

By Laws
for
Town Owned Cemeteries
of
Hampton Falls, New Hampshire 03844

Current Revision: April, 2022

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for
By Laws of Hampton Falls
Cemetery Department

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Policies
Regulations
Operation Procedures
for Town Cemeteries
of Hampton Falls, NH

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By S.Brickett, R. Brown, G Janvrin

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By Hampton Falls Selectmen N.C. Lyon: Chairman, T.T. Beeler, F.J. Ferreira, Jr.

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By Cemetery Trustees: J Bohm, T Beattie, W Harrington

I. 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. Eligibility for election requires the individual to be a voter of Hampton Falls. The term of each trustee shall be for three years and one trustee shall be elected each year. Vacancies shall be filled by the selectmen for the remainder of the term.

Trustees shall organize each year by electing one of their number chairperson and another clerk/bookkeeper who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the clerk may be the same trustee.

The cemetery trustees shall appoint a cemetery custodian or sexton on an annual basis, during the Jan. monthly meeting. Said Sexton shall not be a trustee but shall be responsible to the cemetery trustees for supervising all work, including burials, done in the cemeteries.

Trustees shall receive no remuneration for their work as "Trustees" but the sexton shall be paid at the top labor rate of the Town of Hampton Falls, times the hours of applied time he or she has spent during a given month. The sexton shall prepare a monthly bill for any services rendered during the past month and present it to the trustees for approval at their monthly meeting.

The board of trustees shall hold a public monthly meeting during which any current cemetery activities shall be discussed and required operating decisions made. These meetings shall be held in the town hall. The time plan for each meeting shall be posted in advance by the clerk in accordance with Town requirements. Meetings must be attended by at least two trustees. If two or more trustees are not available to attend the scheduled meeting then it will be rescheduled at the convenience of the trustees.

Periodically the trustees shall meet with the selectmen to review current cemetery activities or problems, as required.

The power and duties of the trustees include the following:

1. Adopt and maintain by laws and regulations for the transaction of cemetery business and for the establishment and management of all town owned cemeteries within their responsibility. Review and revise these by laws as deemed necessary by the cemetery trustees.

2. Prepare an annual budget to be presented to the Selectmen for their approval in Dec of each year. Final operating budget to be approved at the annual Town Meeting in March. Such budgets shall include the following items.
 - a. Annual expense items required to operate and maintain the existing town owned cemetery areas.
 - b. Capital improvement items required to plan and develop any new areas or facilities within town owned cemetery areas.
3. Expend monies raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner as funds of other municipal departments are paid.
4. Expend income from all trust funds originating from the sale of cemetery grave lots, starting in April 1999, for cemetery purposes including cemetery maintenance, improvement or enlargement.
5. Expend income from all trust funds dedicated to perpetual care or cemetery use in accordance with the conditions of each bequest accepted by the town. These funds will have been established prior to April, 1999.
6. Expend monies received from donations in accordance with the donor's stipulations. These donations may apply to cemetery maintenance, improvement or enlargement.
7. Carry out the planning for any development of new cemetery areas or the maintenance of existing areas. This work will include the preparation of specifications, acquisition and evaluation of work quotations, the preparation and communication of project implementation plans and the establishment of regulations relative to the operation of newly developed cemetery areas.
8. Award work orders to selected contractors determined from above quotation evaluations.
9. Monitor the maintenance work progress as overseen by the sexton. Approve for payment all bills resulting from applied maintenance work.
10. Monitor the progress of any new area development work. Expedite and approve the completion of all contracted work applied to the development of new cemetery areas. Approve for payment all bills resulting from work completed during the development of new cemetery areas.

11. Review with the town administrator (selectmen's office), during the trustees monthly meetings all activities relative to the sale or recording of cemetery graves/lots or other cemetery business.
12. All procedures relative to the sale and recording of grave/lot transactions shall be administered by the Town Clerk in accordance with the details included in section II of these bylaws: as delegated by the cemetery trustees.

The duties of the sexton include the following:

1. Supervise all seasonal maintenance work to town owned cemetery areas.
2. Oversee all burial activities including communications with funeral directors, location and clearance to dig grave sites and monitoring of all grave digging activities. Any problems arising in this area shall be reviewed with the trustees. In the event the sexton is not available, his duties will be covered temporarily by a trustee.
3. Oversee the work program progress relative to the establishment of new cemetery burial areas.
4. Review on a monthly basis with trustees any work activities or problems occurring in any of the three work areas above.

II. 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 Trustees of the Trust Fund shall deposit all monies collected from the sale of grave lots into the “Town Cemetery Maintenance Trust Fund” which is part of the Hampton Falls 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.

All lots will be sold with perpetual care included. The cost of a grave lot will be determined by the Cemetery Trustees on an annual basis during their January meeting subject to the final approval of the Board of Selectmen. The cost of any lot will be the same in a given time period regardless of location. The total cost of a grave lot will include the cost of purchase of burial rights on Town land and the cost of perpetual care. The current cost for grave lots will be available at the Town Clerk’s Office. The cost of a burial plot having two or more grave lots shall be the cost of one grave lot times the number of grave lots included.

Any resident of Hampton Falls may purchase and maintain ownership of up to four grave lots. The purchase of additional grave lots is subject to the approval of the Cemetery Trustees.

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.

The Town Clerk is responsible for the sale and receipt of money for cemetery grave lots.

All monies received from the sale of cemetery lot land shall be held in a trust fund dedicated for town cemetery use only. This fund shall be known as the “Hampton Falls Town Cemetery Maintenance Trust Fund.” Annual interest from this fund shall be used to help defray maintenance and annual operating costs of all Hampton Falls Town Cemeteries. If the annual interest exceeds the annual maintenance costs it shall be held in trust and applied to any future cemetery expansion program.

III. Ownership and Use of Grave Land

The purchase of burial plots consisting of one or more grave lots shall be in accordance with the requirements of Section II.

No grave lot shall be used for any other purpose than the burial of the human dead.

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.

IV. 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 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 then be reopened as soon as adverse conditions subside.
8. The Cemetery Trustees reserve the right to close any of 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.

V. 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 such work.
13. The consumption of alcoholic beverages and the 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 owners 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.

VI. Maintenance of Town Cemetery

The care and maintenance of Town Cemeteries shall be carried out under the authority of the Cemetery Trustees.

The cost of such maintenance shall be satisfied by use of the following monies:

- A. Interest from perpetual care trust investments.
- B. Interest from funds received from the sale of burial plots in Oak Lawn Cemetery.

C. Monies raised from annual property taxes, allocated for cemetery maintenance.

Cemetery maintenance shall include:

- A. The mowing of grass on all lawn areas.
- B. The control and cutting of brush and woody plants from all cemetery perimeter fence areas.
- C. The pruning of trees and shrubs located within active cemetery areas.
- D. The removal of trees or shrubs from active cemetery areas, including burial plots. Such action to be taken to prevent damage to cemetery property including burial plot monuments or markers and the correction of unsightly plant growth from burial areas.
- E. The care, maintenance or replacement of perimeter fencing, gates and security signs.
- F. The care, maintenance and any other necessary requirements including but not limited to fertilizing, reseeding, pest and weed removal of cemetery lawns or grave lot grass areas at the discretion of the Trustees.

The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, mausoleum or other maker or accessories placed or erected upon burial plots damaged by the elements, an act of God, thieves, vandals or other criminal mischief. If such damage is caused by the willful action of man, the perpetrators, if apprehended, will be held responsible for all repairs and associated costs as well as criminal prosecution as appropriate.. Exceptions to these conditions will be only at the Trustees discretion.

VII. Development of New Land for Graves

In 1995 the newly elected Board of Cemetery Trustees started the work of developing burial space in Town-owned land adjacent to the “Old Westview” Town-owned cemetery. This land is identified on drawing #5517, Registry of Deeds #18433, Jul-7/78 and includes 6.5 acres.

Approximately 4 acres of undeveloped land remain in the Town lot. This land will be developed for grave use as required in the future.

VIII. Definition of Terms and Appendix

Definition of Cemetery By Law Terminology

- A. Burial plot: A group of one or more adjacent grave lots owned by one person and registered at the Rockingham County Registry of Deeds.
- B. Grave lot: An individual grave site measuring 3.5 feet wide and 10 feet long. All such grave lots are identified and located in the master grave lot layout plan for the Oak Lawn Cemetery.
- C. Resident of Hampton Falls: Any adult, 18 years of age or older, whose principal place of residency is within the Town of Hampton Falls.
- D. Family Monument: A permanent vertical stone marker located at the head of a given burial plot on which the family name and other appropriate family individual data is inscribed.
- E. Individual Grave Marker: A horizontal permanent marker of stone or metal on which the individual or individuals located in a given grave lot are identified.

More detailed information for both D. and E. above is included in Section III.