



# Town of Newton, New Hampshire

## Cemetery Trustees

P.O. Box 378, 2 Town Hall Road – Newton, NH  
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### INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES

#### INDEX:

<b>Purpose and Intent of Regulations</b>	<b>Page 1</b>
<b>Cemetery Information</b>	<b>Page 1</b>
<b>Trustee Office Hours &amp; Contact Information</b>	<b>Page 2</b>
<b>Lot Size, Purchase Fees and Regulations</b>	<b>Page 2</b>
<b>Interment Responsibilities</b>	<b>Page 3</b>
<b>Duties of Employees</b>	<b>Page 3</b>
<b>Grave “Decorations and Responsibilities</b>	<b>Page 4</b>
<b>Visitor Comportment</b>	<b>Page 4</b>
<b>Care of Lots</b>	<b>Page 5</b>
<b>Monuments and other Structures</b>	<b>Page 5</b>
<b>Enforcement of Regulations</b>	<b>Page 6</b>

These rules and regulations are supplementary to New Hampshire RSA Chapter 289 pertaining to Cemetery operations.

#### SECTION 1. PURPOSE AND INTENT:

It is important that residents understand that the purpose of these rules and regulations is for the mutual protection of lot owners, the cemeteries as a whole and the Town of Newton, NH. The intent is to preserve the beauty and dignity of the cemeteries. To that end, the following rules and regulations are hereby established for all town owned cemeteries.

All **grave** owners and persons visiting the cemeteries will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

#### SECTION 2. CEMETERY LOCATIONS & INFORMATION:

Lots are also available in the privately owned Union Cemetery. Call 603-382-8391

<u>CEMETERY</u>	<u>LOCATION</u>	<u>SIZE</u>	<u>RESPONSIBILITY</u>
Chase Family	Willamine Road	.02 AC	Town of Newton
Farmer (Currierville)	Currierville Road	.30 AC	Town of Newton
Highland	Highland Street	4.28 AC	Town of Newton
Hoyt	Pond Street	.06 AC	Town of Newton
Quaker	Quaker Drive	.25 AC	Town of Newton
Town Hall	Town Hall Road	1.00 AC	Town of Newton
Union	New Boston Road	12.70 AC	Private
Willow Grove	Whittier Street	1.70 AC	Town of Newton

1. Gates to the town cemeteries are usually open twenty-four (24) hours per day. However, no person or persons, with the exception of the Cemetery Trustees, shall enter these cemeteries after sundown for any purpose. Also, no animals are allowed on cemetery property.

### **SECTION 3. TRUSTEE INFORMATION:**

#### **A. TRUSTEE OFFICE HOURS & CONTACT INFORMATION:**

1. Cemetery Trustees are available by appointment only. To contact the Trustee Dept please e-mail [cemetery@newtonnh.net](mailto:cemetery@newtonnh.net) or contact the Newton Selectmen's Office. at 603-382-4405 Ext. 10. (8:00 – 4:00 PM Mon. – Wed. & 12:00 PM to 8:00 PM on Thurs.)
2. The Cemetery Trustees are responsible for the sale of the lots and identifying and marking the graves prior to excavation. They are also responsible for marking monument placement.

### **SECTION 4. RULES AND REGULATIONS:**

#### **A. LOT SIZE, PURCHASE FEES AND REGULATIONS:**

1. All fees or charges for purchased lots will be paid to the Cemetery Trustees. Checks should be made payable to the **Town of Newton**. As of May 1, 2007 the cost of each grave site is **\$325.00**. Upon payment, a cemetery lot **Right to Bury Authorization** will be given to the purchaser. No foundations, markers, or stones will be placed upon a lot until it is paid for in full.
2. The sale of lots in all Newton cemeteries will be restricted to current or former residents of the town of Newton. This restriction also applies to the transfer of ownership of a lot.
3. The cost for each grave site includes perpetual care. Perpetual care service shall include the cutting and trimming of grass upon the lot at reasonable intervals, the raking and cleaning of the lot.
4. No person shall be considered as the rightful owner of any grave or cremation space unless he/she shall be in possession of a duly executed **Deed of Ownership / Right to Bury Authorization**. If a deed cannot be presented, then the books of the Cemetery Trustee's Office shall be considered as final in determining ownership of any grave or cremation space. It shall be the responsibility of lot owners to notify the Cemetery Trustees of any change in address after purchase.
5. Transfer of lot ownership will not be recognized without prior notification and consent of the Cemetery Trustees. A **\$10.00** fee is applicable for all transfers of lot ownership.
6. All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemetery from loss and damage, but the Town of Newton will not be responsible for any loss or damage.
7. The laws of the State of New Hampshire govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the death of an owner of the lot, the heirs should file with the Cemetery Trustees, full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.

## **B. INTERMENT RESPONSIBILITIES AND REGULATIONS:**

1. The cemetery will be open for interments from 8:00 AM to 4:00 PM, Monday through Friday. By special request burials may take place on Saturday. The Cemetery Trustees must be given at least seventy-two (72) hour notice of any interment and at least a one (1) week notice of any disinterment or removal. No burials will take place on Sunday or on legal holidays.
2. The Cemetery Trustees are responsible for the sale of the lots and identifying and marking the graves prior to excavation
3. Winter burials will be determined by weather conditions or other circumstances. Every effort will be made to execute burials during the winter months. However, if burial cannot take place, temporary interment will be the responsibility of the lot owner and funeral director. The Town of Newton has neither provisions nor a facility for temporary entombment.
4. Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or his assistants or on an order signed by a court of competent jurisdiction.
5. In the case of cremation interment, the maximum number of cremation type interments shall be four (4) per grave. In the case of combining full and cremation burials, only one cremation burial will be allowed. However, the number of cremains may be increased to as many as four (4) at the discretion of the Cemetery Trustees.
6. No interment of two or more bodies shall be made in one grave, except in the case of mother and infant child, or two infants, buried in one casket simultaneously. Further variation may be made in the case of cremations within family lots subject to the prior approval of the Cemetery Trustees.
7. No animal will be allowed to be buried in any town owned or controlled cemetery site or property.
8. Once an interment has been made, graves will be opened if in the sole and exclusive judgment of the Cemetery Trustees that such opening is proper, necessary, and duly authorized. In all cases, the responsibility of opening the grave and the actual disinterment falls upon the person authorized to do so.
9. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of metal, reinforced concrete, or approved synthetics. Outside containers may be procured from any source provided they meet the established specifications.
10. Preparation of the grave is the responsibility of the lot owner and funeral director conducting the funeral and shall include, but not be limited to, grave excavation, burial vaults, artificial grass, lowering devices, grave closure etc... The Trustees will dictate who is allowed to excavate graves in the Newton Cemeteries.
11. The "scattering" of cremains (ashes) is strictly prohibited in all Town of Newton Cemeteries.

## **C. DUTIES OF EMPLOYEES**

Workers at the cemeteries are not permitted to do any work for lot owners or other persons.

## **D. GRAVE “DECORATIONS & MEMORIALS”**

### **Permitted Decorations & Memorials**

1. American Flags. (Max. height of 20 inches. Flag must not touch the ground)  
Veteran Flags will be placed at eligible graves by the Cemetery Trustees each spring.
2. Potted live or silk PLANTS/FLOWERS only. Flowers may not exceed 15 inches in height. Permanent cement pots/urns may be used for potted plants. round urns may not exceed 12 inches in diameter, or 12 inches in height. rectangular urns may not exceed 8” in height, 8” in depth, and 24’ in length. (Dead, unattended or unsightly potted plants will be removed and discarded by the Cemetery Trustees without notice)
3. Shrubs, bushes, or trees as long as they will not exceed 30 inches in height.
4. No fruits or vegetables. Uncarved pumpkins are allowed at Halloween.
5. Balloons allowed until they become unsightly.
6. Cut flowers may be placed on graves. They will be removed when they become unsightly.
7. Live or silk wreaths (max. 24’ in diameter)
8. Hanging baskets of live or silk flowers – must be well maintained.
9. Non-glass solar vigil lights may be displayed. any glass that may be a part of such lighting must be enclosed in an unbreakable fixture
10. Any flowers that accompany a casket to the burial site will remain at the grave site until they die or become unsightly. Prohibited items will also be removed at this time.
11. Veteran or identity markers allowed, but must be flush with the ground.
12. Personal decorations must be dignified and over 8 inches in height. (IE: Crosses, plaques etc..)
13. Statuary must be made of a durable material, other than plastic, and be between 8 and 15 inches in height.
14. Curbing and stone/mulch beds must be maintained, by the grave owner.
15. No items shall encroach upon adjacent sites not owned by you.

### **Prohibited Items:**

1. No glass items of anykind, exception being glass items enclosed in a durable fixture or container.
2. No plastic flowers
3. No stuffed animals
4. No fencing

### **GRANDFATHER CLAUSE:**

The original rules for Newton Cemeteries were conceived and published in March of 2008. The Trustees consider anything that would be a violation of the current Rules and Regulations that were set in place prior to this date to be "grandfathered-in". The exception to this clause being, "shrubs, bushes or trees that encroach upon adjacent lots not owned by you, that cover monuments or are tipping monuments".

**All allowed decorations are to be maintained by the grave owner** and must be kept as close to the grave headstones as possible, to facilitate mowing & trimming.

The trustees reserve the right to remove unauthorized / unsightly items without notice.

### **E. VISITOR COMPORIMENT:**

1. Persons within the cemetery shall use only the roadways and walk ways. No person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot. The Town of Newton disclaims responsibility for any property damage or injury sustained by any person visiting the cemeteries.

2. Gravestone “rubbing” is prohibited without express permission from the Cemetery Trustees.
3. Persons visiting the cemeteries or attending funerals are strictly prohibited from picking flowers, wild or planted, damaging any tree, shrub, or plant, or from writing upon, defacing, or marring any memorial, fence, or other structure within the grounds of any cemetery in the town.
4. No person shall be noisy or disorderly within the limits of the cemeteries.
5. Children under the age of thirteen (13) are not to be on the cemetery grounds unless accompanied by an adult.
6. No motorcycles, bicycles, minibikes, snowmobiles, sleds, ATV's (all terrain vehicles) or other recreational vehicles will be allowed in the cemetery.
7. No vehicle may be driven or parked across or upon any grave or lawn.
8. No dogs, horses, cattle or other domestic animals shall be permitted in the cemetery.
9. The consumption of alcoholic beverages is strictly prohibited on cemetery property.
10. The bringing of firearms into the cemetery, except by military escort or authorized law enforcement officials, is prohibited.
11. No person or persons shall park, or permit to be parked, a motor vehicle owned or controlled by them in the cemetery after sundown. Parking or leaving any car or vehicle is prohibited and a violation of this rule will be cause for the removal of such vehicle at the owners' expense.

#### **F. CARE OF LOTS:**

1. The general care of the Cemetery is the responsibility of the Town of Newton, NH and the Cemetery Trustees. It includes reasonable and practical care of the unsold areas of the cemetery, such as lawn areas, roads, shrubs and trees, which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any monument, decoration or memorial placed upon a plot, nor the performing of any special or unusual work in the cemetery. Grave owners are responsible for maintaining personal decorations.
2. Cemetery Trustees may remove prohibited or unsightly items left on graves without notice
3. The Cemetery Trustees shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the rules for decorations published by the Cemetery Trustees.
4. Neither the Town of Newton nor the Cemetery Trustees will be responsible for any items left on graves.

#### **G. MONUMENTS AND OTHER STRUCTURES:**

1. The owner of any grave shall have the right to erect thereon a proper stone or monument. Only one monument shall be permitted on a grave.
2. In general, no monument / headstone shall exceed a base size from end to end of 60% of the width of the grave(s). Any individual marker must be set flush with the ground. Only one raised monument / headstone is allowed per grave.

3. A reputable company, of the lot owner's choosing, may perform all foundation and monument placement work. Said company must have sufficient General Liability Insurance coverage and consult with the Trustees before placement of a monument.
4. Any work done by a monument company or its employees is their responsibility but must meet the standards rules of the Cemetery Trustees.
5. Only signs pertaining to the operation of the cemeteries shall be posted on cemetery property. Any sign not meeting this criteria will be removed and discarded by the Cemetery Trustees.

#### **H. ENFORCEMENT OF REGULATIONS:**

1. The Cemetery Trustees are hereby empowered to enforce the foregoing Rules and Regulations and to exclude from the cemetery any person deliberately violating such rules and regulations. The said Trustees shall have charge of the grounds and buildings within the cemetery and shall have supervision and control of employees and all persons visiting the cemetery, whether grave owners or otherwise.
2. It shall be the duty of the Cemetery Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by state law.

These rules and regulations, including amendments thereto, constitute the sole agreement between the Town of Newton, NH, and the grave owners.

**THE FOREGOING RULES AND REGULATIONS ARE SUBJECT TO CHANGE AT THE PLEASURE OF THE CEMETERY TRUSTEES.**

**Regulations published 3/ 2008.**

**Rev. 10/2008, 3/2009, 11/2010, 4/2011 & 12/2012, 6//2013**