

BYLAWS OF THE TOWN OF COLEBROOK, NH
MUNICIPAL CEMETERIES
REVISED 04/2023

1) Declaration of Policy: the cemetery trustees hereby ordain that the following bylaws be established to govern the proper operation and use of municipal cemeteries in the Town of Colebrook, now or hereafter established. The town desires to have its cemeteries maintained in the best economically possible manner and passionately believes that these policies are necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemeteries.

2) Application of the Rules and Regulations:

(A) The cemetery trustees upon majority vote and for good cause shown, may modify, suspend, repeal, or amend the provisions of these policies in whole or in part. It is the intent of the cemetery trustees that if any provisions of this ordinance are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining provisions or parts thereof.

3) General Regulations: the following shall be the general rules and regulations for the use of municipal cemeteries:

Conduct in cemeteries: No person shall:

- A. Enter a cemetery except through an established gate or entrance way.
- B. Pick or mutilate any flowers, either wild or domestic or disturb any tree, shrub, or other plant material other than on a lot owned by that person or with the express permission of the lot owner.
- C. Use the cemeteries as a picnic ground, or, other than in connection with a religious service, consume or possess alcoholic beverages in a cemetery.
- D. Use any form of advertising on cemetery premises.
- E. Discharge firearms in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States of America.
- F. Injure or deface any monument, stone, fence, or other structure or property within any cemetery.
- G. Allow dogs or another domestic animal to run at large within any cemetery
- H. Allow any child under the age of ten (10) years in any cemetery unless accompanied by an adult.
- I. Ride horseback within or through any cemetery, except in conjunction with burial services.
- J. Stone Rubbings. – No person shall make gravestone rubbings in any municipal cemetery or burial ground without first obtaining the written permission of the town selectmen or the mayor of a city or designee. Before granting such permission, the selectmen or mayor will ascertain to the best of their ability that the person making the request knows the proper precautions to be taken and the proper materials to be used for this activity. The town selectmen or city mayor or their designee shall notify the cemetery trustees of the request and its disposition. Any person who violates the provisions of this section shall be guilty of a misdemeanor. RSA 289:22.

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4. Traffic Regulations

No person shall operate or cause to operate any vehicle within a cemetery except on roads designed for that purpose. No vehicle shall be driven more than ten (10) miles per hour upon any road within a cemetery.

- A. No person shall enter a cemetery with a loaded truck except the cemetery department or town/precinct maintenance crew unless permission has been received from the sexton of cemeteries or his designee or the cemetery trustees.
- B. No person shall unload any stone, dirt, or other material from trucks in any cemetery, except the cemetery department in the normal discharge of their work, unless permission has been received from the sexton of cemeteries, their designee or the cemetery trustees.
- C. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the State of New Hampshire and the Town of Colebrook applicable to motor vehicle operation
- D. Snowmobiles, ATV's, and go carts are not allowed within the boundaries of any cemetery with the exception of the following: The sexton, or their designee, will be allowed to use all and any motorized equipment to complete the assigned jobs to include ATV's.
- E. When the cemeteries are closed for the winter the cemeteries will be closed to all vehicular traffic except for the highway department, cemetery department, or licensed funeral director when needing access to the tomb. This will apply until the cemeteries are opened in the spring.

5. Establishment of cemeteries

- A. The Town of Colebrook shall have the final authority for the location and establishment of cemeteries within the corporate limits of the Township of Colebrook, and shall, as the need arises, set aside new ground areas for this purpose in accordance with RSA 289:2 or any amendments thereto.
- B. Existing cemeteries: The following named existing cemeteries shall be deemed to have been established as municipal cemeteries at their present location.
 - 1. Colebrook Village Cemetery
 - 2. Reed Cemetery-Due to the limited space available for future burials, only those persons with either a strong family connection to the cemetery or who own their lots may be buried in that cemetery.
 - 3. Titus Hill Cemetery-This cemetery, for all practical purposes, is closed to future burials.
- C. Plotting of cemeteries: All lots in one section must be first conveyed prior to the conveyance of any lot in any undeveloped section.

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- D. Planning Board to review: The selectmen will obtain cemetery property with the approval of the Town of Colebrook Planning Board in accordance with all state and federal laws then applicable.
- E. Lot size established: Unless otherwise expressly designated, standard lot size for municipal cemeteries are hereby established as being fourteen (14) by twenty (20) feet. In the case of cremation interment, the following guidelines shall apply:
 - 1. Minimum conveyance is one (1) lot. An individual plot for cremation purposes only may be purchased in the designated cremation section of the cemetery.
 - 2. Maximum number of cremation interments
 - a. Shall be no more than (16) when a standard size lot is used for cremations only.
 - b. When a standard size lot has a combination of cremations and casket/vault burials the following formula will be used: A standard size lot is broken up into 4 single burial plots, each burial plot will be subject to a maximum of (1) casket/vault or (4) cremations.
 - 3. In the case of House Monuments, 1-4 urns above ground, there may be 3 more placed in the ground.

6. Purchase and Conveyance of Lots:

- A. Conditions of Lot Purchases: Lots purchased in the lot sections of cemeteries of the Town of Colebrook, shall be conveyed by a special deed for human burial purposes only, and shall be subject at all times to the provisions of the Town Cemetery Bylaws- Town of Colebrook, these bylaws; along with any articles or agreement or applicable state laws.
- B. Purchase Procedure: Lots in the laid-out cemeteries of the Town of Colebrook shall be selected and purchased from and with the consent of the sexton of cemeteries, or his designee, subject to the control of the trustees of the cemetery. Payment for lots purchased shall be made to the cemetery trustee designee. Such purchase shall be evidenced by a deed prepared by the cemetery trustee designee. Such deed shall give the following information: Name of the purchaser, purchase price, the amount paid, name of the cemetery, lot number and section in which located, and shall be presumptive evidence of ownership of the lot(s) described therein. It shall be the responsibility of the trustees of the cemeteries to control the funds so they may be expended as best to serve the purpose for which they are raised.
- C. Records: the keeping of the records of the cemeteries of the Town of Colebrook shall be the responsibility of the Trustees of the Cemeteries. All maps showing laid out sections of each cemetery and the records of lot ownership and burials therein shall be kept by the Cemetery Trustees. Copies of all deeds conveyed for lot purchase shall be recorded by the Town of Colebrook in a book provided for this purpose which shall be subject to the control of the Cemetery Trustees. The Trustee designee shall also keep a record of every burial in any cemetery under the towns control, showing the date of burial and the name of the person buried, when these particulars can be obtained, and the lot or part thereof, in which the burial

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was made. A copy of such record, duly certified, shall be furnished to any person on request and payment of a fee so determined by the cemetery trustees. This fee shall be \$5.00.

- D. Transfer of Lots: No transfer, assignment, or other conveyance of any lot shall be made by any owner without the express written approval of the Cemetery Trustees, and all transfers shall be recorded in the cemetery records provided herein.
- E. Charge for Lots: The following prices are hereby established for cemetery lots. Perpetual care is included automatically and defined herein.
 - 1. Any lot purchased by an individual not a resident of the Town of Colebrook, NH at the time of purchase will be assessed a 50% surcharge over and above the price of the lot.
 - 2. \$600 for 1 standard size lot
\$150 for 1 single burial lot (Bean Memorial Park)
\$100 for 1 cremation section lot (currently only in Tibbetts Memorial Park)
 - 3. Four (4) permanent corner markers should be purchased by the owner of the lot.
 - 4. Two (2) standard lots may be purchased, but any excess of this amount must obtain prior written approval from the Cemetery Trustees.

These charges are set by the Trustees and handled by the sexton of the cemeteries, or their designee, and shall be subject to change at the discretion of the Cemetery Trustees.

Perpetual care is defined as:

The general upkeep of lots to include mowing, trimming, reseeding where necessary, and repairing sunken graves.

7. Cemetery Maintenance

- A. Responsibility of the Cemetery Trustees of the Town of Colebrook: The general maintenance of the cemeteries and grounds shall be the responsibility of the Cemetery Trustees. The Cemetery Trustees shall determine what acts are necessary to improve and maintain the appearance and condition of the cemeteries within their jurisdiction. Without limiting the generality of the foregoing, the cemetery trustees shall address such items as the upkeep of the drives, buildings, fences, spring and fall clean up, raking of leaves and the general periodic mowing of grass. Cemeteries will be cleaned of all flowers, artificial or natural, and wreaths, on April 30th and September 30th of each calendar year.
- B. Planting of Trees and Shrubs: No trees or shrubs shall be planted in any lot in any of the Town of Colebrook cemeteries by any person or persons without the express approval of the cemetery sexton, or his designee, and installed under the direct supervision of the Sexton, or his designee. Existing trees or shrubs may be removed by the cemetery department if deemed in the best interest of the cemetery, infringes on abutting lots, or if inconvenient to the care and maintenance of lot(s).

Size restriction on trees or shrubs:

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Maximum growth Height 6 ft
Maximum growth Diameter 30 in

C. Flower/Shrub Decorating of Lots:

Annuals (short flowers) may be planted in front of the family monument at a width not to exceed the length of the monument and no deeper out in front of *monument than 18 inches. Plastic edging, low fencing or small paver stones may be used to protect garden from mowing/trimming. No rocks or stones. Mulch is okay.*

Perennials (taller flowers, i.e. roses, lilies, peonies, etc.) are to be planted to the side of the monument to not obscure the front of the monument. These shall not exceed two feet to the left or right of the monument.

shrubs (lilacs, potentilla, etc.) are to be planted to the side of the monument and must be kept trimmed to not exceed three feet in diameter.

No trees shall be planted as roots interfere with burial processes and eventually will encroach on neighboring lots.

Use of plastic or artificial flowers and decorations must follow bylaw dates.

- D. Grading: No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. No person shall discharge any chemical or organic fertilizer, herbicide, or other substance on any lot without prior authorization from the cemetery sexton, or their designee.
- E. Curbs and Fencing: No curbs or fences or other similar barriers shall be permitted around any individual or group of lots without prior written authorization from the Cemetery Trustees.
- F. Monuments and Markers: All the Town of Colebrook cemeteries shall be permitted to have monuments, footstones, and cornerstones. Monuments will be at the rear of the lot, footstones at the front of the lot, and cornerstones to mark the lot boundaries. Monuments must be permanent, of non-biodegradable material and not subject to deterioration.

1. Monument and base size may not exceed the following:

Monument: Width, 5 feet, 5/8 inches
Height, 3 feet, 6 inches
Base: Width, 7 feet, 5/8 inches

The maximum height of the base and monument combined is 4 feet, 2 inches.

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Anything over this size will only be allowed in a special section designated for that purpose.

Bean Memorial Park -slant memorials are preferred.

2. Footstones

- a. Will be flat with the ground in sections 6, 6A, 6B, 6C, 7, 8, 9, 10, 10A, 11, 12, 13, 14, Abner/Laura Bean Memorial Park.
- b. Will be allowed as raised markers in sections A, B, C, D, E, F, G H, with maximum dimensions of 30 inches long, 18 inches high, and 12 inches wide.
- c. Will be at the rear of the lot and a normal sized ground stone (1' X 2') in the Tibbetts Memorial Park, Village Cemetery cremation section.

3. Oversized monuments and mausoleums will be allowed in a special section designated for that purpose.

- a. Oversized is designated as being over 12 ft. long, 4 ft. high and 3 ft. wide.

4. All new cornerstones will be flat with the ground to mark the lot boundaries in all sections.

All the following markers will be installed under the direct supervision of the sexton of the cemeteries or their designee.

Monument Foundations: foundations for the monuments shall be constructed of concrete and shall be at least 3 ft. in depth. Those requesting foundations shall make the request in writing, in person or by phone to the sexton of cemeteries or their designee. The sexton, or designee, will instruct the installer to where the foundation will be placed in the lot.

Mausoleums may be placed in a special section designated for that purpose. Anyone wishing to place a mausoleum in the Town of Colebrook cemeteries must submit the plan to the Board of Cemetery Trustees. In determining the acceptance, the Board will consider the construction and proper monies held in trust to allow for future maintenance on the structure.

To minimize any negative environmental effect on the area surrounding and including a mausoleum, a casket tray and adequate plastic wrapping will be required for any entombment.

8. Burial

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- A) Conditions for Burial: No burial shall take place without first a burial permit. Any family member may bring human remains into this state for burial. The burial of human remains shall be under the direction of a licensed funeral director or a family member. Burial placement will be under the direct supervision of the sexton of cemeteries or their designee. For non-cremated remains, the cemetery requires a concrete outer-burial container that is lined and sealed (a vault) or a concrete grave liner or box depending on the preference of the family, and will be placed in the grave by the vault company that the funeral director has hired for that job under the direct supervision of the sexton or their designee. The sexton or designee has the sole authority to determine if burials should be allowed due to adverse weather or ground conditions.
- B) Cremated remains may be brought to the cemetery for burial by any person with the prior consent together with a crematory certificate from the respective crematory identifying the remains. Burial will be under the direct supervision of the sexton of cemeteries or their designee.
- C) Preparation of Grave: The preparation of graves and laying out of graveside ceremonial material shall be the responsibility of the funeral director except in the case of a family not using a funeral director, it shall be the sexton's responsibility. Any individual party or family may request such preparation dispensed for a service.
- D) Winter Rules: The cemeteries in the Town of Colebrook will be closed November 15th. May 1st cremation burials may take place, but full burials will not be allowed until opening day May 15th with a proper two business day notice. There will be no exceptions to these conditions. The Cemetery Trustees will have a notice placed in the local newspaper as to when the cemeteries will be closed.
- E) Interment: There will be no charge for interment in the Colebrook cemeteries tomb for individuals to be buried in the Town of Colebrook cemeteries, the St. Brendan's Roman Catholic Cemetery, or if the individual was a resident of the Town of Colebrook at the time of death. Any individual who is a non-Colebrook resident and will be buried in a non-Colebrook cemetery will be assessed a \$50 tomb charge for each non-burial season for interment.
- F) Burial Rates:
- \$1000 for Disinterment
 - \$530 for burials that require weekend or holiday preparation
 - \$430 for each regular weekend/holiday burial
 - \$350 for each vault & casket burial on a weekday
 - \$180 for each junior burial

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\$155 for each baby burial

\$150 for each cremation burial

\$75 administrative fee for 2nd urn in the same hole, or urn in a "house"
monument

- G) Town of Colebrook or its Cemetery Trustees are not responsible: Neither the town, the sexton or their designee, the Cemetery Trustees, the selectmen, nor their agents shall be responsible for errors in the location of graves and lots resulting from improper instructions from persons making the arrangements. In all cases, orders for grave openings shall be communicated to the cemetery sexton or their designee, who shall keep records thereof. The funeral director in conjunction with the family of the deceased Individual must obtain this information or the deceased family member arranging the burial may obtain this information.
- H) Outside Burials: In matters pertaining to burials requested by outside agencies, the body will be entombed pending proper and specific arrangements unless the exact lot and grave location is ordered with sufficient identification to the satisfaction of the cemetery sexton or their designee.
- I) Hold Harmless: The Cemetery Trustees, the sexton or their designee and their agents and the Town of Colebrook, shall not be responsible for any damages that may occur as a result of the respective funeral director leaving the cemetery prior to the vault cover being placed. The cemetery sexton or their designee will witness the vault cover being placed.
- J) Changes: Should a funeral director or his agent come to the cemetery and state that the vault is too small or too large, and request that another vault be ordered and brought that day, the sexton or their designee, and the crew will not be responsible for standing until the new vault arrives. The director shall be required to pay an extra fee for the sexton and crew to stay by after hours. The amount will be \$20 per hour per person extra. In the alternative, the body may be delivered to the Colebrook tomb, until the vault can be placed and the grave closed.
- K) Burial Vaults:
1. For non-cremated remains: will be of concrete or approved metal construction and will be placed in the grave by the vault company that the funeral director has hired for the job under the direct supervision of the sexton or their designee.
 2. For cremated remains: will be under the direct supervision of sexton or their designee.

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- L) Control: Any cemetery laid out by an individual or corporation and located within the limits herein before named, in which all lots have been sold and for the care of which trust funds are held by the Town, shall be under the control of cemetery trustees.

- M) Discontinuance: Whenever there is a public necessity for the discontinuance of a public cemetery and the removal of the remains of persons buried in such cemetery, the same may be discontinued by a $\frac{3}{4}$ vote of the legal voters present and voting at any town meeting held for that purpose pursuant to RSA 289:15.

- N) Re-interment: The trustees may at the expense of the town, disinter all the remains of persons buried in such cemetery and reinter the same in the unoccupied part of the some public cemetery within the town, such interment to be in the place designated by the nearest surviving relatives of the deceased person. If any is designated, such removal shall be done prudently and with proper care and attention pursuant to RSA 289:16.

- O) Burial notification: the funeral director must give the sexton a two (2) business day notification. If notice is given on a Friday before noon, burial will be on Monday afternoon at 1:00 pm. When notice is received after noon on Friday, burial will take place on Tuesday. A Monday notice will result in a Wednesday burial and so on. An exception will be made if a notification is made on Thursday, a Sunday burial may be held.

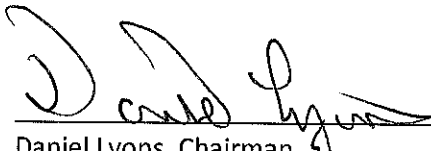
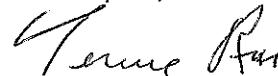
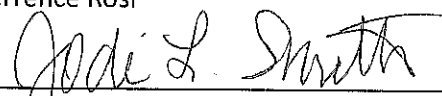
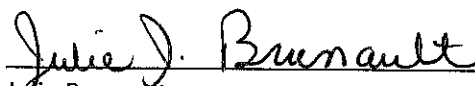
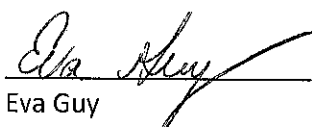
- P) Spring burials will be limited to two (2) per day and notification to follow as for any burial.

9. General

- A. Trust Funds: Trustees of Trust Funds may take and hold funds in trust, to apply the income thereof to the improvement, watering or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances, pursuant to RSA 289:9.
- B. Cemetery Trustees Powers and Duties: All Cemetery Trustees in the State shall:
 - 1. Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.
 - 2. Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality.

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3. Expend all monies raised and appropriated by the municipality for cemetery purposes.
 4. Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality, such trust funds shall be in the custody and under the management of the trustees of the Trust Funds, pursuant to RSA 289:7.
- C. Penalties: the town may enforce the observance of these suitable by penalties not exceeding \$1,000 for each offense, to ensure such use as the town may direct.
- D. All American Veteran flags must be placed in the cemetery each year the Thursday before Memorial Day weekend.
10. Change of Bylaws: These bylaws may be changed or amended as the Cemetery Trustees see fit, by a majority vote of the trustees in whole, at any regular meeting.

 Daniel Lyons, Chairman	<u>4/25/23</u> Date
 Terrence Rosi	<u>4/26/23</u> Date
 Jodi Smith	<u>4/26/2023</u> Date
 Julie Brunault	<u>4-25-2023</u> Date
 Eva Guy	<u>4-25-2023</u> Date