



Town of Newton, New Hampshire

Cemetery Trustees

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INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES

(Revised September 6, 2019)

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These rules and regulations are supplementary to 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 plot 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:

In the town cemeteries only the Highland and Willow Grove Cemeteries have lots available for sale. 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
Currier / Farmer	Currierville Road	.30 AC	Town of Newton
Highland	Highland Street	4.28 AC	Town of Newton
Hoyt Family	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

INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES (CONT.)

SECTION 2. CEMETERY LOCATIONS & INFORMATION: (CONT.)

1. Gates to the town cemeteries are usually open twenty-four (24) hours per day. However, no person or persons, not an employee or elected official of the Town of Newton, 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 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.

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. The location of single grave sites, (1/2 plot), will be determined by the Cemetery Trustees.
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 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 surface of the ground adjacent to said grave or cremation space.
5. 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.
8. No single graves or lots will be sold to joint purchasers.
9. 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.

INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES (CONT.)

A. LOT SIZE, PURCHASE FEES AND REGULATIONS: (CONT.)

10. 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.
11. 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. The Cemetery Trustees must be given at least forty-eight (48) 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), subject to the prior approval of the Cemetery Trustees.
6. No interment of two or more bodies shall be made in one casket, 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.

INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES (CONT.)

B. INTERMENT RESPONSIBILITIES AND REGULATIONS: (CONT)

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 & reseeded of site if necessary etc.
11. Only interment companies approved by the Cemetery Trustees may be used.
12. The “scattering” of cremains (ashes) is strictly prohibited in any and all Town of Newton Cemeteries.

C. DUTIES OF EMPLOYEES

Town employees are not permitted to do any cemetery work for lot owners or other persons.

D. GRAVE “DECORATIONS & MEMORIALS”

Permitted Decorations & Memorials

All decorations & memorials must be maintained by lot owners

1. American Flag. (Max. height of 20 inches. Flag must not touch the ground) (Veteran Flags will be placed each year by the Cemetery Trustees)
2. Live or silk plants only. Flowers not to exceed the height of the grave monument.
3. Sturdy “pots / urns” may be used for potted plants. (Round urns may not exceed 12” in height and 12” in diameter. Rectangular urns may not exceed 8” in height x 8” in depth x 24” in length)
4. Cut flowers may be placed on graves. Flowers should be banded / tied. They will be removed by the Cemetery Trustees when they become unsightly.
5. Live or silk wreaths must be secured. (Max. 24” in diameter)
6. Non-glass “solar vigil lights” may be used but must not exceed 18 inches in height.
7. Flowers that accompany a casket to the burial site will remain at the grave site until they become unsightly.
8. Uncarved pumpkins on Halloween.
9. Balloons
10. Veteran markers must be flush with the ground and installed professionally.

ALL DECORATIONS MUST BE KEPT AS CLOSE TO THE GRAVE HEADSTONES AS POSSIBLE TO FACILITATE LANDSCAPING.

Prohibited items include, but are not limited, to the list below

1. The in-ground planting of shrubs, bushes, or trees is strictly forbidden.
2. No glass items of any kind.
3. The placing of boxes, shells, toys, stuffed animals, ornaments, chairs, settees, metal decorations upon lots or tops of headstones is not be permitted. These items are susceptible to the wind and being destroyed by landscaping equipment.

Prohibited items Cont.:

4. The placements of bark mulch, fencing, curbing or bricks, stones etc. are prohibited.
5. No lot owner shall place items on their lot that encroach upon adjoining lots.

GRANDFATHER CLAUSE: Items in violation of these rules, which were put in place prior to the publication of these rules in 2008, are considered “Grandfathered-in”. The exception to this clause are shrubs, bushes, or trees encroaching on other lots, or covering or tipping monuments.

*** The Trustees reserve the right to remove and dispose of any non-permitted, unsightly, or broken items without notice.**

E. VISITOR COMPORTMENT:

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 lot owner shall place items on their lot that encroach upon the property of adjoining lot owners.
5. No person shall be noisy or disorderly within the limits of the cemeteries.
6. Children under the age of thirteen (13) are not to be on the cemetery grounds unless accompanied by an adult.
7. No motorcycles, bicycles, minibikes, snowmobiles, sleds, ATV's (all terrain vehicles) or other recreational vehicles will be allowed in the cemetery.
8. No vehicle may be driven or parked across or upon any grave, lot, or lawn.
9. No dogs, horses, cattle or other domestic animals shall be permitted in the cemetery.
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.

INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES (CONT.)

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 placed upon a plot, nor the performing of any special or unusual work in the cemetery.
2. Only approved contractors, hired by the Cemetery Trustees, shall be allowed to perform maintenance and landscaping duties of cemetery property. Said contractors will provide proof of minimum General Liability insurance coverage in the amount \$1,000,000.00. The Town of Newton will be named as the "Certificate Holder".

F. CARE OF LOTS (CONT.):

Lot owners are prohibited from the use of "gasoline powered" equipment to mow or trim grave lots in Newton cemeteries.

3. Cemetery Trustees may remove prohibited items left on graves or plots without notice
4. 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 standards maintained in the cemetery.
5. Neither the Town of Newton nor the Cemetery Trustees will be responsible for any items left on graves.

G. MONUMENTS AND OTHER STRUCTURES:

NOTE: TRUSTEES MUST BE CONTACTED PRIOR TO MONUMENT INSTALLATION

1. The owner of any plot shall have the right to erect thereon a proper stone or monument. Only one monument shall be permitted on a lot. Only one individual marker per burial is allowed in the cemetery.
2. In general, no monument or marker shall exceed a base size from end to end of 60% of the width of the plot. Any individual marker (unless matched to existing markers) must be set flush with the ground. Only one raised marker is allowed per grave. Any subsequent marker(s) must be set flush with the ground.
3. A reputable company, possessing sufficient liability insurance, of the lot owner's choosing, may perform the foundation and monument placement work. The lot owner may also contact the Cemetery Trustees for monument company recommendations.
4. Any work done by a monument company or its employees is their responsibility but must meet the standards of the Cemetery Trustees. This includes a foundation of at least 36" in depth to reduce the probability of monument movement due to frost heaves in the winter months. .

INFORMATION AND REGULATIONS FOR NEWTON, NH CEMETERIES (CONT.)

H. ENFORCEMENT OF REGULATIONS:

1. The Cemetery Trustees and/or the Cemetery Custodian and his/her authorized representatives 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 and Custodian and his/her authorized representatives 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 lot 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 in the Town Ordinance.
3. Only signs pertaining to the operation of the cemeteries shall be posted on cemetery property. Any sign not meeting this criterion will be removed and discarded by the Cemetery Trustees.

These rules and regulations, including amendments thereto, constitute the sole agreement between the Town of Newton, NH, and the lot owners. The foregoing rules and regulations are
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Regulations published 3/2008, Rev. 10/2008, 3/2009, 11/2010, 4/2011, 12/2012, 7/2016, 4/2017, 5/2018, & 9/2019

NOTE: CEMETERY RULES AND REGULATIONS MAY BE CHANGED OR UPDATED AT ANY TIME WITHOUT NOTICE.