

# **Town Cemetery Regulations**

Kensington, New Hampshire 03833

### **Cemetery Regulations**

The Cemetery Trustees of the Town of Kensington ordain that the following rules and regulations are hereby established to constitute an ordinance for the proper operation and use of the cemeteries in the Town of Kensington. These rules and regulations are established in accordance with New Hampshire RSA 289 Cemeteries/Burials.

### **Town Cemeteries**

The following named existing cemeteries shall be deemed to have been established as municipal cemeteries: Lower Yard Cemetery located on Amesbury Road next to the Grange Hall Hill, Dearborn Cemetery located on Amesbury Road behind the Lower Yard and Upper Yard Cemetery located on Amesbury Road next to the Universalist Church.

### **Rules and Regulations of the Town Cemeteries of Kensington**

For the mutual protection and benefit of lots, and each cemetery as a unit, the following Rules and Regulations have been adopted as the Rules and Regulations of Kensington's municipal cemeteries. All visitors within the cemeteries, and all lots, shall be subject to such Rules and Regulations, and subject, further, to such other Rules and Regulations amendments or alterations as shall be adopted by the Cemetery Trustees.

### **Section I : Cemetery Trustees**

The municipality shall elect a Board of Cemetery Trustees consisting of three members. The Cemetery Trustees shall hold office for a three-year term. Vacancies shall be filled by the selectmen for any remainder of term trustee position.

### **Section II : Burial Lots**

1. Cemetery lots are available at no charge for Kensington residents. The assignment of lots in the municipal cemeteries shall be under the control of the Cemetery Trustees and are subject to the Rules and Regulations pertaining thereto. Any current resident desiring a lot shall apply to the Cemetery Trustees and complete the following forms which can be procured through the Kensington Town Clerk's office at the Town Hall:
  - Kensington Cemetery New Plot Establishment FormIf a resident wishes to make a donation for the general maintenance and repair of the town cemeteries they may also complete the following form:
  - Perpetual Care & Good of the Cemetery Trust Donation
2. Current open burial location is Dearborn Cemetery located on Amesbury Road.
3. Lot Allocations:
  - Single Lot: Each single lot will support one whole burial or up to three cremation interments
  - Double Lot: Each double lot will support two whole burials or up to six cremation interments
4. Purchase and installation of monuments and markers are the responsibility of the lot owner. No monument or headstone may be placed in the cemetery without a suitable concrete foundation constructed by the monument company. Monuments and markers may not exceed two-thirds of the width of the lot in which they will be installed.

5. Planting of trees, shrubs and perennial plants is prohibited. Annual flowers and potted plants are permitted, however they shall be maintained or removed after a reasonable time. If any plants, shrubs or trees are obscuring monuments and markers or encroaching on another grave lot, the trustees reserve the right to remove them.
6. No decorative landscaping stones, fencing, curbs. It is not permissible to place fences or curbs on any lot. Temporary decorative objects are permitted. 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.
7. The placement of flags on armed service veterans' and fire department veterans' graves are permitted as long as they are maintained in good condition. The trustees reserve the right to remove any flags that have become broken, tattered, or otherwise unpresentable in accordance with the standards set by the Quartermaster General of the United States Army.
8. The Cemetery Trustees shall keep and maintain all cemetery records.
9. No grave lot shall be used for any other purpose than the burial of the human dead.
10. If no documentation can be provided proving possession of the Right to Burial for an existing cemetery plot, the Cemetery Trustees will assume that right to have been granted to the original person buried in the plot ["Original Deceased"]. Right to Burial will be presumed to have been inherited in line with the rules set forth as follows, in order of precedence:
  - a. To a surviving spouse of the Original Deceased
  - b. All surviving issue of the Original Deceased
  - c. The parents of the Original Deceased
  - d. The brothers and sisters of the Original Deceased
  - e. The issues of the brothers and sisters of the Original Deceased
  - f. Other claimants as established by the rules set forth in NH RSA 561:1.Anyone wishing to claim Right to Burial in an existing plot in line with these regulations must submit a Right to Burial Claim Form to the Cemetery Trustees.
11. Exceptions to the burial permission policies laid out above may be granted at the discretion of the Cemetery Trustees. Such exceptions will ideally be granted during a regular meeting of the Trustees. However, in an emergency situation where a decision is needed before the next scheduled meeting of the Trustees, an exception can be granted by way of written permission from at least two of the Trustees.
12. The Cemetery Trustees have the sole authority to grant any additional exceptions to any of the preceding rules.

### **Section III: Burial Procedures**

All procedures with the burial of human remains shall be in accordance with the requirements of the NH State Statutes R.S.A. 289 and 290 as well as the following Kensington town cemetery requirements:

1. Arrangements for the burial of whole human remains in any Town owned cemetery shall be made by a Licensed Funeral Director or their agent. These shall include:
  - a. For all burials, the appropriate Kensington Cemetery Forms must be completed. These shall include the Kensington Cemetery Burial Record for all burials, as well

as a New Plot Establishment Form or documentation of right to burial in the intended plot. In the absence of such documentation, a Burial Rights Claim Form may be submitted. All burial rights documents or forms must be reviewed and approved by the Cemetery Trustees before the burial may take place, unless the Cemetery Trustees provide a special exception.

- b. Arranging for the grave opening using an excavating contractor approved by the Cemetery Trustees. Charges for such shall be borne by the deceased estate and handled by the funeral director.
  - c. Determination of the grave lot location in conjunction with the Cemetery Trustees and the Town Cemetery grave lot records
  - d. With the exception of approved green burials as described in Section VII, all burials must be made in a burial vault (outside containers) made of natural stone, metal or reinforced concrete; the latter being preferred. These vaults must be in place in the grave prior to the interment service, after which the casket or urn is placed in the vault.
  - e. The top of all burial vaults, when closed, must be at least two feet below the finished grade surface when burial is complete.
2. Arrangements for the burial of cremated human remains in any municipal cemetery shall be made by a Licenced Funeral Director, their agent or a representative of the deceased's family. These shall include:
  - a. Presentation of the required burial information (see the forms listed above) to the Cemetery Trustees
  - b. For all burials, the appropriate Kensington Cemetery Forms must be completed. These shall include the Kensington Cemetery Burial Record for all burials, as well as the Burial Rights Claim Form and Burial Rights Assignment form as required
  - c. Arranging for the grave opening using an excavating contractor approved by the Cemetery Trustees. Charges for such shall be borne by the deceased estate and handled by the Cemetery Trustees
  - d. Determination of the grave lot location and actual burial position within the grave in conjunction with the Cemetery Trustees and the Town Cemetery grave lot records
  - e. Cremains must be buried at least three feet below the finished grade surface. Cremains may be interred in a biodegradable container, but any such burials must submit a waiver stating the understanding that the interment cannot be exhumed or moved in the future. A flat marker must also be placed directly over any interments made in a biodegradable container promptly after burial.
3. The Kensington Cemetery Trustees require a minimum of twenty-four hours notice before a burial may take place. A funeral director, their agent, or a representative of the deceased's family shall supply such notice. Funeral directors or representatives must present all burial documents upon or before arrival at the cemetery. Documents may be sent by mail to the Cemetery Trustees, c/o the Kensington Town Hall. The funeral director shall provide artificial grass, lowering devices and any other materials or equipment associated with the burial ceremony.

4. The maximum internments allowed in any one grave lot shall be limited to the requirements listed in Section II : Burial Lots of these Regulations.
5. Interments will not be made between December 1 through April 15 or at the discretion of the Cemetery Trustees based on weather and ground conditions. The Kensington Town Vault may be made available for storage of remains unable to be interred due to weather conditions with permission from the Cemetery Trustees.
6. Cemetery Trustees reserve the right to close any of all cemeteries if they determine that severe weather conditions could result in damage to any portion of the cemetery. The cemetery would reopen as soon as adverse conditions subside.

#### **Section IV: Monuments and Grave Markers**

1. Monuments and/or grave markers are required and monuments must be placed on a stone or concrete foundation at least three feet deep.
2. Single grave plots may have a small stone monument or headstone (no more than two thirds the width of the plot) placed in line with other monuments in that row.
3. Plots of two or more grave sites are permitted to have one medium sized monument made of natural stone (no more than two thirds the width of the plot) placed in the center of the back line so as to maintain an even row of monuments in each row of graves.
4. Stone or brick corner markers are allowed to mark the bounds of the plot and must not protrude more than one inch above the ground. Boundary markers must be placed by an individual approved by the Trustees.
5. Flush stone grave markers must not protrude more than one inch above the ground. Only one flush marker is permitted on each single grave interment.
6. All monuments, headstones, and grave markers must be sited entirely within the bounds of the plot, and at a location determined by the Trustees.

#### **Section V: Use of Cemetery Property**

1. Drive only on roads in the direction indicated and at a rate of speed not to exceed 10 miles per hour.
2. No vehicles, except maintenance or other commercial vehicles involved in gravesite preparation or restoration shall be driven on any part of the cemeteries except upon avenues.
3. Horses, horseback riding, bicycle riding, trail bikes, motor driven dirt bikes, four wheelers and snowmobiles are prohibited in the cemeteries.
4. Dogs are allowed only on leash and any excrement shall be removed by the dog's owner.
5. Loitering is prohibited at all times.
6. The consumption of alcoholic beverages and the use or possession of illegal drugs of any kind within any part of the cemetery is prohibited.
7. 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 Kensington Police shall be summoned.
8. Firearms shall not be discharged in cemeteries, except for salutes at military funerals, services or during town sponsored events.

9. All persons having work to perform within the cemetery must check with the Cemetery Trustees before doing such work.
10. Children under the age of 15 are not permitted in the cemeteries unless accompanied by an adult.

#### **Section VI: Maintenance of Town Cemetery**

The care and maintenance of the Town Cemeteries shall be carried out under the authority of the Cemetery Trustees.

The cost of such maintenance shall be satisfied by use of the following monies:

- A. Interest from perpetual care trust investments
- B. Monies raised from annual property taxes, allocated by the Selectmen for cemetery maintenance

Cemetery maintenance shall include:

- A. The mowing of grass on all lawn areas
- B. The control and cutting of brush and woody plants from all cemetery perimeter fence areas
- C. The pruning of trees and shrubs located within active cemetery areas
- D. The removal of trees and shrubs located within active cemetery areas, including burial plots. Such action to be taken to prevent damage to cemetery property including burial plot monuments or markers and the correction of unsightly plant growth in burial areas
- E. The care, maintenance or replacement of perimeter fencing or gates
- F. The care, maintenance and any other necessary requirements including but not limited to fertilizing, reseeding, pest and weed removal at the discretion of the Cemetery Trustees

The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, mausoleum or other marker or accessories placed or erected upon burial plots damaged by the elements, thieves, vandals or criminal mischief. If such damage is caused by the willful action of man, the perpetrators, if apprehended, will be held responsible for all repairs and associated costs as well as criminal prosecution if appropriate. Exceptions to these conditions will be only at the Cemetery Trustees discretion.

#### **Section VII: Green Burials**

1. The area of the Dearborn Annex cemetery directly behind the north side of the Lower Yard is designated for green burials. For the purposes of these bylaws, "green burials" are defined as burials made without a vault and interred in a non-permanent, biodegradable container or casket. Embalming is not required. Residents wishing to be buried only in a shroud or blanket must have the assistance of a cemetery-approved funeral home that has stated its willingness to facilitate a shroud-only burial. As with

regular Kensington cemetery burials, only Kensington residents may request a plot in this section of the yard.

2. Graves in this section must be dug deep enough for a minimum of three feet of earth to rest above the burial. An additional cost may apply to opening green burial graves, to be negotiated with a cemetery-approved grave opener. This surcharge is applied to the work and materials for filling in the burial site in the case of future subsidence.
3. Plots in this area of the cemetery will be 4' wide for a single lot or 8' wide for a double lot.
4. Burials in this section of the cemetery must have a permanent marker with the name of those interred. Both flat and standing headstones are permitted.
5. This section of the cemetery will be mowed and maintained in a similar manner to the rest of the yard.
6. Those wishing to arrange a green burial should note that the cemetery is closed for burials when the ground is frozen. The Town of Kensington does not have storage facilities for unembalmed bodies, and other storage arrangements should be made in case death occurs during the winter months.
7. As with all whole interments, a state burial permit must be filed with the town clerk before the burial can go forward. Potential green burials should note that in the case of a possible death by a contagious or potentially hazardous virus or disease, the New Hampshire Department of Health's Center for Disease Control and/or the New Hampshire Chief Medical Examiner's Office will review the case and may forbid natural burial if there is concern about possible infection or spread of disease.