

By Laws

for Town Owned Cemeteries of Hampton Falls, New Hampshire 03844

April 2022 *Abridged Version ~ Please see full By Laws at hamptonfalls.org*

Administration: Responsibility for the transaction of all business required to operate the town owned cemeteries in Hampton Falls is delegated to a Board of three elected trustees. The Cemetery Sexton, appointed by the Trustees, is responsible for supervising all work, including burials, done in the cemeteries. All procedures relative to the sale and recording of grave/lot transactions shall be administered by the Town Clerk.

Sale of Cemetery Land for Grave Lot Use: Procurement of burial plots in Hampton Falls is limited to space in Oak Lawn Cemetery and West View Cemetery, both on Nason Road. No new plot space is available in any other Town Cemetery.

Cemetery burial plots shall consist of one or more grave lots. A grave lot is defined as a parcel of land having a surface area of 3.5' X 10' (35 sq. ft.).

Persons desirous of purchasing a burial plot shall apply to the Town Clerk's office where they will receive all needed information pertaining to available locations, plot size, price and cemetery By Laws.

Purchase of a burial plot consisting of one or more grave lots will require payment in full of the current cost at the time of purchase. All payments will be by check made payable to "H.F. Trustees of Trust Funds". The buyer of a burial plot shall, at the time of purchase, write a second check payable to the "Rockingham County Registry of Deeds" to cover the cost of deed registration. The amount of this charge will be identified by the Town Clerk at the time of purchase.

Any resident of Hampton Falls may purchase and maintain ownership of up to four grave lots. Any former resident, child of current or former resident, or person who has relatives buried in Hampton Falls may purchase and maintain ownership of up to two grave lots. Sales are limited to persons 18 years of age or older. The purchase of additional grave lots is subject to the approval of the Cemetery Trustees.

The identity of the person, or persons if cremation is planned, to be buried in a given grave lot shall be established in writing, by the purchaser, at the time the grave lot is purchased. If at a later date the owner wishes to change the burial identity plan such information must be sent in writing to the Cemetery Board of Trustees. This procedure is required to insure a correct and up to date burial record by the Town of Hampton Falls.

If an owner of grave lots decides in the future to dispose of such lots he or she may sell such lots back to the cemetery at a price per lot equal to 90% of the original grave lot sales price. Such resale to the cemetery must be approved by the Cemetery Trustees. Lots to be returned cannot lie between actual burial sites within the total burial plot. No burial plots of any quantity can be sold to a third party. Payment for such grave lot return cannot be made until approved in the next year's cemetery operating budget.

Ownership of burial plot land in Hampton Falls requires the knowledge of and adherence with the cemetery By Laws for Hampton Falls. It is expected that plot owners, their relatives, friends or agents respect the rights of other plot owners within the cemetery.

The owner of burial plot land shall identify to the Cemetery Trustees the burial plan for the individual graves within the total plot. It is requested that if in the future this plan is changed the Trustees be notified in writing. This information is requested to prevent possible errors in future body interment location.

It is required that when a burial plot is purchased the four corners of such plot be permanently marked using stone markers set flush with the ground and bearing the first initial of the owner's last name. Such markers will be furnished and installed by the plot owner.

All grave lots will be the same size; namely, 3.5 ft by 10 ft (35 sq ft)

It is suggested that the family burial plot be identified by a family monument. Such monuments shall be of natural stone, such as granite or marble. Monuments of wood, metal or artificial stone will not be permitted. Monuments shall be no wider than 60% of the burial plot width, with max width not to exceed 6 feet. The max height of any monument shall not exceed 4 feet. All monuments shall be supported by suitable masonry foundations whose top shall be flush with the natural grade of the plot. Foundations shall be installed by the supplier of the monument. Bottoms of all foundations shall be at least 2.5 feet below the grade surface. The back surface of any monument shall be located 6 inches from the plot's back line.

The Sexton shall be notified by the monument installer of his proposed time of foundation construction. All foundations shall be inspected and approved by the Sexton prior to monument installation. No foundation shall be installed when there is more than three inches of frost in the ground.

Monument retailers and installers must agree to set monuments and markers in conformity with cemetery requirements and in accordance with the Trade Standards of proper methods of handling and installation. If any fault resulting from improper setting results within five years from date of placement in the cemetery, such fault shall be corrected by the company who supplied and installed the stone without cost to either the cemetery or plot owner.

The maximum interment in any one grave lot is limited to the following:

1. The burial of one body
2. The burial of one mother and child in the same casket
3. The burial of two infants buried in one casket
4. The burial of two infants or children under four years of age buried in individual child size caskets
5. The burial of one body and up to four cremains
6. The burial of six cremains

If a body and cremains are to be buried in the same grave lot, then the vault containing the body must be set low enough to ensure that the top of cremains containing urns are at least two feet below the natural grade of the burial plot.

Burial Procedures: All procedures for the burial of human remains shall be in accordance with the requirements of NH State Statutes R.S.A. 289 and 290 as well as the following Hampton Falls town cemetery requirements:

1. The burial of human remains within the town of Hampton Falls must be made in either a cemetery owned and operated by the Town or a cemetery owned and operated by a private (approved) corporation.
2. Arrangements for the burial of human remains in any town owned cemetery shall be made by a Licensed Funeral Director or their agent. These shall include:
 - a. Presentation of the required burial information to the Town Clerk's office
 - b. Arranging for the grave opening using a Town approved excavating contractor. Charges for such shall be borne by the deceased estate and handled by the funeral director.
 - c. Determination of the grave lot location in conjunction with the Cemetery Sexton and the Town Cemetery grave lot records.

- d. All burials including cremains must be made in burial vaults (outside containers) made of natural stone, metal or reinforced concrete; the latter being preferred. These vaults must be in place in the grave prior to the interment service, after which the casket or urn is placed in the vault.
 - e. The top of all burial vaults, when closed, must be at least two feet below the finished grade surface when burial is complete.
3. Arrangements for the burial of cremated human remains in any Town owned cemetery shall be made by a Licensed Funeral Director, their Agent or a representative of the deceased family. These shall include:
 - a. Presentation of the required burial information to the Town Clerk's office.
 - b. Determination of the grave lot location and actual burial position within the grave in conjunction with the Cemetery Sexton and the Town Cemetery grave lot records.
 - c. Arrangements for the actual grave opening shall be coordinated with the Cemetery Sexton.
 - d. Cremains must be placed in a non-biodegradable container, placed in a vault as described in 2b, the top of which shall be at least two feet below the finished grade surface when burial is complete.
4. The maximum internments allowed in any one grave lot shall be limited to the requirements listed at the end of section III of these By Laws.
5. Burials may be arranged between 10 am and 4 pm on any day except Memorial Day. Exceptions to this requirement because of hardship to the deceased's family may be arranged with the Cemetery Trustees.
6. The Funeral Director is responsible for presenting to the Town Clerk the necessary burial paperwork determining grave location, communicating with the Sexton, and arranging for the grave opening using a Town approved excavation contractor. These steps must be completed as early as possible to prevent possible delay in the burial procedure. Burials will be allowed during the winter months but extra grave preparation time may be required due to depth of frost at times of severe winter conditions. Snow removal to allow access is the responsibility of the Funeral Director and must be approved in advance by the Cemetery Trustees and the sexton.
7. The Cemetery Trustees may, at their discretion, temporarily close any or all cemeteries if they determine that damage may result to adjacent graves, cemetery roads or any other portion of the cemeteries from excavation operations due to severe winter conditions. Closed cemeteries would be reopened as soon as adverse conditions subside.
8. Cemetery Trustees reserve the right to close any or all cemeteries if they determine that conditions could result in damage to any portion of the cemetery. The cemetery would be reopened as soon as adverse conditions subside.

Use of Cemetery Property:

1. Drive only on roads in the direction indicated and at a rate of speed not exceeding 10 miles per hour.
2. No buses allowed
3. Commercial trucks allowed by permission of the Sexton to carry out cemetery business only.
4. Dogs and other pets allowed only on leash and any excrement to be removed by the pet's owner.
5. Walk on the lots of others only to reach your own family's burial location. Respect the rights of other grave lot owners.
6. The discharge of firearms is not allowed except at military funerals, services or parades.

7. Loitering is prohibited at all times.
8. Do not pluck or carry flowers, either wild or cultivated, from the grounds except to remove them from your own family's burial area.
9. No horses, horseback riding, bicycle riding, trail bikes including OHRV four wheelers or snowmobiles are allowed on cemetery grounds.
10. Recreational vehicles, because of their size, are not allowed on cemetery grounds.
11. No peddling of flowers, plants or any commodity is allowed on cemetery grounds.
12. All persons having work to perform within the cemetery must check with the Sexton before doing work.
13. The consumption of alcoholic beverages and any use or possession of illegal drugs of any kind within any part of the cemetery is prohibited.
14. Town cemeteries are enclosed within fences having suitable gates in accordance with NH State requirements. It is requested that the public respect these fences and the burial spaces within them.
15. No shrubs, trees or woody plants are permitted upon any grave lot area.
16. Perennial plants may be planted at the ends of monuments provided they are not allowed to intrude into or onto adjacent burial plots, roadways or walkways. Such plants must be sized or shaped to grow no taller than the monument. If plants grow beyond these limits, plot owners will be notified and requested to have the plants pruned or removed. If the owner do not act or respond, the Trustees will have the plants either pruned or removed at their discretion. Any costs incurred will be charged to the plot owners.
17. Annual plants, such as geraniums, may be planted in front of the family monument provided the planting area is not wider than the monument or extends in front of the monument more than 18 inches.
18. Young trees or shrubs such as lilacs will be accepted as memorial donations to the cemetery but they can only be planted in areas identified by the Cemetery Trustees.

The requirements of pars. 16, 17, 18 and 19 above are included to help the work of grass mowing, clipping around the stones and maintaining the best possible appearance for the whole cemetery.

19. Water obtained from cemetery wells shall be used only for the watering of plants or grass. It shall not be used as drinking water.

Approved by the Cemetery Trustees 12-2-2021