

CEMETERY REGULATIONS

TOWN OF TUFTONBORO, NEW HAMPSHIRE

Effective¹ January 1, 2024

¹ Revised based on the adopted version prepared by Town Cemetery Trustees November 1, 2016, and previous Schedule of Fees adopted April 3, 2018.

CEMETERY REGULATIONS, TOWN OF TUFTONBORO, NEW HAMPSHIRE

These regulations are promulgated per

RSA 289 Cemeteries/Burials of the State of New Hampshire

1. PURPOSE and INTENT

These regulations are hereby established for the mutual protection of lot purchasers with Rights of Burial, under the jurisdiction of the Cemetery Trustees within the Town of Tuftonboro. All purchasers and persons visiting and contracted to work within cemeteries are expected to abide by these regulations which are intended to assist in maintaining the cemeteries as peaceful, dignified, safe, and attractive areas as well as reverent symbols of respect for the dead and valued links to the heritage of our community.

Tuftonboro has one Town-wide cemetery known as the Town House Cemetery and maintains many cemeteries 'declared abandoned'². In addition, cemeteries within the Tuftonboro town boundaries include Melvin Village Church, Grave by the Lake, and several cemeteries under the private care of descendants.

2. AUTHORITY

These regulations are in accordance with State Law, RSA 289:2, which states, in part: *"Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries which shall be subject to such regulations as the municipality shall establish."*

The Cemetery Trustees may establish such regulations pursuant to RSA 289:7 I(a), *"The operations and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees."* No individual Cemetery Trustee may make decisions on his/her own regarding variances to these regulations. Reference to Cemetery Trustees within these regulations is inclusive of the designated Cemetery Sexton.

These regulations may be amended from time to time for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Tuftonboro which also applies to all sites "declared abandoned"³ by the Board of Selectmen under RSA 289:19-21.

² 'Abandoned' refers to those neglected burial grounds according to RSA 289:19, below.

³ RSA 289:19 **"Neglected Burial Ground-** Whenever a burial ground within the boundaries of the town has been neglected for a period of 20 years or more, the municipality may declare it abandoned for purposes of preservation, maintenance and restoration."

RSA 289:21 **"Rights and Responsibilities-** Any burial ground declared abandoned...shall become a municipal cemetery for management purposes and shall be managed by the cemetery trustees, who shall assume all authorization and rights of natural lineal descendants."

3. DEFINITIONS

Abandonment: Burial grounds neglected for 20 years or more, as defined under New Hampshire statute RSA 289:19 (see footnote 1+2).

Burial permit: A permit required prior to all burials and issued by the Cemetery Trustees based on the Death Certificate, as submitted by the next-of-kin or agent designated by him/her. No burials should take place without a Right of Burial permit.

Cemetery staff: Employees or contractors of the Town of Tuftonboro under the direction of the Cemetery Trustees.

Corner Marker: A device used to mark the corners of a burial lot. It may be a square stone or concrete marker with or without the initials of the lot purchaser. Currently, it is an aluminum disk with the lot purchaser's surname.

Cremains: The ashes and residue from a cremation.

Expendable Trust for General Care: Funds placed on deposit with the Tuftonboro Trustees of the Trust Funds, the income from which can be spent for reasonable and practical care of all cemeteries belonging to the Town. Activities include raking, mowing, and seeding of the entire grounds (including lots, unsold areas, roads, and paths) as well as tree maintenance/felling, wall and gate maintenance, signage, and burial marker repair.

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

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

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

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

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

Lot Purchaser: A person who holds a valid Right of Burial for a lot or lots in a cemetery.

Objectionable activities and objects: Is that which is deemed disrespectful in the context of cemeteries in Tuftonboro, including profane, obscene, or pornographic language/behavior or objects; frightening, disgraceful, or degrading language/behavior; or disrespectful flags, markers, or monuments.

Perpetual Care Funds: Funds deposited with the Tuftonboro Trustees of the Trust Funds, the income from which can be spent on General Care (see above), depending on the availability of funds.

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

Sexton: A person who supervises the operations and maintenance of Town cemeteries and assists with burials, working under the direction of the Cemetery Trustees.

Trustees: Cemetery Trustees elected by the residents of the Town of Tuftonboro.

4. GENERAL RULES

Cemeteries are open to the public from dawn until dusk (alternative times should be arranged with the Cemetery Trustees). Cemeteries are closed to vehicles from November 15 to May 1, depending on weather and ground conditions. Walking in cemeteries, while closed, is at a person's own risk.

Wheeled vehicles and horses are prohibited (except those authorized for burials and maintenance).

Authorized vehicles are restricted to 5 miles per hour within cemetery boundaries, and they must remain only on roads including for parking (except those involved in grave preparation or restoration).

Dogs are allowed with their owners but must always be leashed. Their waste should be disposed of in trash receptacles.

Prohibited items/activities include those listed as objectionable above (see definition), firearms (and all hunting), weapons, and alcohol; solar lights; in-ground planting of perennial plants (flowers, shrubs, or trees); any items that may interfere with maintenance; glass, porcelain, pottery, and other breakable items; removal of stones/markers; stone rubbing.

Plantings that occurred before these regulations and which have become unsightly or spread beyond the limits of the original lot(s) shall be removed by the Cemetery Trustees, and the costs may be charged to the lot purchaser(s).

Items left on graves, or lots shall be removed by the Cemetery Trustees when they become unsightly (flowers, wreaths, baskets, etc). Urns and pots should be emptied and removed before the winter season, and winter items removed before the spring.

Removal of items without notice by Cemetery Trustees is their duty if items are objectionable or interfere with maintenance. Items will be held by the Cemetery Trustees for retrieval by the lot purchasers. Those not retrieved by year-end will be disposed of.

Firearm discharging is limited to salutes at military funerals and holiday ceremonial salutes. Permission of the Cemetery Trustees for dates and times is required.

Funeral Directors and/or vault and monument workers shall be under the jurisdiction of the Trustees when operating in the cemeteries. They must repair any damage done.

Work in cemeteries by lot purchasers, aides, and employees is subject to the supervision of the Cemetery Trustees. The purchasers, aides or employees must remove all waste and debris. Any damage done must be repaired.

No animal burials are allowed in any cemeteries.

No soliciting or advertising of any kind is permitted in cemeteries. Any person disrupting the quiet and good order of the cemeteries or displaying intoxicated or disorderly conduct shall be asked to leave. Tuftonboro police will be summoned if the person(s) does not leave.

No use of cemetery grounds for commercial or entertainment purposes (including as settings for movies or plays) is allowed without prior permission of the Cemetery Trustees.

Vandalism and theft: any person apprehended for acts of vandalism, theft, or illegal acts on cemetery property will be fully prosecuted according to the law.

5. PURCHASE AND TRANSFER OF LOTS

The purchase and sale of cemetery lots is by a Right of Burial permit only; the Title to the real estate remains with the Town of Tuftonboro.

No Right of Burial is granted in any road, driveway or path within the cemeteries; these may be used as a means of access to the cemetery for burial or visitation purposes only.

The sale of Rights of Burial is restricted to those who are or have been, residents of the Town of Tuftonboro, with the following exceptions: non-residents who have been an employee of the Town for 10 years or more; individuals who have family members interred in a cemetery in Tuftonboro; and individuals who, in the judgment of the Cemetery Trustees have shown a personal connection to Tuftonboro.

The purchaser(s) of the Rights to Burial, or their heirs, shall not grant, sell, alienate, or convey this Right to any other person without first obtaining written consent from the Cemetery Trustees or Board of Selectmen. Granting such approval is optional. Sale back to the Town of Tuftonboro of Rights of Burial for unused lots shall be at the original purchase price.

A written list of names of those people authorized to be interred within the lots purchased should be given by the purchaser of the Rights of Burial to the Cemetery Trustees. Alterations of this list must be done in writing by the purchaser of the Right of Burial. If no names are given, authorized persons by default will include the lot purchaser, his/her partner at the time of his/her death, his/her children (subject to the lot capacity, State statutes, and these regulations). This requirement applies to both full burials and cremain burials.

Payment of Rights of Burial, including perpetual care and placement of corner markers must be made at the time of purchase unless otherwise agreed by the Cemetery Trustees. Checks should be made payable to '*The Town of Tuftonboro*'. If after one-year, full payment for the Right of Burial has not been made, the burial rights shall revert to the Town for resale.

Purchase of Rights of Burial are limited and determined by the Cemetery Trustees, as follows:

1. Town House Cemetery: Maximum of 8 lots (either full burial or cremains).

- Each full burial lot is 4'x10' and can accommodate up to two full-body burials, each with a concrete vault. Cremain burials are permitted in these lots. A maximum of 4 vaulted cremain burials are permitted.
Cremain burials are also permitted in full lots, the number of cremain burials depends on the container size, if any. Multiple cremain burials in non-degradable containers smaller than an 18'x18'x18', and/or burials without a container are permitted. The size and number of markers remains as stated in Section 6 herein.
- Each cremain lot is 4'x4' and can accommodate up to two containers of cremains for burial. Containers must not bio-degrade so as to create a depression on the ground's surface. Cremains may be buried without a container.

2. Small cemeteries⁴: Cremains only (sizes and details as above).

Determinations of lots will be made by Cemetery Trustees.

Lots for cremation burials are available in some **small cemeteries** for which the Cemetery Trustees are responsible. An applicant for a lot in any of these cemeteries must demonstrate a personal connection to the cemetery, such as being related to others buried there or being, or having been, an owner of the adjoining land. No full-body burials are permitted in these cemeteries. Maximum cremain lot size is 4 ft. x 4 ft. although in some cases, a maximum of 3 ft. x 3 ft. may only be permitted.

Grave markers must be flat stones with a maximum size of 12 inches x 24 inches placed on the ground. No upright monuments are permitted. The intent is to allow for burials and markers which do not change the aesthetics of the cemetery.

For indigent persons, the Town will provide a single lot for cremains only and will cover the costs of interment and for corner markers.

6. MONUMENTS and MARKERS

Memorial markers/monuments require the approval of the Cemetery Trustees. All monuments must be set on a cement foundation suitable for the size of the monument. The foundation of all markers and monuments must fit within the limits of the burial lot.

All lots must have corner markers installed after the purchase of the Rights of Burial. The cost for corner markers (including setting them) is paid as part of the Rights of Burial purchase. Corner markers are set in place by the Sexton.

Granite, slate, and marble markers are recommended. Monuments of a non-traditional nature (i.e., benches, birdbaths, sculptures) must have prior written approval from the Cemetery Trustees. No curbs, hedges, fencing, or enclosures of any kind are allowed around any lot.

Sizes of Memorials:

On a lot of 4'x10' ONE upright monument is allowed above ground. The total height must not exceed 36 inches. The base must fit entirely within the lot.

In addition to an upright monument, a maximum of 4 flat markers (each with a maximum size of 12" x 24") may be placed on a full-size lot.

In small cemeteries, grave markers must be flat stones with a maximum size of 12 inches x 24 inches placed on the ground. No upright monuments are permitted. The intent is to allow for burials and markers which do not change the aesthetics of our small cemeteries.

⁴ Small cemeteries refers to 'abandoned' cemeteries under the care of Tuftonboro's Cemetery Trustees in accordance with RSA289:19.

Flags are permitted between Memorial Day and Veteran's Day. Flags should be placed close to upright memorials so as not to interfere with maintenance. Flags may be 12x17 inches maximum and must be mounted so as not to touch the ground. American Legion flag holders are acceptable.

7. PERPETUAL CARE

Perpetual care is included in the purchase of Rights of Burial, however, donations are always welcomed at any time for the care of our many cemeteries.

Cemetery Trustees arrange for maintenance including raking, and cleaning of the grounds of many of our cemeteries. Perpetual care may also include maintenance, repair, or replacement of signs, memorials, markers, walls, and gates depending on the availability of funds.

Perpetual care does not include the planting of, or caring for, flowers or ornamental plants.

8. APPEALS

Any person aggrieved by any provision of these regulations, or a decision rendered by the Cemetery Trustees may appeal said decision or action to the Cemetery Trustees.

All appeals must be submitted in writing and include pertinent documentation as well as a specific reference to the regulation or decision giving rise to the appeal. The Cemetery Trustees shall review and respond to the appeal in a timely manner.

SEVERABILITY

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

EFFECTIVE DATE

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

Given under our hands this 22nd day of December, 2023.

TOWN OF TUFTONBORO CEMETERY TRUSTEES- 2023

Susan Weeks: Susan H Weeks

Carol Bush: Carol Bush

Alana Albee: Alana Albee

CERTIFICATION

This is to certify that on 22nd Day of December 2023, the foregoing regulations were delivered to the Town Clerk of Tuftonboro for recording.

 Town Clerk signature

Jennifer M Couiter Town Clerk name (print)

CEMETERY SCHEDULE OF FEES:

Tuftonboro, New Hampshire

Cremation Lot (4ft.x 4ft):

Right of Burial: \$350

Interment Charge (if no undertaker): \$100

Single Full Grave (4ft x 10ft):

Right of Burial: \$700

Corner Markers for Lot (Cremation and Full Grave): Price of markers and installation per arrangement with Town Office.

This Schedule of Fees has been adopted for effect as of January 1, 2024, following a public meeting held on November 7, 2023, by a vote of Cemetery Trustees:

Susan Weeks, Chair

Susan Weeks

Carol Bush, Secretary

Carol Bush

Alana Albee

Alana Albee

CERTIFICATION:

This is to certify that on the 2nd day of Dec 2023, the foregoing Schedule of Fees was delivered to the Town Clerk for recording.

Jennifer M. Conter

Town Clerk signature

Jennifer M. Conter

Town Clerk name (print)

Payments should be made to: The Town of Tuftonboro, 240 Middle Rd., Tuftonboro, N.H. 03816