

## Chapter 835

# CEMETERY REGULATIONS

### ARTICLE 1. General Provisions

#### **835-1-1. Authority**

In accordance with and under the authority of New Hampshire Revised Statutes Annotated, Chapter 289 and 290 authorizing the Board of Cemetery Trustees to regulate the public cemeteries of the Town of Hampton, the following regulations are enacted.

#### **835-1-2 Purpose**

It is the express intent and purpose of these regulations, and the specifications they contain, to strictly regulate the standards to be applied to the operation of the Town of Hampton Cemeteries to protect the public health, to promote public safety, to provide for the public welfare, to protect the owners of lots within the cemeteries, to assist in the preservation of all of the individual lots and graves and to protect the monuments and grave markers within the cemeteries.

#### **835-1-3 Board of Cemetery Trustees**

The Board of Cemetery Trustees are the elected officials of the Town of Hampton who are by law charged with the operation and preservation the public cemeteries within the Town of Hampton. They have the power to regulate the public cemeteries through the enactment of regulations for the governance of the public cemeteries, the employment of a Cemetery Sexton to assist in the management and preservation of the public cemeteries by the carrying out duties assigned by the Trustees.

#### **835-1-4 Organization of the Board of Cemetery Trustees**

The Board of Cemetery Trustees shall at their first meeting following the election of Town Officers reorganization by the election of a Chairman and the election of a Bookkeeper. The Bookkeeper shall keep the records and books of the Trustees and shall issue vouchers as necessary for funds to be expanded in accordance with Town of Hampton Purchasing Policy and Regulations, all billings being paid through the Town of Hampton Finance Department, The Chairperson and the Bookkeeper may be the same person.

### **835-1-5 Cemetery Sexton**

The Board of Cemetery Trustees shall appoint a Cemetery Sexton who shall assist the Trustees in the management and operation of the cemeteries by the delegation of specific duties through a job description approved by the Trustees that describes the Sexton's duties.

### **835-1-6 Other Employees**

The Town of Hampton shall engage the services of other employees on a part-time or seasonal basis to assist in the operation, maintenance, upkeep, repair and grounds management of the Town Cemeteries as determined by the Board of Cemetery Trustees in conjunction with the Town Manager, Deputy Town Manager, the Director and/or the Deputy Director of Public Works.

## **ARTICLE 2. Administration**

### **835-2-1 Cemetery Office**

The Board of Cemetery Trustees shall establish the hours of operation of their office for the convenience of the public. The hours of operation may be different depending on the seasons of the year. The Cemetery Website shall contain the established hours of operation together with appropriate telephone numbers for the Trustees and the Sexton.

### **835-2-2 Cemetery Records**

The records of the Board of Cemetery Trustees are open to the public for inspection. The website will carry instructions on how to schedule times with the Trustees for the examination of the records of cemeteries under the control of the Trustees.

### **835-2-3 Records of Burials**

The Cemetery Trustees shall keep a record of every burial showing the date of burial and name of the person buried and the lot, plot, or part of such plot or lot, in which the burial was made.

### **835-2-4 Records of Private Burial Sites**

The Cemetery Trustees shall keep a record of every private burial site within the Town of Hampton showing the same information contained in Section 835-9 from a copy of the record furnished by the owner of the private burial site which records shall be kept and maintained the same as the municipal records of each burial site in a Town Cemetery..

### **835-2-5 Burial Permit Required**

No interment of a human being shall be made in the Town of Hampton cemeteries without the proper burial permit. The Board of Cemetery Trustees shall retain a copy of such permit for its permanent records.

### **835-2-6 Disinterment**

No disinterment of a human being shall be made in the Town of Hampton Cemeteries without the presentation of the proper permit allowing such disinterment. The Board of Cemetery Trustees shall retain a copy of such permit for its permanent records.

### **835-2-7 Return of Burial Permit**

Burial permits received by the Cemetery Trustees or their agents shall complete the permit and forward it to the Town Clerk of the Town of Hampton within 6 days after the burial.

### **835-2-8 Cremains**

The receipt of cremains by the Cemetery Trustees or their representative is permitted but only if the cremains are identified together with the name address and telephone number of the crematorium and designation of the plot in the Hampton Cemetery where the remains are to be buried.

Should the remains be received without the ownership of a plot the cremains are to be returned to the sender. Before returning, the sender is to be notified by telephone and/or by other forms of communication to discuss and possibly resolution of the situation.

### **835-2-9 Refusal of Interment**

The Board of Cemetery Trustees may refuse to intern the remains of any person for just cause. They may delegate to the Cemetery Sexton the authority to refuse interment that is appealable to the Board of Cemetery Trustees. Just cause may be that the individual(s) to be interned do not own a plot within the cemetery or do not have written notarized permission from the owner of a plot to allow interment in accordance with the provisions of New Hampshire Revised Statutes Chapter 635, Section 6, subsection 1

### **835-2-10 Refusal to Open a Burial Plot or Gravesite**

The Board of Cemetery Trustees may refuse to permit the opening of a burial plot for just cause. They may delegate to the Cemetery Sexton the authority to refuse the opening of a cemetery plot or gravesite. The Cemetery Sexton's refusal to allow the opening of a plot or gravesite is appealable to the Cemetery Trustees. Just cause may be that the person or persons requesting to open the plot or gravesite are not the owners or fail to provide written proof authorizing the opening from the owner of the plot or gravesite.

## **ARTICLE 3 - Sale of Grave Sights and Burial Plots**

### **835-3-1 Sale by Trustees or Sexton**

The Board of Cemetery Trustees and the Cemetery Sexton may sell gravesites or grave plots in accordance with these regulations and New Hampshire Revised Statutes Annotated as amended.

### **835-3-2 Deeds to Cemetery Gravesites and Plots**

Upon the sale of a cemetery gravesite or a cemetery plot the Cemetery Trustees or Cemetery Sexton shall complete a deed that properly identifies the gravesite or plot sold as well as the owners name(s) and address(es). A permanent record card shall be completed, the necessary fee collected for the gravesite or plot and the completed deed together with the required fees transmitted to the Board of Selectmen for signature and recording in the Town 's records. The fees collected for the sale shall be transmitted to the Trustees of Trust Funds to be added to the cemetery funds held in their care and custody on behalf of the Town. Once a deed is recorded in Town records following signature by the Selectmen the original shall be returned to the Cemetery Trustees to be transmitted to the owner(s)

### **835-3-3 Owner may Record Deed**

The owner(s) of a cemetery gravesite or plot may record the deed once completed by the Board of Selectmen in the Rockingham County Registry of Deeds at their expense if permitted under the regulations of the Registry of Deeds.

## **ARTICLE 4 Right to Purchase Gravesites or Plots**

### **835-4-1 Residents May Purchase**

Any resident of the Town of Hampton, New Hampshire may purchase up to four (4) graves at any time during their residency for use for the burial of human remains and for no other purpose.

### **835-4-2 Purchase of Additional Graves**

Any resident of the Town of Hampton, New Hampshire may purchase additional graves during their residency for use for the burial of human remains and for no other purpose. Such purchase must be approved by the Board of Cemetery Trustees by vote at a posted meeting of the Trustees.

## **ARTICLE 5 Use of Gravesites and Plots**

### **835-5-1 Place of Burial**

Gravesites and plots shall be used for no other purpose than the burial of human remains by full burial or cremation.

### **835-5-2 Use of Vaults Required**

The burial of full human remains requires that the remains be contained within a casket that is enclosed in a concrete vault with a concrete cover.

### **835-5-3 Use of Gravesite and Plots by Direction**

The use of gravesites and plots shall only be as directed by the Board of Cemetery Trustees and the Cemetery Sexton. All burials will be witnessed by the Trustees or the Sexton to insure compliance with cemetery regulations and to assist in the internment for the peace of the deceased relations.

### **835-5-4 Use of Gravesites – Urns**

As many as four (4) urns maybe interned in a single grave measuring 42 inches wide by 10 feet deep/long. Urns maybe placed on top of any existing vault that may already be interned in said lot. All subject to the Cemetery Sexton's approval.

## **ARTICLE 6 – Monuments, Markers and Stones**

### **835-6-1 Monuments, Markers and Stones**

The owners of gravesites and plots may install monuments, markers and stones in accordance with the Cemetery Trustees Regulations under the supervision of the Cemetery Sexton and these regulations.

### **835-6-2 Preapproval of Monuments, Markers and Stones**

The design of monuments, markers and stones shall be submitted to the Board of Cemetery Trustees and the Cemetery Sexton for approval before erection. Forms and instructions for submitting designs may be obtained from the Cemetery Sexton.

### **835-6-2 Foundations to be constructed**

Foundations for the placement of Monuments, Markers and Stones shall be constructed under the supervision of the Cemetery Sexton and in accordance with these regulations. All foundations will be constructed in a gravel base in accordance with the type of soils encountered upon excavation. All foundations will be three (3) inches wider and longer than the stone(s) it is supporting unless otherwise determined by the Cemetery Sexton. All construction shall be inspected by the Cemetery Sexton before the work is closed, covered up and backfilled.

All upright monuments and stones shall have a concrete foundation under said stone. Depth, width, and length will be determined by the Cemetery Sexton in accordance with the size of the stone to be placed.

Flush markers will also have a concrete foundation, if determined necessary in the opinion of the Cemetery Sexton.

### **835-6-3 Monuments on Lots**

Only one (1) monument shall be erected on a four (4) or eight (8) grave lot. Monuments are to be approved by the Board of Cemetery Trustees and/or the Cemetery Sexton as to style, type, height and size before they are placed on a lot.

### **835-6-4 Flat Markers**

On lots of less than four (4) graves only flat markers will be permitted. All markers shall have cement foundations. Markers shall not extend above the grade level of the lot and shall not exceed 16X30 inches except where a single marker is used to mark two contiguous graves, in which case the marker shall not exceed 16X36 inches.

### **836-6-5 Corner Stones**

Corner stones when permitted by the Cemetery Sexton are allowed on any lot. Before installation, the size, design and foundation of the corner stones are subject to the approval of the Cemetery Sexton.

### **836-6-6 Decorations on Lots**

The owner of any plot may place decorations next to monuments, stones or markers that must be in a small container or basket. Nothing may be planted in the ground. Owners shall remove floral arrangements together with their containers when the arrangements become withered or if plastic when they become faded or damaged. The Cemetery Sexton may remove withered or faded items.

## **ARTICLE 7 Prohibited**

The following activities or actions are prohibited with the Cemeteries of the Town of Hampton.

### **836-7-1 Fences, Hedges, Railing or Enclosures**

No one shall place upon any lot, grave or property of the Town of Hampton Cemeteries any hedge, fence, railing or enclosure of any type or description. Items of such description, type or design will be removed by the Cemetery Sexton upon discovery.

### **836-7-2 Glass of Any Description**

No one shall place upon any lot, grave or property of the Town of Hampton Cemeteries any glass of any description. Items of glass will be removed by the Cemetery Sexton upon discovery.

### **836-7-3 Trees and Shrubs**

No one shall place or plant any trees or shrubs of any description on any lot, grave or property of the Town of Hampton Cemeteries. Items so planted will be removed by the Cemetery Sexton upon discovery.

### **836-7-4 Plantings in the Ground on Town Property**

No one shall plant any item in the ground on any lot, grave or property of the Town of Hampton Cemetery. Any item planted in the ground will be removed by the Cemetery Sexton upon discovery.

### **836-7-4 Plantings on Grave Site**

The owner of a gravesite, lot or plot may plant annual flowers only in a way that will not interfere with the property maintenance of the gravesite by the Cemetery Department.

### **836-7-5 Stone Rubbing**

Stone Rubbings are prohibited in any cemetery that is the property of the Town of Hampton. Rubbings may be permitted in accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 289, Section 22 upon the issuance of a permit by the Board of Selectmen. When rubbings are authorized, they will be performed under the supervision of the Board of Cemetery Trustees and/or the Cemetery Sexton.

### **836-7-6 Excavations**

No person, company, corporation, partnership, association or other entity of any kind shall make any excavation in a Town of Hampton Cemetery without lawful authority from the Board of Cemetery Trustees, the Cemetery Sexton or a Court of lawful jurisdiction.

### **836-7-7 Interference with a Cemetery or Burial Ground**

Any person who causes interference with a Town of Hampton Cemetery in any manner as described in New Hampshire Revised Statutes Chapter 635, Sections 6 or 7 shall be charged with a Class B Felony.

## **ARTICLE 8 ENACTMENT**

### **836-8-1 Enactment**

These Cemetery Regulations were enacted by the Town of Hampton Cemetery Trustees at a regular meeting held on October 2, 2018 and became effective upon adoption. This enactment repeals all prior Cemetery Regulations adopted by the Town of Hampton.

**836-8-1 Severability**

If any provision, word, clause, section, paragraph, phrase or sentence of this Chapter is found by a court of competent jurisdiction to be unconstitutional, unlawful or unenforceable, such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Chapter, provided that the purposes of this chapter can still be achieved in the absence of the invalid provisions.

**836-8-2 Amendments**

These regulations may be amended by the Board of Cemetery Trustees or their successors at any time at a lawfully called meeting.

Enacted by the Board of Cemetery Trustees on October 2, 2018.

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Board of Cemetery Trustees

**APPENDIX**

**New Hampshire Revised Statutes Annotated**

**Chapter 289**

**Chapter 290**

**Chapter 635, Sections 6, 7 and 8**