for the protection and benefit of the Town and plot owners, the Cemetery Trustees of the Town of Rumney adopt the following policies as the Rules and Regulations of the Rumney Town Cemeteries. All plot owners, visitors, contractors and workers within the cemeteries and all plots conveyed to individuals shall be subject to these Rules and Regulations, and those amendments or alterations adopted by the Cemetery Trustees.

Effective Date: These Rules and Regulations shall take effect in September 2013 and supersede any other rules and regulations adopted by the Town concerning the operation and regulation of the cemeteries. All existing plots held by owners, with some limitations and exceptions as noted in the Rules and Regulations, as of the date of adoption of this document are grandfathered. Any future interments, additions/modifications/decoration to new or existing graves, memorials and plots are NOT grandfathered and are subject to these Rules and Regulations.

Enforcement: In accordance with New Hampshire Revised Statutes Annotated, RSA 289:8, those persons in violation of these Rules and Regulations shall be guilty of a violation.

Persons in violation of these Rules and Regulations are subject to removal from the Town cemetery grounds by the Sexton, Cemetery Trustees, or a Police Officer of the Town of Rumney.

### **INDEX**

#### **Definitions of Terms**

**Article 1 - General Supervision**

**Article 2 - Records**

**Article 3 - Vehicular Traffic**

**Article 4 - Personal Conduct**

**Article 5 - Purchase of Cemetery Plots**

**Article 6 - Transfer of Plots**

**Article 7 - Rights of Plot Owners**

**Article 8 - Address Changes of Plot Owners**

**Article 9 - Protection from Loss or Damage**

**Article 10 - Deeds and Rules Are Sole Agreements**

**Article 11 - Perpetual Care of Plots**

**Article 12 - Interments and Disinterments**

**Article 13 - Control of Work in the Cemeteries**

**Article 14 - Boundaries, Changes in Grade and Easements**

**Article 15 - Materials Permitted**

**Article 16 - Memorials, Monuments and Markers**

**Article 17 - Decoration of Plots**

**Article 18 - Cemetery Closing Dates**

**Article 19 - Other Burial Grounds**

**Cemetery Fee Schedule**

#### **DEFINITIONS OF TERMS**

1. Cemetery Trustees. Elected officials of the Town of Rumney charged with the management of Town cemeteries in accordance with NH RSA 289:6.
2. Cemetery Sexton. The term "Cemetery Sexton" or "Sexton" shall mean the person duly appointed by the Cemetery Trustees for the administration of the Town's cemeteries.
3. Interment. The term "interment" shall mean the permanent disposition in the ground of the remains of a deceased person by cremation and inurnment, entombment, or burial, but does not include the scattering of cremains (ashes).
4. Memorial. The term "memorial" shall include monuments, monument vases, ledger stones, headstones, tablets, markers, benches or other structures intended to commemorate the deceased.

5. Monument. The term "monument" shall include any memorial intended to commemorate all persons buried in the plot. This typically includes the "family memorial".
6. Headstone, Grave Marker or Marker. The term "headstone", "footstone", "grave marker" or "marker" shall mean a memorial which marks one or adjoining graves.
7. Flush Marker. The term "flush marker" shall mean a memorial, the entire surface of which is even with the adjacent ground surface and is used to mark one or adjoining graves.
8. Corner Markers. A set of flush stones, the entire surfaces of which are even with the adjacent surfaces of the ground, used to show the limits of a plot at the corners.
9. Lawn Marker. The term "lawn marker" shall mean an ornament and/or flag holder which protrudes from the ground such as a veteran's marker, fire department marker, or other similar type of device used to show affiliation to an organization.
10. Lot, Plot, or Burial Space. The terms "lot", "plot", or "burial space" shall be used interchangeably and shall apply with like effect to one, or more than one adjoining graves.
11. Grave or Grave Site. A subdivision of a plot containing adequate space for one full adult burial or multiple cremains burials as specified in these Rules and Regulations.
12. Plot Owner. "Owner" means any person or persons owning or possessing the privilege, license, or right of interment in any burial space as determined under RSA 290:24.
13. Resident. NH RSA 21:6 defines resident as a person who is domiciled or has a place of abode or both in this Town and who has through his/her actions demonstrated a current intent to designate that place of abode as his/her principal place of physical presence for the indefinite future to the exclusion of all others.

## **ARTICLE 1 - GENERAL SUPERVISION**

A. Control of Cemeteries. The Town cemeteries are under the immediate control of the Cemetery Trustees who shall have the right to refuse use of the cemeteries to any person, corporation, or other user acting in violation of these Rules and Regulations. The Sexton is hereby empowered and required to enforce all Rules and Regulations and to exclude from the property of the Town cemeteries any person violating the same. The Sexton, coordinating with the Cemetery Trustees, shall have supervision and control of all persons within the cemeteries,

including the conduct of funerals, traffic, visitors, employees, and contractors working within the cemeteries.

B. Exceptions. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town of Rumney Cemetery Trustees, therefore, reserve 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 any temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general applications of the rule.

C. Emergency Situations. Emergency conditions may necessarily cause a labor, equipment or materials shortage so that certain rules cannot be strictly enforced. To meet these conditions, the Rules and Regulations, where necessary, may be temporarily modified or suspended by the Cemetery Trustees. Such temporary modification or suspension shall in no way be construed as a waiver nor affect the strict enforcement of the rules upon the conclusion of the emergency.

D. Right to Modify Rules and Regulations. The Cemetery Trustees may, and hereby expressly reserves 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 policies formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer effective.

## **ARTICLE 2 - RECORDS**

The Sexton, Town Clerk, and/or Cemetery Trustees shall maintain the necessary records for the administration of the Town cemeteries, including records of plot sales and burials, in accordance with NH RSA 289:5. The records shall be retained at the Town Offices.

## **ARTICLE 3 - VEHICULAR TRAFFIC AND ANIMALS**

A. Vehicle Speed and Noise. Currently, only Highland North and Pleasant View allow vehicle traffic. Vehicles shall not be driven through the cemeteries at speeds greater than five miles per hour. No horns shall be sounded in the cemeteries and vehicle engines shall not be left running except for authorized personnel in cold weather. Radio and entertainment system volume shall be reduced to a level not heard outside the vehicle.

B. Vehicle Parking. No vehicles shall be driven across or upon any grave, plot or cemetery lawn, nor left thereon. It is prohibited to park or leave any vehicle on any roadway in such a position as to prevent any other vehicle from passing the

same, and if so parked or left, the vehicle will be removed and the cost of removal borne by the owner.

C. Bicycles. No bicycles shall be admitted to the cemeteries when a funeral is in progress.

D. Off Road Vehicles Prohibited. No person except for those authorized by the town shall operate an off-highway recreational vehicle, including but not limited to snowmobiles, mini-bikes, trail bikes, all terrain vehicles (ATVs), or similar vehicles, within the limits of the Town cemeteries as prohibited by NH RSA 215-A:6.

E. Horses Prohibited. Horses and horseback riding are prohibited at all times in any part of the Town cemeteries unless part of a memorial service approved in advance by the Cemetery Trustees.

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

#### **ARTICLE 4 - PERSONAL CONDUCT**

A. Use of Walkways and Roads. Persons within the cemetery grounds shall use only the walks or roads if available, and any person injured while walking on the grass, the walks or roads, shall in no way hold the Town liable for any injuries.

B. Personal Behavior. Individuals entering any cemetery of the Town shall conduct themselves in a manner consistent with the purposes for which the cemetery exists, including quiet reflection and worship, showing respect for those interred in the cemetery, and remembrance of those buried. All individuals shall conduct themselves in a quiet and sober fashion, showing respect for other individuals who may be visiting the cemetery and those interred. No conduct which is disruptive or causes damage to the cemetery, plots, gravestones, structures, improvements, or natural features of the cemeteries will be tolerated.

- Damage Prohibited. All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery and plants, defacing or otherwise damaging memorials and structures, or disturbing birds and animal life.
- Lounging on Grounds. All persons are prohibited to sit or lounge on any of the grounds, graves or memorials in the cemeteries except on benches or seats provided for that purpose.
- Waste Materials. No waste material shall be left within the cemetery grounds.
- Noise During Services. No loud talking or noisemaking shall be permitted on the cemetery grounds during funeral services.

- Signs. No signs or notices of any kind, including advertisements, shall be allowed in the cemeteries unless authorized by the Cemetery Trustees.
- Firearms and Weapons. No person shall discharge a firearm or other weapon, including but not limited to guns or bows and arrows in any Town cemetery. This prohibition shall not apply to authorized volleys at burial and memorial services.
- Gravestone Rubbings Prohibited. No person shall make gravestone rubbings in any Town cemetery without first obtaining the written permission of the Cemetery Trustees in accordance with NH RSA 289:22.
- Prohibited Advertising. Approaching the bereaved and soliciting, promoting or advertising any business, services, commodities or commercial enterprise is prohibited within the Town cemeteries.
- Cemetery Hours. Cemeteries shall be open between sunrise and sunset. Visitors shall make reasonable efforts to adhere to these open hours. No unauthorized person shall be in the Town cemeteries after sunset and before sunrise.

## **ARTICLE 5 - PURCHASE OF CEMETERY PLOTS**

A. Selection of Plot. It is recommended that selection of a burial plot be made in person by the prospective plot owner(s) as it is difficult to convey by plan or verbal description the atmosphere of any particular location or the memorial restrictions and cemetery regulations.

B. Right of Residents. Residents of Rumney who can prove past residence are entitled to purchase cemetery plots in available cemeteries. Exceptions would be allowed for individuals who have family members already interred in a town cemetery, or in rare circumstances at the discretion of the Trustees. Burial plot purchase fees are established by the Cemetery Trustees and are subject to review and change.

C. Prior Residents. Residents of Rumney terminating residency and moving directly from the Town to a nursing home or shared home type facility, due to physical or mental illness or condition, shall not be subject to the provisions of Section 5B. These individuals shall retain their right to purchase plots and shall be treated in the same manner as other resident households are treated under these Rules and Regulations. Designated agents of a resident or estate of a resident shall be permitted to purchase plots in behalf of a resident or deceased resident and are not subject to the provisions of Section 5C and shall pay the established resident plot fees.

D. Non-Residents. Non-residents may, subject to approval of Cemetery Trustees, purchase plots in the Highland North or Pleasant View Cemetery. This

policy shall be reviewed by the Cemetery Trustees who will consider such factors as the amount of developed space available in the cemetery. The purchase of plots by non-residents may be restricted from time to time based on the decision of the Cemetery Trustees. Non-residents shall purchase plots in accordance with the established fee schedule and subject to the provision of funding for perpetual care.

E. Plot Deeds. After receiving full payment for a plot, the Cemetery Trustees shall prepare a Plot Deed for signature by the Selectmen and then register the deed in the Office of the Town Clerk.

F. Plot Improvements. No memorial shall be placed or any improvements made on any plot before payment is received in full by the Town and the plot owner has received a recorded deed from the Cemetery Trustees.

## **ARTICLE 6 - TRANSFER OF PLOTS**

The transfer of previously sold plots must be first approved by the Cemetery Trustees who shall update the Town records and then sign and date the back of the original deed. After approval by the Cemetery Trustees, the transfer shall be registered with the Town Clerk by presentation of the original deed on the back of which is written "Hereby transfer to (name of new owner) (plot number and cemetery name)" and the notarized endorsements of the original lot owners, heirs or assigns.

No person shall be recognized as the owner or part owner unless recorded in the Town Clerk's Office. The Cemetery Trustees are not responsible for the sale or collection of funds for the sale of previously sold plots.

## **ARTICLE 7 - RIGHTS OF PLOT OWNERS**

A. Rights of Interment. Whenever an interment is made in a plot conveyed to an individual owner by the Town, it shall be indivisible, and the whole of the burial plot becomes inalienable and shall be held as the family burial plot of the owner in which one grave may be used for the owner's interment, one for the interment of the surviving spouse, if any, of the owner who by law has a vested right of interment therein, and those remaining, if any, the children of the deceased owner may be interred in order of need, without the consent of any persons claiming any interest therein. In the event there shall be no child surviving the deceased person, the right of interment shall go to the next heirs at law of the deceased owner as specified in the statutes of descent except as provided by a will or living plot owner.

B. Death of Plot Owner. On the decease of the owner of a plot, when the plot is not specifically mentioned in his/her will, a notarized affidavit must be filed with the Cemetery Trustees signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of the 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 plot and give all other needful directions regarding the plot. If no affidavit is filed, the Cemetery Trustees may designate some of the heirs at law.

C. Succession of Ownership. If no interment has been made in a plot which has been conveyed to an individual owner, 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 which must be reserved for the surviving spouse of the owner, shall, upon death of the owner, descend in the regular line of succession to the heirs of law of the owner.

## **ARTICLE 8 - ADDRESS CHANGES OF PLOT OWNERS**

It shall be the duty of the plot owner to notify the Town of Rumney Cemetery Trustees of any change in his or her post office address. Notice sent to the plot owner at the last address on file in the records of the Cemetery Trustees shall be considered sufficient and proper legal notification.

## **ARTICLE 9 - PROTECTION FROM LOSS OR DAMAGE**

The Town shall take reasonable precautions to protect the cemetery plot owners 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, acts of God, common enemy, thieves, vandals, strikers, malicious invasions, insurrections, riots, and order of military or civil authority, whether the damage be direct or collateral, other than herein provided.

## **ARTICLE 10 - DEEDS AND RULES ARE SOLE AGREEMENTS**

The Plot Deed and these Rules and Regulations and any amendments hereto shall be the sole agreements between the Cemetery Trustees and the plot owner.

The statement of any employee or agent, unless confirmed in writing by a majority of the Cemetery Trustees, shall in no way be binding.

## **ARTICLE 11 - PERPETUAL CARE OF PLOTS**

A. Definition of Perpetual Care. The term "perpetual care" shall include the cutting of grass upon the plot at reasonable intervals and the raking and cleaning of any plot but shall not include the planting and care of flowers, ornamental plants or shrubs. If investments no longer earn income, perpetual care would end.

B. Agreement for Care. It is understood and agreed between the plot owner and the Cemetery Trustees that all Perpetual Care Funds may be deposited with

others of like character and intent to the end that the income from accumulated funds shall be used in the general improvement and perpetual care as defined in these Rules and Regulations; but in no case shall their deposit be construed as a contract to care for any individual plot other than as defined.

C. Use of Perpetual Care Funds. The income from the Perpetual Care Funds shall be expended by the Cemetery Trustees in such manner as will, in its judgment, be most advantageous to the plot 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 Cemetery Trustees is hereby given the full power and authority to determine upon what property, for what purpose and in what manner the income from Perpetual Care Funds shall be expended, and it shall expend the income in such a manner as in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of the cemetery grounds.

D. Records and Transfer of Funds. The Town shall transfer funds collected for perpetual care to the Trustees of the Trust Funds. The money received shall be held in trust and invested as provided by law.

E. Income. Perpetual care annual income, whether applied to plots, graves, structures, or to anything within the confines of the cemeteries, shall be limited absolutely to the income received from the investment of the Perpetual Care Funds, with no part of the principal being expended.

F. Maintenance and Appearance. All plots in the cemeteries shall be mowed and maintained in a manner as to contribute to the general appearance of the grounds.

## **ARTICLE 12 - INTERMENTS AND DISINTERMENTS**

- A. Authority. Besides being subject to these Rules and Regulations, all interments and removals are subject to the orders and laws of the properly constituted authorities of the Town, County, and State.
- B. Payments. All interments, disinterments, and services are subject to charges established by the Cemetery Trustees. Payment shall be made to the Town of Rumney at the time services are provided.
- C. Supervision by Sexton. All openings and closings of graves, including the interment of cremains, shall be under the direct supervision of the Sexton or other persons contracted by the Sexton. This is in part to facilitate proper maintenance of cemetery records by the Sexton in accordance with applicable laws and to ensure compliance with these Rules and Regulations.
- D. Requests for Interments. Interment requests shall be submitted to the Sexton

or Cemetery Trustees at least forty-eight (48) hours, or two full working days, in advance. This advance notice is required to provide adequate time to arrange for the opening of the grave site. Exceptions to this requirement are made to accommodate religious requirements for burials.

- E. Interment Hours. Interments shall take place between the hours of 8:00 a.m. and 3:00 p.m. during the regular work week (Monday through Saturday) excluding holidays and holiday weekends recognized by the Town of Rumney. Interments on Sunday mornings are subject to additional costs. The Town shall not be held liable for non-availability of services outside the normal working hours of the Town.
- F. Permits and Identities. Funeral directors, upon arrival at a cemetery, must present the necessary burial permits to the Sexton. The Sexton shall not be liable for the interment permit nor the identity of the person to be interred.
- G. Opening of Casket. Once a casket containing the body is within the confines of a Town cemetery, no funeral director, or his or her assistant, employee or any agent, shall be permitted to open the casket or to touch the body without consent of the family or legal representatives of the deceased.
- H. Refusal of Interment. The Town reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose if there is a question of assignment and/or right for interment.
- I. Lack of Instructions. When instructions regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the Sexton may, in his discretion, open it in such location in the plot as he deems best and proper, so as not to delay the funeral; and he and the Town shall not be liable in damages for any error so made.
- J. Proper Instructions. The Town shall not be responsible for any order given verbally or by telephone or 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 or removal is desired.
- K. Error Liability and Corrections. The Town reserves, and shall have, the right to correct any errors that may be made by it either in making interments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling the conveyance and conveying 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 the purchase. In the event errors involve the interment of the remains of any person, the Town reserves, and shall have, the right to remove and transfer remains so interred to other

property of equal value and similar location as may be substituted and conveyed in lieu thereof.

- L. Delay of Interments. The Town shall in no way be liable for any delay in the interment of a body when a protest to the interment has been made, or when the Rules and Regulations have not been obeyed. The Town shall be under no duty to recognize any protest of interments unless they are in writing and filed with the Cemetery Trustees.
- M. Minimum Burial Depth. No person shall inter, or cause to be interred any, body or cremated remains in a grave which is less than two (2) feet deep from the surface of the ground surrounding the grave to the highest part of the vault or container.
- N. Burial Limitations. One full adult burial (casket and vault) is permitted in each grave. Double stacking of caskets and vaults within a grave is not permitted due to safety restrictions on excavation and the minimum requirements for burial depth. Burial of cremains in addition to full burials in the plot may be made if there is adequate room within the plot limits and if the minimum required depth of two feet can be maintained.
- O. Grave Restrictions. Only one full burial (an adult casket and vault) in each grave site is permitted.
- P. Cremain Interments. Multiple interments of up to five cremains in a single grave (part of a standard plot) without a full burial are permitted provided there is adequate room within the limits of the grave and the required minimum depth of two feet is maintained above the containers. The Sexton or Cemetery Trustees will designate and record interment locations within the grave.
- Q. Human Remains Only. No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted in the Town cemeteries.
- R. Equipment for Services. Artificial grass, lowering devices and other equipment shall be provided by the Funeral Director and promptly removed after graveside services are completed.
- S. Vaults. Inasmuch as wooden boxes collapse after a comparatively few years, thereby causing unsightly and hazardous sunken graves, the use of all such fragile materials as the outer container is prohibited and every body buried in a grave must be enclosed in a concrete, stone or other permanent vault or section liner of approved specifications. This requirement is waived for buried cremated remains, which must be interred in a solid, durable container.  
Plastic bags and containers made of cardboard and wood are not authorized

for cremains.

- T. Disinterments. Removal by the heirs of a body or cremated remains so the plot may be sold for profit or for use by themselves or others or removal contrary to the express or implied wish of the original plot owner is forbidden.
- U. Liability for Removals. If removal of remains is required, the Town shall not assume liability for damage to any casket, burial case, urn or memorial incurred in making the removal.
- V. Disinterments During Closings. Disinterments shall not be made between December 1<sup>st</sup> and May 1<sup>st</sup> or when the cemeteries have been closed except in case of emergency as determined by Town, County, or State authorities.
- W. Markers. The Cemetery Trustees request a suitable headstone or marker be placed at the burial site that meets the requirement of #16-I within three months of burial.

### **ARTICLE 13 - CONTROL OF WORK IN THE CEMETERIES**

- A. Authority of Sexton. All grading, landscaping and improvements of any kind, all installations of memorials and foundations, all care on plots, and all opening and closing of graves shall be performed under the supervision of the Sexton and/or Cemetery Trustees.
- B. Plot Improvements. All improvements or alterations of plots in the cemeteries shall be under the direction and subject to the approval of the Sexton and/or Cemetery Trustees and should they be made without written consent, the Town reserves the right to remove, alter or change such improvements and alterations at the expense of the plot owner at any time they become unsightly or are in violation of these Rules and Regulations.
- C. Trees and Shrubs. If any trees or shrubs situated on any plot present a danger to the cemetery grounds or visitors, the Town shall have the right to enter the plot and remove trees or shrubs. Existing trees and shrubs are not grandfathered in these Rules and Regulations if in violation of this paragraph.
- D. Working Hours. All work on memorials, markers, foundations and lettering shall be performed during the normal working hours. Such work outside of normal working hours requires the permission of the Sexton.

- E. Proof of Insurance. Dealers, installers, funeral home workers, contractors, and their agents shall present proof of insurance if requested by the Sexton and/or Cemetery Trustees. Contractors and others who routinely perform work in the Town cemeteries shall maintain a current proof of insurance with the Sexton and/or Cemetery Trustees.
- F. Authority of Sexton Concerning Work. The Sexton and/or Cemetery Trustees reserves the right to stop all work of any nature, whenever, in the opinion of the Sexton and/or Cemetery Trustees proper preparations have not been made; or when tools and machinery are insufficient or defective; or when the work is being executed in such a manner as to threaten life or property; or when the dealer, contractor or worker has been guilty of misrepresentation; or when any reasonable request on the part of the Sexton and/or Cemetery Trustees is disregarded; or when work is not being executed according to specifications; or any persons employed on the work violate any rules of the cemetery.
- G. Approval of Completed Work. All completed work is subject to the approval of the Sexton and/or Cemetery Trustees, and, if unsatisfactory, it may be removed or corrected by the Sexton and/or Cemetery trustees. The cost of removals and/or repairs made by the Town will be charged to the responsible party.
- H. Noise During Services. While a funeral or internment is being conducted in the cemetery, all work and noisemaking of any description shall cease.
- I. Compliance with Regulations. Memorial dealers, contractors, funeral home workers, installers and workers shall abide by all Rules and Regulations of the cemeteries.

#### **ARTICLE 14 - BOUNDARIES, CHANGES IN GRADE AND EASEMENTS**

- A. Boundaries. The right to enlarge, reduce, replant or change the boundaries or grading of the cemeteries or any sections, including the right to modify, change the location, remove or regrade roads, drives or walks, or any part thereof, is expressly reserved for the Town. The right to lay, maintain, and operate or alter pipe lines and gutters for drainage or water systems, etc. is also expressly reserved for the Town as well as the right to use cemetery property, not assigned to plot owners, for cemetery purposes, and to those lawfully entitled, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

- B. Easements. No easement or right of interment is granted to any plot owner in any road, drive or walk within the cemeteries; but such road, drive or walk may be used as a means of access to the cemetery grounds or buildings.
- C. Plot Grade. No person shall cause any part of surface of the ground in a plot to be raised above the existing height of the surrounding surface. All grading shall be done by cemetery personnel under the direction of the Sexton.
- D. Fencing Around Plots. Curbing and fencing are not permitted around graves and/or plots. Existing fencing and curbing are grandfathered if kept in good condition by lot owner. If the fence has become damaged the Sexton/Cemetery Trustees have the right to remove the fence, sell and the proceeds placed in the Perpetual care for the lot.

## **ARTICLE 15 - MATERIALS PERMITTED**

- A. Materials. All memorials shall be constructed of natural stone. The use of cement, artificial stone, wood, composition wood, tin or iron shall not be permitted.
- B. Warranties. All memorials, markers and corner markers shall be first quality granite or natural stone, the quarrier or dealer to provide written certification and guaranty to the Sexton that such materials will be free from sap and contaminants which cause stains and from natural faults which may cause cracks.
- C. Responsibility for Faults. Should any fault develop within five years from the date of placement in the cemetery, the faulty stone will be replaced without cost to the Town of Rumney or the plot owner. This replacement is to be made by the quarrier, manufacturer or dealer. If any fault resulting from improper finishing or lettering develops within five years from the date of placement in the cemetery, the faulty stone will be replaced by its manufacturer or dealer without cost to the Town of Rumney or the plot owner.
- D. Bronze and Metals. The use of bronze is approved for tablets when attached to memorials, provided the bronze has been cast from an alloy containing not less than eighty-five percent (85%) copper nor more than five percent (5%) lead, and purchased from an approved dealer. No other metals may be used unless they are substantially non-corrosive; of proved permanency, and have been approved by the Sexton in writing.

## **ARTICLE 16 - MEMORIALS, MONUMENTS AND MARKERS**

- A. Authority. The cemeteries shall be permitted to have memorials, monuments and markers of dimensions, design and materials as approved by the Cemetery Trustees in accordance with these Rules and Regulations.
- B. Approvals. It is important that the approval of the location, material, style, and size of the memorial be secured before purchasing or commencing work upon the memorial. A sketch, prepared by the plot owner or memorial dealer/installer, shall be submitted in duplicate to the Sexton and/or Cemetery Trustees. The sketch shall show as a minimum, the proposed size and location of the memorial(s) within the plot, design and materials of the memorial(s), and inscriptions. Upon approval of the plan, a signed copy of the sketch will be returned to the plot owner and one copy will be retained in the cemetery files. Any changes to the plans, required as part of the approval, will be notated on the sketch.
- C. Disapproval of Plans. The Cemetery Trustees, in consultation with the Sexton, shall have the authority to reject any plan or design for any memorial and/or plot improvement which, on account of size, design, inscription, location, kind or quality of stone, is unsuited to the plot on which it is to be placed or is not in conformity with the Rules and Regulations.
- D. Appeal of Rejection. If the plan for the memorial is rejected, such rejection shall be made within fifteen (15) days and explanation given. Upon written appeal submitted to the Cemetery Trustees, any rejection shall be promptly reviewed by the Sexton and Cemetery Trustees. The applicant may appeal to discuss the plan and reasons for rejection.
- E. Foundations. Monuments and raised headstones shall have a solid, one-piece foundation of width and length equal to the base of the monument and must be a minimum of four (4) feet deep. Flush marker foundations are recommended and should be a minimum of two feet deep. Foundations shall not be built during inclement weather or when there is danger of damage from frost. No stone shall be set before the foundation is fully hardened.
- F. Monument Location. Only one central or family monument shall be allowed on a plot and shall be set on the space approved by the Sexton and Cemetery Trustees at least three inches inside the plot lines. If adjoining plots (*not including cremation plots*) are owned by the same deed holder, the family monument may be centered on the plots.
- G. Standard 10'x10' Plots. The size of a family monument shall be governed according to the ratio of its face area, (length of longest side multiplied by total height above the ground), to the surface area of the plot (length multiplied by width of the plot). The face area of each monument shall not

exceed 15% of the surface area of the plot and its length (largest horizontal dimension) shall not exceed 60 % of the average width of the plot. The above are for maximum size only. It is often desirable to build a monument less than the maximum allowed. Only one large family monument shall be allowed on each plot. Multiple flush markers are authorized to mark individual burials.

- H. Cremation Plots. Cremation Lots are 4x5 feet. Due to the smaller surface area of a cremation plot, the face area of the family monument shall not exceed 33% of the plot surface area. The width of the monument shall not exceed 4 feet. The monument shall be placed centered on the plot (centered in relation to both width and length of the plot). Only one upright monument shall be allowed on a cremation plot. Multiple flush markers are allowed to mark individual burials if desired.
- I. Flush Markers. Flush grave markers shall be set so that the top will be at grade level. Markers shall not be less than one-foot-wide by two feet long. Locations of all markers shall be approved by the Sexton and /or Cemetery Trustees.
- J. Monument Inscriptions. The name or inscription on each memorial must correspond with the name and record in the Town Office and no changes shall be made thereon except on written request of proper parties and by written permission of the Cemetery Trustees.
- K. Plot Corner Markers. Corner markers (bounders) shall be of natural stone; placed flush with the grade. Corner markers do not require foundations. They shall not exceed six inches in width by six inches in length and shall be set at the extreme corners of the plot and square with the bounds of the plot. Initials shall be incised (cut in), not raised. Corner marker locations shall be determined by the Sexton. Installation of corner markers by cemetery personnel can be arranged by the Sexton for a fee established by the Cemetery Trustees and payable to the Town of Rumney.
- L. Walkways within a Plot. Walkways or paved areas within a plot shall not be allowed unless proposed on a sketch of the plot and approved in writing by Cemetery Trustees prior to placement. Materials and installation methods must be durable and resist weathering without creating interference for maintenance. The top surface of the walk material shall be flush (level) with the surrounding ground surface. Cinders, sand, gravel, crushed stone, pebbles, wood, artificial stone and cement are prohibited. The Town reserves the right to remove the same if installed without authorization.
- M. Prevention of Damage. Persons engaged in erecting memorials, or other structures, are prohibited from attaching ropes to other memorials, trees and

shrubs, or from scattering their material over adjoining plots, or from blocking roadways or pathways or from leaving materials on the ground longer than absolutely necessary. They must do as little damage as possible and must remove all debris and restore the ground and sod to its original condition in an expedient manner.

- N. Responsibility for Damages. Any damage done to plots, 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.
- O. Monument Lettering. All lettering on memorials shall be cut (incised) or sandblasted onto the surface of the stone.
- P. Monument Workers. Letter cutters, persons or firms who engage in the business of cleaning memorials (not connected with established retail dealers already on the approved list of dealers), and all other persons or firms, must procure approval from the Sexton before the start of any work in the cemeteries.
- Q. Independent Contractors. Workmen engaged in placing or erecting memorials and other structures, grinding materials, or performing other work in the cemeteries, may operate as independent contractors but must do so with the permission of the Sexton and must be under the general supervision of the Sexton. Proof of insurance is required.

## ARTICLE 17 - DECORATION OF PLOTS

- A. Liability for Flowers and Plantings. The Town shall not be liable for lost, misplaced or damaged floral pieces, vases, baskets, or frames. 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.
- B. Removal of Flowers and Plantings. The Town shall have the authority to remove all floral designs (artificial or real), flowers, weeds, trees, shrubs, plants or herbage of any kind, from the cemetery. **The Cemeteries will be cleared of all items placed in the cemeteries on October 15th. Any person wishing to retain their plants, flowers (cement pots excluded) shall remove them prior to those dates.**
- C. Artificial Flowers, Flower Vases, and Personal Mementos. Artificial flowers may be used but must be in a suitable container or vase. The use of glass

jars, tin cans, plastic food containers or other temporary or easily breakable containers as flower vases is prohibited. Small figurines and personal mementos (will need to be removed by October 15) will be allowed around the headstones as long as they do not extend more than eighteen inches from the headstone, remain inside the boundaries of the plot and do not interfere with mowing and maintenance. The Cemetery Trustees reserve the right to remove any items deemed non-compliant.

- D. Fencing and Curbing. No fences, wire enclosures, or curbing for flower beds may be placed on any plot and no wires or other means of support may be used for flower containers.
- E. Planting and Flower Locations. Potted flowers, planted flowers, or urns with flowers are allowed around the headstone or family monument in an area not to exceed eighteen (18) inches from the headstone and must be totally inside the perimeter of the plot. This requirement is not grandfathered.
- F. Bushes and Shrubs. Any trees or shrubs are strictly prohibited from be planted in any lot in any cemetery by any person or persons. Existing trees or shrubs may be removed by the Sexton/Cemetery Trustees if detrimental to the-cemetery property.
- G. Plot Boundaries. In all cases, ornaments, plantings, shrubbery, parts of shrubbery and plantings, memorials, or other additions to a plot shall not extend beyond the boundaries of the plot. This restriction is not grandfathered and exceptions shall not be made.
- H. Markers and Holders. Lawn markers and flag holders of the type provided by the American Legion and other organizations are permitted near headstones.
- I. Honoring of Veterans and others in Service. As a special mark of respect to those who have served our country and state, the American flag shall be displayed only on the graves of those persons who have honorably served in the Armed Forces of the United States of America and other service organizations. The American Legion will procure and place American flags annually prior to Memorial Day on all known graves of veterans of the Armed Forces. These flags shall be removed when they become soiled, faded, torn or otherwise unsightly. A small POW-MIA flag not equal to or exceeding the size of the American flags on the graves, may be displayed on the site of a memorial placed to honor a military service member who has been declared as missing in action. Family members should identify to the Sexton and/or Cemetery Trustees those veterans buried in a plot to enable accurate record keeping and proper marking of the grave. Small fire and police department flags may be displayed on graves of department veterans and those killed in

the line of duty. Fire and police flags shall not exceed the size of any American flags provided by the American Legion for the cemeteries and shall be lower in height when placed on the grave.

## **ARTICLE 18 - CEMETERY CLOSING DATES**

Closing Dates. The Town cemeteries will be closed for interments from December 1 to May 1\* of each year due to weather conditions. The above dates may be modified by the Sexton with approval of the Cemetery Trustees if weather conditions in any year warrant such change. The gates for all Cemeteries will be closed for vehicle traffic between November 15 and May 1\*.

\*The Cemeteries will be cleared of all items placed in the cemeteries on October 15<sup>th</sup>. Any person wishing to retain their plants, flowers (cement pots excluded) shall remove them prior to those dates.

- Opening Cemeteries on May 1 is subject to weather permitting and ground condition.

## **ARTICLE 19 - OTHER BURIAL GROUNDS**

All cemeteries and burial grounds shall be laid out in accordance with the following requirements (**RSA 289:3**)

A. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

B. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person. The Burial Permit must be given to the Town Clerk with the location of the burial.

C. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly

recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the Cemetery Trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the Cemetery Trustees.

D. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

***\*In accordance with RSA 289:7, the Cemetery Trustees have the responsibility to adopt new rules and regulations at any time, and to amend, alter, grant exceptions, or repeal any rule or regulation as needed, and are empowered to have the Cemetery Foreman see that these rules are carried out for the mutual protection of the cemetery as a whole. Trustees failing to comply or enforce the provisions set forth shall be guilty of a violation.***

**Rumney Cemetery Trustees**

**Linda Kimble**

**Dwight Lyon**

**Kathy Sobetzer**

**Rumney Cemetery Sexton**

**John Timson**

**Adopted September 2013**

**Amended March 2016**

## **CEMETERY FEE SCHEDULE\***

Lots: Graves:      Size:      Lot price:      Perpetual Care:      Total price:

Full	10	20'x20'	\$2500.00	\$1000.00	\$3500.00
Half	5	20'x10'	\$1250.00	\$600.00	\$1850.00
Quarter	2	10'x10'	\$625.00	\$400.00	\$1025.00
Single	1	4'x8'	\$250.00	\$250.00	\$500.00
Cremation		4'x5'	\$175.00	\$100.00	\$275.00

**Burial:**

Monday –Saturday:

Cremation; \$300.00 and Full Burial; \$750.00.

Sunday:

Cremation; \$350.00 and Full Burial; \$850.00

\*All Lot prices include Perpetual Care as defined and described in Article 11.