



# Town of Sugar Hill

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## Cemetery Rules and Regulations

### Section 1: Purpose and Intent

- The Cemetery Rules and Regulations have been established for the beautification and management of the cemeteries. It is the intent of these Rules and Regulations to maintain the cemeteries as dignified, peaceful and reverent places for the deceased.
- Current Rules and Regulations at the time of burial apply, regardless of the date of purchase of the “Right to Inter” Certificate.

### Section 2: Authority and Enforcement

- These Rules and 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 owned and/or maintained by the Town of Sugar Hill.
- The elected Trustees and/or their designee(s) have the responsibility for care of the cemeteries and are empowered and authorized to enforce these Rules and Regulations.
- The Cemetery Trustees have the sole authority to grant exceptions to any of the following rules.

### Section 3: Limits of Municipal Liability

- The Trustees will take reasonable precautions to protect “Right to Inter” owners’ lots within the cemeteries from loss or damage. The Trustees and Town of Sugar Hill disclaim all responsibility for loss or damages from causes beyond their reasonable control such as damage from the elements, acts of God, common enemies, thieves, vandals, malicious mischief makers, unavoidable accidents, invasions, riots, or order of any civil or military authority, whether the damage be direct or collateral, other than herein provided.

### Section 4: General Regulations

#### Cemetery Access:

- The cemeteries will be open to the public seven days a week during daylight hours. No one shall enter the cemeteries after sundown for any reason. The cemeteries are not maintained for public access during winter months.
- Pedestrians visiting the cemeteries should avoid walking on grave sites.
- Domestic pets are allowed in the cemeteries provided they are on a leash and stay on roads and walkways. Pet waste must be cleaned up and disposed of properly. No agricultural animals (e.g. horses, cows, sheep) shall be permitted in the cemeteries.

- Vehicles are permitted on the roads of the cemetery for the purpose of visiting graves or cemetery business; maximum speed limit is 10 miles per hour. Only maintenance or other commercial vehicles involved in restoration or preparation of a gravesite will be permitted to park off the roadway.
- Off-road vehicles and snowmobiles are prohibited.

Personal Conduct:

- All visitors are to conduct themselves in a respectful manner. Inappropriate behavior will not be tolerated and persons violating reasonable standards of behavior will be subject to removal from the property.
- The following are prohibited on cemetery properties:
  - Consuming alcoholic beverages
  - Picking of any wild or cultivated plant
  - Posting signs, notices and/or advertisements
  - Operating kites, drones, or radio-controlled devices in, from or over the cemetery
  - Gravestone rubbing (per RSA 289:22). This law protects markers from unintentional damage. Rubbings are permissible in some instances, but only with written permission from the Selectmen.
- Visitors, except while acting as a military escort, are prohibited from bringing firearms or any other weapon into the cemeteries. Discharging of any weapons or the hurling of rocks or pellets is strictly prohibited.
- The disposal of trash, flowers, containers or other debris is prohibited within or adjacent to the cemeteries.

Loss or Damage:

Any person causing damage to any plantings, lots, walkways, head stones or any other structures will be financially responsible for the required repairs to the damaged property. This applies to any visitor, contractor or funeral director.

**SECTION 5: Lot Sales**

- The sale and purchase of cemetery lots shall be by a Right to Inter only. The title of the real estate remains with the town of Sugar Hill.
- The trustees reserve the right to offer lots within certain sections as is in the best interest of the overall management of the cemetery.
- Lots are for human burials only. Pet cremains may be included with human interment if they are comingled in the same vessel.
- A cemetery lot is defined as a site 16 feet wide by 16 feet long.

- One lot site is limited to four full casket burials or 8 cremains burials; once a cremains burial has taken place in a lot, the right to have a full casket burial is forfeited; the cost is \$800.
- Alternative burial configurations are at the discretion of the Cemetery Trustees.
- Smaller lots are available for cremains burials only; the cost is \$400.
- The sale price of the lot includes four unmarked cornerstones and general care; lots must be paid in full prior to an interment, placement of markers or stones.
- Current residents and property owners of the Town of Sugar Hill are eligible to purchase lots. Qualifying individuals will have lived or owned property in Sugar Hill for a period of not less than six (6) months. Former Sugar Hill residents who can prove fifteen (15) years residency will be allowed to purchase one lot and will be considered residents for burial purposes. The Cemetery Trustees, by a vote of four (4) out of five (5) of their members, may waive any of the above requirements at their discretion.
- Any person wishing to purchase a lot should contact the Town Administrator for the Right to Inter application, or go to the Town website and download the application from the Cemetery Trustees section.
- No resident or property owner will be allowed to purchase more than one (1) lot at a time; additional lot(s) may be purchased only on an immediate-need basis and/or for the immediate family.
- A Certificate of Right to Inter will be issued when the lot sale price is paid in full.
- At the time of sale, the purchaser shall submit to the Town Administrator a written list of names of those authorized to be interred within the lot. If the purchaser makes no designation, then by default those authorized persons include the lot owner, his/her spouse 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 Town Administrator.
- When impediments are discovered on certain lots during excavation, such as ledge or boulders, the owner of the lot may decide if they wish to relinquish the lot back to the town with the approval of the Trustees and exchange it for another lot within the cemetery, or accept the decreased capacity of the lot.
- All lots and non-lot areas within the cemeteries are maintained under the responsibility of the Trustees. General care maintenance is limited to raking, mowing and seeding of lots when necessary. It includes reasonable and practical care of 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 placed upon a lot, nor to perform any special or unusual work in the cemetery.

- The Trustees reserve the right to enlarge, reduce, re-lot, or change the boundaries or grading of the cemeteries, or sections thereof, including the right to modify or change the location of roads.

#### **SECTION 6: Lot/Right to Inter, Ownership, Re-sale and Relinquish**

- State of New Hampshire RSA 290:24 and all other applicable laws shall govern the ownership of the “Right to Inter” Certificate in the event of the original owner’s death. It is the responsibility of the heir to file full proof of ownership to update the cemetery records. Proof of ownership may be established by providing certified copies of the will or probate records and a notarized statement as to the relationship of the new owner of the Certificate. If necessary, the trustees may request additional documents to establish ownership.
- The owner of the “Right to Inter” Certificate must be in possession of the Certificate prior to a burial. In the event the owner does not have in their possession their Certificate, the Trustees shall have the authorization to permit the burial with the owner’s notarized Interment Order. The books of the Cemetery shall be in agreement with the owner’s request. The Cemetery books shall serve as the final authority.
- Owners of the “Right to Inter” Certificate shall not sell, convey or grant the “Right to Inter” to any person or persons other than the Town of Sugar Hill. If the Town agrees to purchase back the “Right to Inter” Certificate, it shall be for the original sale price.
- It is the duty of the owner of the lot to notify the Cemetery Trustees of their change of address in the event of a move. If the trustees need to notify the owner of the lot, the last known address will be used and will be considered sufficient and proper legal notification.
- If a lot has remained unused for fifty (50) or more years, and all notices required by NH RSA 289:18 have been met, the trustees may declare forfeiture of the unused lot(s). Forfeited lots may be re-sold by the Trustees.

#### **SECTION 7: Interments and Disinterments**

- Upon the request of an individual for an interment, the individual must provide the necessary documents to the Sexton including, but not limited to, a death certificate, proof of ownership of the “Right to Inter” Certificate and a signed interment order.
- A minimum notice of 48 hours for interments is required. All arrangements will be made with the Sexton. Exceptions may be granted on an individual basis.
- All interments, including cremains, will be performed under the supervision of the Sexton. The Sexton will verify and record the location of the burial within the lot.
- Interments will not be allowed during the winter months except at the discretion of the Sexton.
- The fees for interment are as follows:

\$350 Full burial (casket)

\$150 Cremains

- In the event a grave cannot be opened due to unexpected weather conditions or the discovery of ledge or large boulders, the Sexton will make every effort to accommodate the ceremony commencing at the designated time and allow the actual interment at a later date. If unforeseen circumstances such as those described previously occur, the Town of Sugar Hill, the Sexton and the Cemetery Trustees will not be liable for any costs associated with the delay.
- If a disinterment is ordered by the court or another competent jurisdiction, the Town of Sugar Hill must have the certified copy of the official document. The opening of the grave and disinterment must be made under the supervision of the Sexton by the person authorized to do so. Costs will be the financial responsibility of the requesting authority.
- Scattering of ashes is not allowed anywhere in the cemeteries.

#### **SECTION 8: Minimum Standards**

- Each burial space is required to have one (1) flush marker above the actual interment, with minimum dimensions of four inches (4”) by four inches (4”), not to exceed twelve inches (12”) by 24 inches (24”). Flush (flat-laid) markers do not require foundations.
- No fencing, curbing or enclosure of any kind is allowed on any lot.
- All non-cremain interments shall be enclosed in a sealed cemetery cement vault.
- All cremain interments shall be enclosed in a container.
- Changing the surface of a lot (e.g. adding landscaping stones) is not permitted.

#### **SECTION 9: Monuments**

- Monument installation shall be by the owner’s contractor under the supervision of the Sexton. No above-ground monument shall be erected until a suitable foundation is laid. Any monument or headstone erected without approval is subject to removal at the lot owner’s expense.
- Monuments shall have a maximum height of no more than forty-eight inches (48”) and shall be installed parallel to the lot lines and/or surrounding markers. Monuments are subject to approval by the Trustees.
- Benches and other statuary are permissible only with prior approval from the Trustees. A written request including a description of the proposed bench/statuary must be submitted to the Trustees and approved by a majority vote.

#### **SECTION 10: Landscaping and Decorations**

- A tree or shrub may only be planted with approval from the Sexton or the Trustees. The Trustees reserve the right to trim or remove trees or shrubs that infringe on neighboring lots, become hazardous or hinder cemetery maintenance.
- Flowers may be placed adjacent to a monument in a sturdy flower container. No glass containers are allowed. When floral arrangements, wreaths, baskets, etc. no longer appear respectful the family will remove the arrangement, or the Trustees or their designee(s) may remove the arrangement.
- In-ground planting of flowers on lots with above-ground monuments is allowed. but is limited to an area one foot (1') in front of the above-ground monument.
- Flags may be placed on all Veterans' graves. If flags become unsightly, they may be removed or replaced with a new flag by lot owners or the Sexton.
- Artificial illumination, including (but not limited to) the use of solar devices or "eternal" candles, is not permitted within any lot.
- The placement of decorative items such as toys, ornaments, whirligigs, chairs, etc. or any item containing metal or breakable objects will not be permitted. The owner of the lot will be notified for immediate removal. In the event the objects have not been removed after notification, the Trustees or the Sexton will remove the objects.
- In addition to regular maintenance, widespread clean-up of the cemeteries occurs twice annually, generally in late April and early November. Items remaining on lots at this time are subject to disposal by the Trustees or their designee(s). In addition, neglected plantings will be trimmed or removed as necessary.

## **Section 11: Definitions**

- **Cremains:** A deceased's cremated remains.
- **Disinterment:** To remove or exhume buried remains or cremains.
- **Inter:** To place remains or cremains in a grave.
- **Interment:** The permanent disposition of the remains or cremains of the deceased by burial.
- **Lot Owner:** A person who possesses a valid "Right to Inter" Certificate for a specific cemetery lot.
- **Resident:** A person or persons who live in the Town of Sugar Hill and/or who pay property taxes to the Town of Sugar Hill at the time of their lot purchase. An elder who moves from their home in Sugar Hill directly to an elder care facility is considered a resident for these purposes.
- **Right to Inter:** The exclusive right to a specific cemetery lot allowed by these regulations.

- Right to Inter Certificate: A legal Certificate issued by the Cemetery Trustees and/or the Town of Sugar Hill upon the purchase of the “Right to Inter”. This Certificate allows the interment of remains or cremains of specific deceased individuals in a specific cemetery lot.

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