

CEMETERY REGULATIONS



TOWN OF

GILMANTON, NEW HAMPSHIRE

ADOPTED: JULY 31, 2006
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For further information regarding these Regulations, the purchase or use of burial sites, or for other related burial or cemetery issues please contact:

**Gilmanon Board of Cemetery Trustees
Post Office Box 119, Gilmanon, NH 03237-0119**

e-mail: cemeteries@gilmantonnh.org

Website: <https://www.gilmantonnh.org/cemetery-trustees>

Trustees:

**John Dickey
(603) 267-6098**

**Candace Daigle
(603) 267-8274**

**JR Stockwell
(603) 267-7502**

**Gilmanon Cemeteries, Burial Grounds, Burial Sites, Memorial Sites and
Historic Sites under the management of the Cemetery Trustees**

[List of all Sites](#)

[Map of all Site Locations](#)

Two of the Cemeteries listed on the Town-Wide List and Map above are **private burial grounds, NOT** under the Town's administration. Please use the following contacts for **private sites**.

PRIVATE CEMETERIES NOT UNDER THE TOWN'S MANAGEMENT:

Pine Grove Cemetery Association

c/o Belinda Littlefield OR
543 White Oaks Road
Ctr Barnstead, NH 03225
(603) 364-9511

c/o Richard Bickford
411 White Oaks Road
Ctr Barnstead, NH 03225
(603) 364-9512

Smith Meetinghouse Cemetery Association

c/o Fred Buchholz
604 Meetinghouse Road
Gilmanon, NH 03237
(603) 267-6500

OTHER RESOURCES

NH Board of Registration
Funeral Directors and Embalmers
6 Hazen Drive
Concord, NH 03301

(603) 271-4648; (603) 271-3447(F)

<https://www.oplc.nh.gov/board-registration-funeral-directors-and-embalmers>

Federal Trade Commission
600 Pennsylvania Avenue, N.W., Washington, D.C. 20580;
1-877-382-4357,

“Funerals – A Consumer Guide” at:

<https://consumer.ftc.gov/articles/shopping-funeral-services>

US Department of Defense
Military Funeral Honors

<https://www.militaryonesource.mil/military-life-cycle/veterans-military-funeral-honors/eligibility/>

NH Funeral Directors’ Association
P.O. Box 386
Pittsfield, NH 03263

<https://www.nhfda.org/>

CEMETERY REGULATIONS TOWN OF GILMANTON, NEW HAMPSHIRE

Amended: August 27, 2009
Amended: April 17, 2008
Amended: September 6, 2007
Amended: September 13, 2006
Adopted: July 31, 2006

Regulations governing the following cemeteries:

Beech Grove	Foss	Hutchinson, Levi	Plummer
Besse	Foster	Indian	Sanborn
Buzzell	French	Leavitt Road	Sawyer Lake
Carr	Friends	Lougee	Sleeper
Clough	Guinea Ridge	Merrill	Tibbetts
Copp	Hatch Road	Mudgett	Town Farm
Durrell	Hatie Smith Road	Osgood	Weed
Edgerly (1)	Hilliard	Page	Wicka
Edgerly (2)	Hillside	Parsons	Wilson Hill
Emerson			

These regulations supplement the Town of Gilmanton Cemetery and Burial Site Ordinance, March 14, 1992, as amended.

SECTION 1. PURPOSE AND INTENT

The following regulations are hereby established for the mutual protection of Lot owners and the cemeteries as a whole. Lot owners and persons visiting and contracted to work within the cemeteries will be expected to abide by such regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as a peaceful, dignified, safe and beautiful area as well as a reverent symbol of respect for the dead and a valuable link to the heritage of the community.

These Regulations shall also apply to lots sold by deed prior to the adoption of these Regulations except as noted herein.

SECTION 2. AUTHORITY

These Regulations are established by the Cemetery Trustees in accordance with RSA 289:2, as amended, and may from time to time be amended for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Gilmanton and shall also apply to all sites declared abandoned by the Board of Selectmen under RSA 289:19-21.

SECTION 3. DEFINITIONS

CEMETERY STAFF – Employee or subcontractor of the Town of Gilmanton, under the direction of the Cemetery Trustees.

CERTIFICATE OF RIGHT TO INTER – Certificate issued by the Cemetery Trustees transferring a limited right to inter remains in a specific lot to a purchaser for a fee.

DEED – Deed issued transferring a limited right to inter remains in a specific lot to a purchaser for a fee. Deeds were the form of transfer prior to the adoption of these Regulations.

GENERAL CARE - Funds placed on deposit with the Gilmanton Trustees of Trust Funds, the income from which can be spent for reasonable and practical care including raking, mowing and seeding of the entire cemetery including all lots, unsold areas of the cemetery, and such areas as lawn, roads, and shrubs and trees which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemetery.

INTERMENT – The permanent disposition of the remains of a deceased person by cremation and interment, entombment, or burial.

INTERMENT PROPERTY - Grave, plot, cremation space, lot or right to inter.

LOT OWNER – Person who holds a valid deed or right to inter.

ORDINANCE – Town of Gilmanton, New Hampshire Cemetery & Burial Site Ordinance, as amended.

PERPETUAL CARE – Funds placed on deposit with the Gilmanton Trustees of Trust Funds, the income from which can be spent for reasonable and practical care including raking, mowing and seeding of the specified lot(s). In no case shall it mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work on the specified lot(s) or in the cemetery.

REGULATIONS – Town of Gilmanton, New Hampshire Cemetery Regulations, as amended.

RIGHT TO INTER – Exclusive right to a plot for the purposes allowed by these Regulations.

TRUSTEE – Cemetery Trustee of the Town of Gilmanton, New Hampshire or his or her designee.

SECTION 4. GENERAL REGULATIONS

A. Administration

All business pertaining to cemeteries shall be processed through the Cemetery Trustees, Town of Gilmanton P.O. Box 56, Gilmanton NH 03237. Direct contact can be made to the Cemetery Trustees as listed in the Town records or through the regular business hours of the Board of Selectmen's Office.

B. Cemetery Hours

Cemeteries shall normally be open to the public seven days a week during daylight hours. No person or persons, not an employee or trustee of these cemeteries shall enter these cemeteries after sundown for any purpose. Cemeteries are not maintained for public access during winter months.

C. Pedestrians

Persons within cemeteries shall use roads and walks where available and no person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot.

D. Vehicles

Vehicles are prohibited within the boundaries of cemeteries except for approved cemetery business or visiting graves. Where allowed the following regulations apply:

1. Maximum speed limit is 15 miles per hour.
2. No vehicle, except maintenance or other commercial vehicles involved in gravesite preparation or restoration shall be driven or parked on any part of the cemeteries except upon roads.
3. 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 by the Trustees at the owner's expense.

E. Personal Conduct

All persons within cemeteries shall conduct themselves in a manner in keeping with a hallowed place. Indecorous behavior will not be tolerated and persons violating reasonable standards of behavior will be subject to removal from the grounds in the absolute discretion of the Trustees.

F. Loss or Damage

Damage done to the lots, walks, drives, trees, shrubs or other property by Lot owners, funeral directors, next of kin or designated agent, dealers, contractors, or their agents shall be repaired by same.

G. Sole Agreement

These regulations, including amendments thereto, constitute the sole agreement between the Cemetery Trustees, Town of Gilmanton, and the Lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemetery of the Town of Gilmanton shall in no way bind the cemetery or the Town of Gilmanton.

SECTION 5. LIMITS OF MUNICIPAL LIABILITY

The Trustees shall take reasonable precautions to protect Lot owners within cemeteries from loss or damage; but distinctly disclaim all responsibility for loss or damage from causes beyond their reasonable control, and, especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

SECTION 6. PROHIBITIONS

- A.** Persons within cemeteries are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or injuring any memorial, fence, gate, or other structure within the grounds of any cemetery.
- B.** Children under the age of 15 are not to be on cemetery grounds unless accompanied by an adult.
- C.** No agricultural animals shall be permitted in the cemeteries. Domestic pets are allowed in the cemeteries provided they are on a leash; stay on roads, walks and alleys and persons responsible for the pet clean up after the pet.
- D.** Visitors, except while acting as a military escort, are prohibited from bringing firearms, explosives of any kind, or any offensive weapon such as bows and arrows, air rifles, or slingshots into the cemeteries. Discharging of any weapons or the hurling of rocks or pellets is strictly prohibited.
- E.** All hunting within cemeteries is prohibited.
- F.** No person shall be noisy or disorderly within the limits of the cemeteries, or otherwise conduct themselves as to desecrate the place or upon being requested by a Trustee, shall refuse or neglect to leave the premises, or discontinue the disturbance.
- G.** Horses, recreational bicycles, motor driven dirt bikes and off-road vehicles are prohibited in the cemeteries. Skateboards, roller blades, manual scooters and any other such type of entertainment type of transportation are prohibited in the cemeteries.
- H.** The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to cemeteries.
- I.** No alcoholic beverages to be consumed on cemetery grounds.
- J.** Gravestone rubbing is prohibited.

SECTION 7. LOT SALES

Upon adoption of these Regulations, the sale and purchase of cemetery lots shall be by a Right to Inter only. Title to the real estate remains with the Town. No easement or right of interment is granted to any lot owner in any road, drive, or path within the cemetery, but such road, drive or path may be used as a means of access to the cemetery as long as it shall be devoted to such purpose.

- A.** Persons desiring to purchase burial rights should contact the Trustees who will aid them in making a selection. Regulations relating to such graves will be explained and a copy of the regulations will be given to each purchaser, who will acknowledge receipt in writing. Payment will also be explained, and arrangements made for such.
- B.** At the time of sale, the purchaser shall submit to the Trustees a written list of names of those authorized to be interred within the lot. If the purchaser makes no designation, then by default these authorized persons include the lot owner, his/her mate at the time of his/her death, and his/her children, subject to the capacity of the lot, State Statutes and these Regulations. Only the current owner of the lot may designate or alter an existing designation and must do so in writing to the Trustees.
- C.** Burial rights can only be sold to a current or former Gilmanston resident. However, persons authorized to be interred with the lot(s) by the purchaser are not so restricted.
- D.** The total sale price for each lot includes General Care, a fee to record the transfer in the Belknap County Registry of Deeds and the installation of granite corner posts. Additional General Care Funds can be donated towards the maintenance and care of the cemetery. Such donations are deductible under Internal Revenue Codes sections 170 (a)(1) and 170 (c)(1).
- E.** A Certificate of Right to Inter signed by the Cemetery Trustees will be issued when the total sale price is paid in full.
- F.** No interment may occur and no foundations, markers, or stones may be placed upon a lot until it is paid for in full. Lots sold by deed prior to July 31, 2006, are exempt.
- G.** For rights to inter sold as of July 31, 2006, a cemetery lot is defined as a one-lot site.
 - 1. One-lot sites are limited to a combination of three interments, i.e.:
 - a. one full burial plus two cremation burials above; or
 - b. one full burial plus two infant burials; or
 - c. three cremation burials.
 - 2. Multiple adjacent one-lot sites may be purchased. This will allow additional burial marker configurations (see Section 13).

For lots sold by deed prior to July 31, 2006, multiple interments may be approved by the Trustees upon their determination that adequate space can be documented.
- H.** Each lot shall have installed, at the time of purchase, at the expense of the purchaser, four (4) granite corner monuments. Monuments and installation shall meet the approval of the Trustees. In the instance that multiple adjacent one-lot sites are purchased, granite corner posts are only required around the perimeter of the adjacent lots. For lots sold by

deed prior to July 31, 2006, corner monuments are encouraged, but not required.

I. Lot Costs:

	Lot Size	Right to Inter	General Care	Certificate Recording Fee	Installed Granite Corner Posts
BUZZELL CEMETERY					
One-Lot Site	4'x 8'	\$100	\$300	Actual Cost	Actual Cost
Each Additional Interment Per Lot			\$100		
BEECH GROVE CEMETERY					
One-Lot Site	5'x10'	\$100	\$300	Actual Cost	Actual Cost
Each Additional Interment Per Lot			\$100		
OTHER BURIAL GROUNDS AND CEMETERIES					
NO LOTS AVAILABLE					

- J.** All lots and all non-lot areas within the cemetery are maintained under the responsibility of the Trustees. Perpetual and General Care maintenance is limited to raking, mowing and seeding of lots when necessary. 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 the Trustees be responsible to maintain, repair, or replace any memorial, tomb, or mausoleum erected or placed upon a lot, nor perform any special or unusual work in the cemetery.
- K.** Ledge, large boulders, or mature trees may reduce the capacity of a lot. The owner may ask the Cemetery Trustees to have these impediments removed. If the Trustees agree, the owner must pay for the work in advance. The owner may instead choose to accept the reduction in capacity or relinquish the lot as herein described.
- L.** The right to enlarge, reduce, replot, or change the boundaries or grading of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the location of or remove or regrade roads, drives or walks, or any part thereof, is hereby reserved. The right to lay, maintain, and operate, or alter or change, pipelines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Trustees reserve to themselves and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
- M.** The Trustees reserve the right when they deem it to be in the best interests of the town to purchase outright, or by exchange for other graves, any unoccupied grave or graves or cremation spaces at the original price in accordance with Section 9.

SECTION 8. LOT/RIGHT TO INTER OWNERSHIP

- A.** RSA 290:24 and other applicable laws of the State of New Hampshire govern the descent of title for cemetery lots, as well as other matters relating to their ownership. It is important that on the decease of an owner of the lot, the heirs or devisees of such person should file with the Trustees full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills or probate records are normally sufficient.
- B.** No person shall be considered as the rightful owner of any lot unless he/she shall be in possession of a duly executed deed or Certificate of Right to Inter signed by the authority having jurisdiction. If a deed or Certificate cannot be presented in relation to a planned burial, a person shall sign an Interment Order. However, the books of the Cemetery Trustees shall be considered as final in determining ownership of any grave or cremation space. The Trustees reserve the right to make an interment of any member of the immediate family of the lot owners upon their own authorization. No other person may be interred in any plot without proof of ownership or written consent of the owner. Description of graves or cremation spaces shall be in accordance with the cemetery graves or cremation spaces which are kept on file by the Trustees.
- C.** The subdivision of plots is not allowed.
- D.** It shall be the duty of the lot owner to notify the Trustees of any change in address. Notice sent to the lot owner at the last address on file with the Trustees shall be considered sufficient and proper legal notification.

SECTION 9. LOT/RIGHT TO INTER RESALE/RELINQUISHMENT

- A.** The owners of interment property, or their heirs, shall not grant, sell, alienate, or convey, the said interment property to any person or persons other than the Town of Gilmanton. Resale of interment property to the Town shall be for the same sale amount as originally paid for same.
- B.** Upon request of the lot owner, when interment property is relinquished or resold to the Town, the original sale amount shall be returned to the owner. The original general care monies, all income, the original cost of recording and corner post installation are not refundable.
- C.** After completing the noticing required by RSA 289:18, as amended, the Trustees may declare forfeiture of unused lots meeting the stated conditions. Lots so forfeited may be resold.

SECTION 10. CARE FUNDS

All care funds held by the Town of Gilmanton whether general, trust or perpetual care will be invested by the Town of Gilmanton under the direction and care of the Gilmanton Trustees of Trust Funds as provided by law and will be expended only as provided by law.

However, expendable trust funds established by the Town under RSA 31:19-a may be expended in accordance with said statute as amended.

SECTION 11. INTERMENTS/DISINTERMENTS

- A.** When an interment is requested, the applicant must provide a signed Interment Order, proof of ownership and/or proof of right of burial. In the instance of a preexisting lot for which the Town has insufficient burial records, no interment shall be allowed unless the applicant also provides proof that available burial space exists. In the instance where ground sensing radar is utilized it shall be at the expense of the applicant. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Trustees may, in their discretion, authorize it opened in such location in the lot as they deem best and proper, so as not to delay the funeral; and the Town shall not be liable in damages for any error so made. The Trustees and the Town shall not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.
- B.** The cemetery will be open for interments only upon appointment with the Trustees. A minimum notice of 24 hours shall be given for an interment. The Trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.
- C.** Generally, interments will not be made on Sundays, Holidays or between December 1 and April 15 except with the prior consent of the Trustees. Every effort will be made to accommodate requests; however, permission will be granted subject to availability of staff and weather conditions that allow gravesites to be located and opened without damage to cemetery property or other gravesites.
- D.** All interments, including cremains, shall be done under the supervision of a Trustee by a contractor pre-approved by the Trustee.
- E.** The funeral director, next of kin or designated agent shall present all burial documents upon arrival in the cemetery.
- F.** 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.
- G.** The Trustees do not provide services for interment, disinterment, ceremonial activities, or monument, marker or foundation installation, repair, or maintenance. All burial services shall be provided by the funeral director, next of kin or designated agent. Services shall include grave opening/closing, artificial grass, lowering devices and any other materials and/or equipment associated with the burial ceremony.
- H.** Once opened, the funeral director, next of kin or designated agent and contractor shall be liable to see that graves are adequately covered/secured until the burial.
- I.** Once an interment has been made, graves will be opened only by Trustees in their sole and exclusive judgment that such opening is proper, necessary, and duly authorized or when directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the Trustee. In the case of cremains,

disinterment requires proof of ownership of the cremains and a signed statement from the owner. In all cases, the responsibility of the Trustees shall be limited to authorizing the opening. The opening of the grave and the actual disinterment must be made by the person authorized to do so.

- J.** The Trustees and the Town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Regulations have not been complied with; and further, said Trustees reserve the right, under such circumstances, to place the body in a receiving vault until the full rights of the parties have been determined. The Trustees shall be under no duty to recognize any protests of interment unless they are in writing and filed with the Trustees.
- K.** Removal, by the heirs, of a body or cremated remains so that the plot may be sold, or removal contrary to express or implied wish of the original plot owner, is forbidden.
- L.** A body, or cremated remains, may be removed from its original plot to a larger or better plot in the cemetery, where there has been an exchange or purchase for that purpose.

SECTION 12. CREMATIONS

- A.** Refer to Section 7 of these Regulations for allowed cremain configurations per lot.
- B.** Only a token scattering of ashes on a lot is permitted and requires the approval of the lot owner. Notice is to be made to the Trustees for record keeping purposes. Token scattering of ashes may not occur in other areas or on other non-owned lots with the exception of within Memorial Garden areas where provided.

SECTION 13. MINIMUM STANDARDS

- A.** No granite or other curbing, fence, or enclosure of any kind will be permitted in or around any grave or cremation space, and no post, indicating either an extreme or intermediate boundary in any grave or cremation space will be allowed to protrude above the level of the walkway or ground adjacent to said grave or cremation space.
- B.** Graves shall be used for no other purpose than a place of burial.
- C.** No animal/animals will be allowed to be buried in or on any cemetery site or property with the exception that pet cremains may be included with a human interment.
- D.** All graves shall measure:
 - 1.** Buzzell Cemetery: four (4) feet by eight (8) feet.
 - 2.** Beech Grove Cemetery: five (5) feet by ten (10) feet.
- E.** All non-cremain interments shall be enclosed in a sealed cemetery cement vault. Upon request, and for good reason given, the Trustees may allow the interment to be covered only, and not enclosed, with a cement vault.
- F.** All subjects for burials including amputated limbs must be received in an enclosed, rigid container.
- G.** Monuments and Markers:

For rights to inter sold after July 31, 2006:

 - 1.** A total of 3 markers (flush or monument) are allowed per lot.
 - 2.** Every burial is allowed either:
 - a.** a flush marker not exceeding 2' x 1' or
 - b.** a monument not exceeding 1' deep by 2.5' wide and 1.5' in total height (unless one of the joint monument options below is utilized).
 - 1)** Two or more adjacent lots may have one joint monument not exceeding 1' deep by 2.5' wide and 1.5' in total height, placed at the center of the lots.
 - 2)** Four or more adjacent lots may have one joint monument not exceeding 2' deep by 3' wide, 3.5' in total height, with a base not exceeding 4.5' in width placed at the center of the lots.

For lots sold by deed prior to July 31, 2006, the above configurations may be approved by the Trustees upon their determination that adequate space exists.
- H.** No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze.
- I.** No monument or other structure shall be erected until a suitable foundation is laid. All foundations for monuments and markers shall be no less than 4 feet in depth. Deeper foundations will be used when deemed advisable by the Trustees.
- J.** Monument installation shall be by the owner's contractor under the supervision of a Cemetery Trustee.
- K.** Should any monument, memorial, mausoleum or tomb become unsightly, dilapidated, or a menace to visitors, the Town shall have the right to either correct the condition or to remove same at the expense of the lot owner.

- L.** No monument or marker shall be removed from the cemetery. In the instance where a replacement monument or marker is installed, the original stone shall remain within the lot. It shall be placed, face down, on the grave at ground level.
- M.** Changing the surface of a lot is not permitted.

SECTION 14. PLANTS, SHRUBS, FLOWERS, DECORATIONS

- A.** Flowers, wreaths, baskets, etc left on graves or lots will be removed by Trustees as soon as possible after they fade or become unsightly.
- B.** Planting of shrubs and trees is prohibited. Shrubs and trees which were planted in the cemeteries prior to the adoption of these Regulations will be left. However, existing plantings shall not hinder maintenance or the aesthetics of the cemetery or by means of its roots or branches become detrimental to the subject lot or adjacent lots or areas. It shall be the duty of the Trustees and they shall have the right to enter the said lot and remove the said tree or shrub or such parts thereof as are thus detrimental, dangerous or inconvenient.
- C.** The in-ground planting of flowers on lots with above-ground monuments is allowed but is limited to an area fourteen inches in front of the above-ground monument.
- D.** Only removable pots will be permitted on graves with flush markers.
- E.** Urns and pots are to be emptied before the winter season, and winter wreaths, etc. are to be removed before the spring season.
- F.** No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on lots. True floral containers and rustic baskets are recommended. No plastic flowers containing wires shall be placed on lots. Plants or silk flowers are recommended.
- G.** The placing of small flags on graves is allowed between Memorial Day and Veteran's Day. The Trustees have the right to remove flags at other times or in the case of a flag in deteriorated condition.
- H.** No decorative landscaping stones will be permitted on any lot. It is not permissible to place fences, curbs, or other articles on any lot.
- I.** The placing of boxes, shells, toys, ornaments, chairs, settees, statues, vigil lights, breakable objects of any kind, any items containing wires or similar unauthorized items upon lots will not be permitted.
- J.** The cemetery has the right to remove non-conforming items from any lot after an attempt has been made to contact the lot owner to remove said item.
- K.** If, as the result of work done, the good appearance of the cemetery is affected, the Trustees may put such lots in order at the expense of the owners.

SECTION 15. CORRECTION OF ERRORS

The Trustees reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer, or conveyance of any interment property.

SECTION 16. ENFORCEMENT

- A.** The Trustees are hereby empowered to enforce the foregoing Regulations and to exclude from the cemetery any person deliberately violating such Regulations. The said Trustees shall have charge of the cemetery grounds and shall have supervision and control of employees and all persons visiting the cemetery, whether lot owners or otherwise.
- B.** It shall be the duty of the Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by law.

SECTION 17. WAIVER

Upon written request, the Trustees may waive or modify the requirements of these regulations when, in the opinion of the Trustees, specific circumstances surrounding a proposal indicate that such waiver or modification will properly carry out the purpose and intent of these Regulations.

THE FOREGOING REGULATIONS ARE SUBJECT TO CHANGE BY VOTE AT A LEGALLY NOTICED MEETING OF THE CEMETERY TRUSTEES.

Effective Date: August 27, 2009

CEMETERY TRUSTEES:

Marion McIntyre

Marion McIntyre, Chairman

Candace L. Daigle

Candace L. Daigle, Trustee

Leonard Stockwell, Jr.

Leonard Stockwell, Jr., Trustee

Original Signatures on File



RECEIPT FOR GILMANTON CEMETERY REGULATIONS & ORDINANCE

TOWN OF GILMANTON, NEW HAMPSHIRE

Cemetery Trustees, P.O. Box 550, Gilmanton, New

Hampshire 03237-0550

(603) 267-6700 - (603) 267-6701 FAX - www.gilmantonnh.org

I, _____, as purchaser/owner of a Right to Inter or Lot
in the _____ Cemetery, identified as Lot #_____ have received a
copy of the Cemetery Regulations, Town of Gilmanton, NH, dated _____, and Town
of Gilmanton Cemetery and Burial Site Ordinance dated March 14, 1992, and acknowledge that
my use of said lot(s) and my activity within said cemetery shall conform to said Regulations and
Ordinance (both as amended).

Signature: _____

Printed Name: _____

Mailing Address: _____

Date: _____

TOWN OF GILMANTON

CEMETERY AND BURIAL SITE

ORDINANCE

March 14, 1992

APPENDIX A.4

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SECTION I. TITLE

A. PREAMBLE

In pursuance of authority conferred by RSA 31:39 and in accordance with RSA 289 the Town of Gilmanton adopts the following Ordinance for the maintenance, administration and preservation of burial sites, burial grounds and cemeteries.

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B. ADOPTION

This Ordinance was duly enacted by a vote of Town Meeting on March 14, 1992.

SECTION II. ADMINISTRATION

A. CEMETERY RECORDS

The Town of Gilmanton or other body charged with the responsibility of operation and administration of any cemetery, shall keep a record of every burial in any cemetery under their control, showing the date of burial and the name of the person buried, when these particulars can be obtained, and the plot, or part of such plot, in which the burial was made.

Such records shall also be kept of every private burial site within the Town of Gilmanton. In cases where cremation is used it shall be so stated on any or all records.

A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of \$0.50 (50 cents). The fee shall be for the use of the Town of Gilmanton.

B. CEMETERY CONTROL

Any cemetery laid out by an individual or corporation 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 the Selectmen.

C. CEMETERY FUNDS

1. Abandoned Cemeteries

The Town of Gilmanton may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted and abandoned cemeteries within its confines which are not otherwise provided for including private burial sites and burial grounds where there are no surviving descendents. Such appropriation shall be expended under the direction of the Trustees of Cemeteries.

2. Public Cemeteries

The Town of Gilmanton shall raise and appropriate sufficient funds by taxation to provide for the suitable care and maintenance of the public cemeteries within its confines which are not otherwise provided for and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply same with necessary gates.

3. Trust Funds

Cemetery corporations and the trustee of the Town, or other officers having lawful charge of cemeteries, may take and hold funds in trust, to apply the income thereof to the improvement, watering, or embellishment of the

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cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances.

SECTION III. LOCATION OF CEMETERIES BURIAL SITES

A. CEMETERIES

No cemeteries shall be laid out within one hundred (100) feet of any dwelling house, school house or school lot, store or other place of business without the consent of the owner of same, or any enlargement of existing cemeteries within fifty (50) feet, except that such enlargement may not be laid out within fifty (50) feet of the Right-of-Way of all classifications of highways.

B. BURIAL SITES

Burials on private property, unless in an existing burial ground, shall comply with all Town of Gilmanton Ordinances. Such burial sites shall comply with the following:

1. All burial site(s) shall be not less than one hundred (100) feet from the Right-of-Way of any Town of Gilmanton Class V or VI road, State of New Hampshire Class I, II or III road, or any privately owned road.
2. All burial site(s) shall be not less than one hundred (100) feet from an existing dwelling.
3. All burial site(s) shall be not less than thirty five (35) feet from any existing septic system, to include, but not limited to, septic tank, leach field, trenches and drywells, etc.
4. All burial site(s) shall be not less than fifty (50) feet to any existing or known source of water.
5. All burial site(s) shall be recorded in the Deed to the property and carried in such Deed upon transfer of said property to another person, company or corporation etc. All sites shall be recorded on Town of Gilmanton Tax Maps.
6. The Gilmanton Planning Board may require additional information, make additional restrictions where deemed necessary, in order to preserve and safeguard against any violation(s) of this, and other Ordinances and/or Regulations of the Town of Gilmanton.
7. All burial site(s) after being declared "abandoned" by the Gilmanton Board of Selectmen, in accordance with Section VII, may be maintained by the Town of Gilmanton at its discretion. The Town shall have access onto said site(s) for the sole purpose of repair and maintenance of any and all burial site(s).

C. ACCESS

Any person wishing to have a temporary right of entry over private land in order to enter a private burial site, burial ground or cemetery enclosure to which there is no public right of way may apply in writing to the selectmen stating the reason for such request and the period of time for which such right is to be exercised. Said applicant shall also notify in writing the owner or occupier of the land over which the right of

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way is desired. The selectmen may, in the exercise of discretion, issue a permit for such temporary right of entry designating the particular place where said land may be crossed. The owner or occupier of said land may recommend said place of crossing which, if reasonable, shall be the place so designated by the selectmen.

SECTION IV. SUBSURFACE EXCAVATION AND/OR DEVELOPMENT

- A. No excavation or development shall be conducted within thirty five (35) feet of any known or proposed burial site, burial ground or cemetery whether or not such burial site, burial ground or cemetery was properly recorded in the Deed to the property.
- B. Any proposed Subdivision or Site Plan containing a burial site, burial ground or cemetery shall separate said site from the remainder of the subdivision or site plan by means of a fence or stone wall. This fence shall be placed not less than twenty five (25) feet from any grave, monument, tomb or other burial site indicator.
- C. All existing or planned burial site(s) or cemetery(s) shall be shown on any new subdivision or site plans as separate lot(s), which may be deeded to the Town of Gilmanton, and as such, shall be under the care of, and responsibility of the Town of Gilmanton, at its discretion. Access for maintenance shall also be shown on the subdivision or site plan(s).
- D. Any person who leaves debris in any cemetery as a result of a logging operation shall be guilty of a violation.

SECTION V. DISTURBANCE OF GRAVESTONES, BURIAL SITES AND BURIAL SITE ITEMS

- A. No person, without the written authorization of the owner of a burial plot, or the lineal descendent of the deceased, if such owner or lineal descendent is known, or the written authorization of the Town of Gilmanton if the owner or lineal descendent is unknown, shall:
 - 1. Purposely or knowingly destroy, mutilate, injure or remove any tomb, monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, curb, or plot delineator or other enclosure for the burial of the dead.
 - 2. Purposely or knowingly disturb the contents of any tomb or grave in any cemetery, burial ground or burial site.
- B. The Town of Gilmanton shall not grant approval for the removal or disturbance of a tomb, monument, gravestone, marker, or plot delineator without first giving thirty (30) days notice, together with a report of the full circumstances, that such approval has been requested. The Town of Gilmanton shall maintain a record of the date, circumstances, and disposition of the request for removal or disturbance.

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- C. No person shall make gravestone rubbings in any cemetery without first obtaining the permission of the selectmen or cemetery trustees.

SECTION VI. UNLAWFUL POSSESSION OR SALE OF GRAVESTONES AND GRAVESITE ITEMS

In accordance with R.S.A. 635, no person shall possess or sell, offer for sale or attempt to sell, or transfer or dispose of any monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, plot delineator, or curb, knowing or having reasonable cause to know that it has been unlawfully removed from a cemetery, burial ground or burial site.

SECTION VII. ABANDONMENT

- A. Private Family Burial Sites
Whenever a private family burial site within the boundaries of the Town has been neglected for a period of twenty (20) years, the Town may declare it abandoned for purposes of maintenance or restoration.
- B. Cemeteries
The Town shall place an advertisement in at least one (1) newspaper having general distribution in the Town and surrounding area. The advertisement will state the intent of the Town, identifying the cemetery by name (if known), and by names and dates of the oldest stones in the cemetery, with a request for any direct descendant to contact the Selectmen's office. If the cemetery contains no stones with legible inscriptions, the site may be identified by a detailed description of its location.

Not less than sixty (60) days nor more than ninety (90) days after the notice of intent has been published it will be read at a regularly scheduled meeting of the Board of Selectmen.

If any descendants were located and grant permission, or if no descendants were located, then the Town may declare the cemetery abandoned by a majority vote by those Selectmen present and voting.

Any cemetery declared abandoned under the provisions of this Ordinance shall be under the care of the Town through its Board of Cemetery Trustees.

SECTION VIII. DEFINITIONS

Burial Site - A site proposed to contain or containing one grave.

Burial Plot - A section of a burial ground or cemetery, owned in its entirety for the purpose of containing one or more graves.

Burial Ground - A private area, containing one or more burial site(s) and/or burial plot(s).

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Cemetery - A public area, containing one or more burial site(s) and/or burial plot(s).

Gravestones - Stones of any shape or size, marked or unmarked, used to identify or bound a burial site or burial plot.