

**RULES and REGULATIONS
of the CEMETERY TRUSTEES
TOWN OF PITTSFIELD, NEW HAMPSHIRE**

SECTION 1. AUTHORITY AND ADOPTION

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 289, as amended, the Pittsfield Cemetery Trustees were elected March 13, 2012, Article I of the 2012 Town Warrant.

SECTION 2. PURPOSE AND INTENT

These regulations are established in accordance with RSA 289, as amended, for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the town of Pittsfield. All cemeteries and burial sites shall include the neglected burial grounds that were declared abandoned by the Pittsfield Board of Selectmen under RSA 289:19-21. The intent of these regulations is not only to comply with the statutory responsibilities of being trustees of the cemeteries, it is also to provide a peaceful and dignified resting place for the deceased.

SECTION 3. POWERS AND DUTIES

The responsibilities of the cemetery trustees that are detailed in the state statutes will serve as the bylaws that the cemetery trustees are directed to adopt as directed in RSA 289:7, as amended.

SECTION 4. CONTACT INFORMATION

All business pertaining to cemeteries shall be processed through the Cemetery Trustees, Town of Pittsfield, 85 Main Street, Pittsfield, NH 03263. 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.

SECTION 5. CEMETERY HOURS

Cemeteries shall normally be open 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 vehicle access during winter months, typically December 1st to April 1st.

SECTION 6. GENERAL RULES

- A. ~~Unauthorized~~ Vehicles are prohibited within the boundaries of cemeteries except for cemetery business approved by the cemetery trustees.
- B. No workers will be permitted to do any work in the cemeteries without the permission of the cemetery trustees.
- C. Any object placed on a grave that is offensive, improper, or detrimental to the general appearance of the cemetery will be removed without notice.
- D. The disposal of trash, flowers, containers, or any other debris is prohibited within or adjacent to the cemeteries.
- E. No person shall gather flowers, either wild or cultivated, on the premises; or remove, cut, break, or mark any tree, shrub or plant; or mark upon, deface, or injure any memorial or any other structure on the grounds.
- F. Children under fifteen (15) years of age shall not be permitted within the cemeteries unless accompanied by an adult.
- G. Domesticated animals (pets) and agricultural animals are not permitted on cemetery grounds at any time.

- H. Horses, recreational bicycles, motor driven dirt bikes, and ~~off road~~[off-road](#) vehicles are prohibited in the cemeteries.
- I. All hunting within ~~the cemetery boundaries~~ is prohibited.
- J. Firearms shall not be discharged in cemeteries, except for salutes at military funerals, Memorial Day ceremonies, or by [approval or](#) direction of the cemetery trustees.
- K. No alcoholic beverages are to be consumed on cemetery grounds.
- L. Any person intoxicated, disorderly, or disturbing the quiet and good order shall be asked to leave the cemetery. If said person does not leave, the Pittsfield Police [Department](#) will be summoned.
- M. No signs or notices or advertisements of any kind shall be allowed in the cemeteries unless placed by the Trustees or their designee.
- N. Approaching the bereaved and soliciting memorial business, bedding of flowers or plants, or the sale of any commodity or service is prohibited within the confines of the cemeteries.
- O. Gravestone rubbing is prohibited except by special permission of the Board of Selectmen [per NH RSA 289:22](#). A written request to conduct such rubbing shall be made in writing to the Board of Selectmen [shall notify the cemetery trustees of the request and disposition. Any person who violates the provisions of the applicable section of the statute shall be guilty of a misdemeanor.](#)

SECTION 7. LOT SALES [and OWNERSHIP](#)

Upon adoption of these regulations, the sale and purchase of a cemetery lot authorizes the owner the RIGHT TO INTER human remains within the lot boundaries. No other rights are granted except as explicitly stated in these rules. Title to the real estate remains with the town.

- A. Burial rights can only be sold to a current or former Pittsfield resident. However, persons authorized to be interred with the lot(s) by the purchaser are not so restricted.
- B. At the time of sale, the purchaser shall submit to the cemetery 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 [to be interred](#) include the lot owner, [his/her/their](#) mate at the time of [his/her/their](#) death, and [his/her/their](#) 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 cemetery trustees.
- C. ~~All lot sales include perpetual care. The perpetual care trust associated with a lot being relinquished will be transferred to the entire cemetery. Only persons in possession of a duly executed deed or right to inter certificate for a plot who are able to demonstrate that they are the rightful owner of such plot shall be considered the rightful owner of a cemetery plot. NH RSA 290:24 and other applicable laws govern the descent of title for cemetery plots, as well as other matters relating to their ownership.~~
- D. The lot owners, or their heirs, shall not grant, sell, alienate, or convey, the said interment property to any person or persons other than the town of Pittsfield. If a lot owner wishes to relinquish an unused lot to the town, the resale of the lot to the town shall be for the same sale amount as originally paid.
- E. The subdivision of lots is not allowed.
- F. It shall be the duty of the lot owner to notify the cemetery trustees of any change in address. Notice

sent to the lot owner at the last address on file with the cemetery trustees shall be considered sufficient and proper legal notification.

- G. After completing the noticing required by RSA 289:18, as amended, the cemetery trustees may declare forfeiture of unused lots meeting the stated conditions. Lots so forfeited may be resold.
- H. Lots shall be sold in 2-plot lots which are ~~ten-eight~~ feet by ten feet, or as deemed appropriate by the cemetery trustees. Each plot may contain one full burial plus two cremation burials above, or one full burial plus two infant burials, or three cremation burials. For multiple (adjoining) lot sites additional burials may be approved upon determination by the Trustees that there is adequate lot space.
- I. 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 they 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 described above.
- J. The right is hereby reserved to enlarge, reduce, re-plot, 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 re-grade roads, drives or walks, or any part thereof. 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 cemetery 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.
- K. The cemetery 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.

SECTION 8. INTERMENTS ~~and~~ DISINTERMENTS

A. No interment may occur and no foundations, monument, or markers may be placed upon a lot until it is paid in full.

~~A.B.~~ _____ When an interment is requested, the applicant must provide a signed interment order, proof of ownership and/or proof of right of burial.

~~B.C.~~ _____ 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 cemetery 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 cemetery 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.

~~C.D.~~ _____ The cemetery will be open for interments only upon appointment with the cemetery trustees or their designee. A minimum notice of 24 hours shall be given for an interment. The cemetery trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.

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~~D.E.~~ All interments, including cremains, shall be done under the supervision of a cemetery trustee or by their designee.

~~E.F.~~ The funeral director, next of kin, or designated agent shall present all burial documents upon arrival in the cemetery.

~~F.G.~~ Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a [licensed](#) funeral director or their [designated](#) assistants or on [instruction by](#) an order signed by a court of competent jurisdiction.

~~G.H.~~ The cemetery 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.

~~H.I.~~ 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.J.~~ Once an interment has been made, graves will be allowed [to be](#) opened only by [a person authorized by](#) cemetery 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 cemetery trustees. 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 cemetery 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.K.~~ The cemetery 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 cemetery trustees shall be under no duty to recognize any protests of interment unless they are in writing and filed with the cemetery trustees.

~~K.L.~~ 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.M.~~ 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 9. CREMATIONS/CREMAINS

[Cremains, cremated human remains \(also referred to as ashes\), are to be interred as listed in Section 8.](#) Only a token scattering of [ashes-cremains](#) on a lot is permitted and requires the approval of the lot owner. Notice is to be made to the cemetery trustees for record keeping purposes. Token scattering of [ashes-cremains](#) may not occur in other areas or on other non-owned lots.

SECTION 10. ~~MARKERS AND MONUMENTS AND MARKERS~~

A. Monument installation shall be by the owner's contractor under the supervision of a cemetery trustee.

~~B.~~ [For a 2-grave plot, o](#)Only one above-ground monument shall be installed on a cemetery lot. [Additional](#) ~~#~~Flush markers may be installed to mark full burials. Flush markers are required above each cremation burial.

~~C.~~ [For a 1-grave plot \(single\), no above-ground monuments may be installed. Flush markers are required](#)

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[for all interments in the plot; for a full burial and above each cremation burial.](#)

~~B.~~—

~~C.~~~~D.~~ Each above-ground monument must be mounted on a suitable foundation, [as determined by a monument installation contractor.](#)

~~D.~~~~E.~~ The foot print of above-ground monuments must be approved by the cemetery trustees upon their determination that adequate space exists.

~~E.~~~~F.~~ Monuments are subject to the approval of the cemetery trustees ~~and shall have a design appropriate to the cemetery.~~

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SECTION 11. LOT PLANTINGS, LANDSCAPING, AND DECORATIONS

- A. Flowers may be planted only around the base of the monument or marker.
- B. Artificial flowers and ornaments are not permitted. Only annual or perennial in ground plantings are acceptable grave decorations, all others will be removed without notice.
- C. The Town is not responsible for the loss or damage of floral pieces or decorations.
- D. Funeral flowers will be removed after a few days at the discretion of the cemetery trustees.

~~E.~~ No trees and shrubs are permitted without the approval of the cemetery trustees. Trees or shrubs which have become overgrown will be pruned or removed [in keeping with the area limitations, so they do not infringe on neighboring lots, become hazardous, or hinder cemetery maintenance.](#)

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~~F.~~ [Placing of small flags on graves is permitted. The Trustees reserve the right to remove flags that are in deteriorated condition.](#)

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~~F.~~~~G.~~ [No decorative landscaping stones or mulch is permitted.](#)

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SECTION 12. MAINTENANCE

[Maintenance of the Town's cemeteries consists of the general care of raking, mowing, and seeding lots when necessary, including the reasonable and practical care of the unsold areas of the cemeteries. The Town will not be responsible to maintain, repair, or replace any memorial, tomb, or mausoleum erected or placed upon a lot, or perform any special or unusual work in the cemeteries.](#)

SECTION 123. CORRECTION OF ERRORS

The cemetery trustees reserve the right to correct any errors that may be made by them in making interments, or in the description, transfer, or conveyance of any lot. Errors of lot owners in failing to specify proper interment position or of dealers in failing to clearly specify memorial positions will be cause for additional charges in the event a correction is requested.

SECTION 143. WAIVERS

The cemetery trustees reserve the right, for cause shown, to make special exceptions and/or waive any portion of these regulations.

SECTION 154. SEVERABILITY

If any provision of these regulations are held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

SECTION 165. ADOPTION

These regulations shall take effect immediately upon a majority vote of the cemetery trustees at a meeting duly posted seven (7) days prior.

Amended – April 16, 2018

Section 5 – revise wording in last sentence, change public to vehicle & add dates

Cedric H. Dustin, III

Pat Heffernan

Cara M. Marston

Amended – October 3, 2016

Section 4 – change of address to 85 Main Street

Cedric H. Dustin, III

Cara M. Marston

Norma M. Konopka

Adopted by the Cemetery Trustees – June 17, 2013

Cedric H. Dustin, III

Cara M. Marston

Lorraine E. Welch