



Regulations regarding the Hebron Town Cemeteries

INTRODUCTION

Pursuant to the provisions of New Hampshire Revised Statutes Annotated (RSA) 289:6, the Town, by a vote occurring at a town meeting on March 11, 2014, has delegated the duties and responsibilities of the cemetery trustees to the board of selectmen. The board of selectmen, acting as the cemetery trustees, and pursuant to the authority of granted by RSA 289:7, hereby adopts the following Regulations applicable to the Town Cemeteries. All Holders, visitors to a Town Cemetery, and contractors or workers working in a Town Cemetery, and all Grave Sites shall be subject to these Regulations.

Effectiveness: These Regulations are effective on October 1, 2015 and supersede any other rules, regulations, or policies formerly adopted or applied by the Town concerning the operation and regulation of the Town Cemeteries. Except to the extent expressly stated to the contrary, these Regulations are applicable to all Grave Sites, irrespective of whether the subject of a previous Interment or reservation.

Enforcement: Persons in violation of these Regulations are subject to removal from the Town Cemeteries by a Police Officer of the Town. In accordance with RSA 289:8, those persons who violate any of these Regulations shall be guilty of a violation.

DEFINITIONS; RULES OF CONSTRUCTION.

Definitions. As used in these Regulations, the following terms shall have the following meanings:

1. “**Active Cemeteries**” means the Hebron Village cemetery and the Pratt cemetery.
2. **Cemetery Trustees**” means (a) at any time that the Town has delegated the duties and responsibilities of the cemetery trustees to the board of selectmen, the board of selectmen of the Town, as such board is, from time to time, constituted, and (b) if, at any time, the voters of the Town have voted to reinstate the board of cemetery trustees, the board of cemetery trustees most

recently elected at a town meeting.

3. “Couple” means two persons who are married (including common law marriage) or are the subject of a civil union or domestic partnership.
4. “Corner Markers” means a set of flush stones, the entire surfaces of which are flush with the adjacent ground surface, that are used to show the boundaries of a Grave Site at its corners.
5. “Dwelling” means any building or structure used for non-transient residential purposes, including seasonal buildings or structures and including mobile homes, when equipped with internal toilet and tub or shower facilities.
6. “Eligible Person” means (a) any person who, as of the date of his or her death, was a Resident of the Town, or (b) any person who, as of the date of his or her death, has been, either directly or indirectly, including by means of payments by or on behalf of a family trust, limited liability company, or other estate planning vehicle, a taxpayer for at least two years with respect to a Dwelling that is located in the Town.
7. “Footstone” means a flat, slab-like stone marker that is used to mark a Grave Site and is placed at the foot end of a Grave Site.
8. “Grave Site” means a defined space in one of the Town Cemeteries that contains adequate space for one full adult burial or multiple cremation burials.
9. “Headstone” means a flat, slab-like stone marker that is used to mark a Grave Site and is placed at the head end of the Grave Site.
10. “Holder” means any person who either holds a valid reservation with respect to a Grave Site or whose remains are interred in a Grave Site.
11. “Interred” and “Interment” means the permanent disposition in or above the ground of the remains of a deceased person by inurnment, entombment, or burial, but does not include the scattering of cremains.
12. “Lawn Marker” means an ornament or flag holder that protrudes from the ground at a Grave Site, such as a veteran's marker, fire department marker, or similar type of marker used to show the deceased person's previous affiliation with an organization.
13. “Ledger Stone” means a flat, slab-like stone marker that is used to mark a Grave Site, is laid horizontally, and is flush with the adjacent ground surface.
14. “Marker” means any above-ground marker, other than a Corner Marker, a Footstone, a Headstone, a Ledger Stone, or a Tablet, that is used to mark

a Grave Site and is placed on the surface of a Grave Site.

15. "Memorial" means benches, Corner Markers, Footstones, Headstones, Lawn Markers, Ledger Stones, Markers, Monuments, monument vases, Tablets, or other similar structures or objects intended to commemorate the deceased.
16. "Monument" means a statue, obelisk, or similar structure placed by or over a Grave Site in memory of the person Interred in the Grave Site.
17. "Related Person" means a person who (i) was related to a person interred in a specific Grave Site by marriage, civil union, or domestic partnership, (ii) was related to a person interred in a specific Grave Site by blood, to the third degree of consanguinity, or (iii) was the adopted child, step child, adopted grandchild, or step grandchild of the person interred in a specific Grave Site.
18. "Resident" has the meaning set forth in RSA 21:6.
19. "Regulations" means these Regulations as amended, supplemented, or modified by the Cemetery Trustees from time to time.
20. "Sexton" means the person appointed by the Cemetery Trustees to maintain the Town Cemeteries.
21. "Tablet" means a stone marker that is set at a right angle to the ground, has inscriptions, raised lettering, or carved decorations, is used to mark a Grave Site, and is placed on the surface of the Grave Site.
22. "Town" means the Town of Hebron, New Hampshire.
23. "Town Cemeteries" means the Active Cemeteries and the Wade Hill Cemetery.

Rules of Construction.

Unless the context of these Regulations clearly requires otherwise, references to the plural include the singular, references to the singular include the plural, the terms "includes" and "including" are not limiting, and the term "or" has, except where otherwise indicated, the inclusive meaning represented by the phrase "and/or". The words "hereof", "herein", "hereby", "hereunder", and similar terms in these Regulations refer to these Regulations as a whole and not to any particular provision of these Regulations.

ARTICLE 1 - GENERAL SUPERVISION

- A. Control of Town Cemeteries. The Town Cemeteries shall be under the control of the Cemetery Trustees who shall have the right to refuse use of the Town

Cemeteries to any person or entity acting in violation of these Regulations.

- B. Governance of the Cemetery Trustees. At any time that a decision of the Cemetery Trustees is required, the vote of at least a majority of the Cemetery Trustees shall constitute the decision of the Cemetery Trustees.
- C. The Sexton. The Sexton, subject to the supervision of the Cemetery Trustees, shall have responsibility for the maintenance of the Town Cemeteries and shall have supervision of, and control over, all persons or entities while such persons or entities are in the Town Cemeteries, including the conduct of funerals, Interments, and disinterments, visitors to a Town Cemetery, and contractors working within a Town Cemetery.
- D. Exceptions. Circumstances may arise whereby strict application or enforcement of a provision of these Regulations would impose unnecessary hardship or be inconsistent with the good and welfare of the community of the Town. The Cemetery Trustees, therefore, shall have the right, without notice, to make exceptions to, or temporary suspensions of, any of these Regulations, when, in their sole discretion, an exception or temporary suspension is advisable; any exception or temporary suspension of these Regulations shall in no way create a waiver of the Regulations, an estoppel regarding the future application of the Regulations, or otherwise affect the continued general application of these Regulations.
- E. Right to Modify Regulations. The Cemetery Trustees may, and hereby expressly reserve the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any provision of these Regulations. All rules, regulations, or policies formerly adopted or applied are hereby superseded and declared to be null and void and of no further force or effect.

ARTICLE 2 - RECORDS

The Town Clerk shall maintain the necessary records for the administration of the Town Cemeteries, including a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the Grave Site in which the burial was made, in accordance with NH RSA 289:5. The records shall be maintained at the Town offices. A copy of any such record, duly certified, shall be furnished to any person on demand upon payment of a fee established in compliance with RSA 91-A:4.

ARTICLE 3 - VEHICULAR TRAFFIC AND ANIMALS

- A. Vehicles. No vehicle shall be driven, drawn, or operated in a Town Cemetery

other than those required by the Sexton to fulfill the responsibilities of the Sexton or vehicles deemed necessary or appropriate by the Sexton in connection with the Interment of an Eligible Person.

- B. Animals Prohibited. Domesticated dogs, cats, birds, and other animals are prohibited at all times in any part of the Town Cemeteries except for service animals (as defined by the United States Department of Justice, Civil Rights Division, Disability Rights Section) that are accompanied by their owner.

ARTICLE 4 - PERSONAL CONDUCT

- A. Use of Walkways and Roads. Persons within a Town Cemetery shall use only the walkways or roads, except that mourners attending a funeral service may congregate at the Grave Site.
- B. Behavior. Persons entering any Town Cemetery shall conduct themselves in a manner consistent with the purposes for which the cemetery exists, including quiet reflection or worship, showing respect for those interred in the cemetery, and remembrance of those buried. All Persons in or about a Town Cemetery shall conduct themselves in a quiet and sober fashion, showing respect for other persons who may be visiting the cemetery and for those interred. No person in or about a Town Cemetery shall engage in conduct that is disrespectful, disruptive, or causes damage to a Town Cemetery or its structures or improvements, to its Grave Sites or Monuments, or to any of the natural features of a Town Cemetery.
- C. Rubbings. No person shall make rubbings of any Memorial in any Town Cemetery,
- D. Hours. No person shall enter a Town Cemetery after sunset on any given day, enter a Town Cemetery before sunrise on any given day, or fail to exit a Town Cemetery before sunset on any given day.

ARTICLE 5 - OBTAINING A GRAVE SITE

- A. Right of Eligible Persons. Each Eligible Person is entitled to obtain one Grave Site so long as such Grave Site is one of the Active Cemeteries. Persons who are not Eligible Persons or who were, but have ceased to be Eligible Persons are not eligible to be interred in a Grave Site.
- B. Date of Determination. The determination of whether a person qualifies as an Eligible Person is to be made based upon the facts as they existed on

the date of such person's death; provided, however, that (i) any person who had been a Resident of the Town and who moved from the Town directly to a nursing home, assisted living facility, or hospice facility, or (ii) any person who moved from the Town to a location for health reasons shall have his or her qualification determined as of the date that he or she moved from the Town. If, after giving effect to the foregoing proviso, a person does qualify as an Eligible Person, he or she shall have the same rights as any other Eligible Person.

- C. Exceptions. The Cemetery Trustees may, in their sole discretion, make exceptions to the qualifications necessary for a person to qualify as an Eligible Person or as to whether a person met the qualifications at the time of his or her death.
- D. Personal Representatives. Personal representatives of an Eligible Person or the representative of an estate of an Eligible Person shall be permitted to obtain Grave Sites on behalf of, and in the stead of, an Eligible Person.

ARTICLE 6 - RESERVATIONS APPLICABLE TO GRAVE SITES

- A. The Cemetery Trustees have determined that persons should be permitted to reserve a Grave Site so long as such person qualifies as an Eligible Person (determined as if such date were the date of death of such person) on the date that he or she seeks to make a reservation.
- B. To make a reservation, a person needs to select a Grave Site, in consultation with the Sexton, that is available and that is not subject to an existing valid reservation.
- C. To secure a reservation, the person needs to (a) complete a form, prescribed by the Town Clerk, containing certain relevant information, (b) submit the form to the Town Clerk, and (c) deliver to the Town Clerk, for the account of the Town, the fee for the Sexton to lay the related Corner Markers; such fee is set forth at the end of these Regulations the Town.
- D. At such date as the form has been appropriately completed and submitted and the fee for the Corner Markers paid, the Town Clerk shall provide the person making the reservation with a written confirmation of the reservation (which may be in the form of a copy of the completed reservation form) and the reservation period shall begin.
- E. Except for the fee for the laying of Corner Markers, there shall be no fee for a reservation.
- F. A person may only make a reservation for him or herself; provided, however, that in the case of a Couple where one of the persons composing the Couple is in the hospital, in hospice, or is incapacitated, the other person composing such Couple may make a reservation for the infirm person, may select the Grave Site for such person, may complete the forms for such person, and may obtain the written confirmation of the reservation for such person. If one person who composes such a Couple does any of the above items, such action will be on behalf of the

other person and shall preclude the other person from doing the same.

- G. Any reservation with respect to a Grave Site shall be valid for a period ending on the earliest of (i) the date that is the twentieth anniversary of the date on which the reservation period began, (ii) the date on which the person ceases to be an Eligible Person, and (iii) the date that is one year following the date on which such person died; provided, however, that a valid reservation may be extended beyond twenty years if, during the period commencing on the nineteenth anniversary of the day on which the reservation period began and ending on the day prior to the twentieth anniversary of the date on which the reservation period began, the person still qualifies as an Eligible Person (determined as if such date were the date of death of such person) and submits a request to extend his or her reservation, in which case the reservation period shall automatically be extended and be for a period ending on the earliest of (a) the date that is the fortieth anniversary of the date on which the reservation period began, (b) the date on which the person ceases to be an Eligible Person, and (c) the date that is one year following the date on which such person died.
- H. While a person holds a valid reservation with respect to a Grave Site, neither the Town Clerk nor the Cemetery Trustees shall approve another reservation for such Grave Site and no Interment of any person, other than the person holding the reservation, shall occur with respect to such Grave Site.
- I. A valid reservation does not provide the person with a right to purchase the Grave Site or to erect a Memorial on the Grave Site, but merely provides the reservation holder with an inchoate right to be Interred in the identified Grave Site.
- J. The Cemetery Trustees shall use reasonable efforts to notify persons who may have made reservations prior to the effective date of these Regulations.
 - 1) If the reservation of a person is reflected in the records maintained by the Town Clerk and if the reserved Grave Site was marked with Corner Markers that are still in place, then his or her reservation shall remain extant and shall continue for a period of twenty years from the date on which these Regulations become effective (and may be extended during the last year of such period as and in the same manner as any other reservation). If so requested by the person holding the reservation, such person may obtain a written confirmation of the reservation from the Town Clerk.
 - 2) If the reservation of a person is reflected in the records maintained by the Town Clerk, but the reserved Grave Site is not currently marked with Corner Markers, then the person holding the reservation will have one year from the effective date of these Regulations to arrange to have the Sexton mark the Grave Site with Corner Markers and to pay a fee for the Sexton to lay the Corner Markers; such fee is set forth at the end of these Regulations. If, during such one year period, such person does not arrange the installation of Corner Markers or pay the fee, then his or her reservation shall lapse at the end of such period. If, during such one year period, such person does arrange the installation of Corner Markers and pays the fee, then his or her reservation shall remain extant and shall continue for a period of twenty years from the

date on which these Regulations become effective (and may be extended during the last year of such period as and in the same manner as any other reservation). If so requested by the person holding the reservation, such person may obtain a written confirmation of the reservation from the Town Clerk.

- 3) If the reservation of a person is not reflected in the records maintained by the Town Clerk, but the reserved Grave Site is currently marked with Corner Markers, then the person holding the reservation will have one year from the effective date of these Regulations to complete a reservation form and submit the form to the Town Clerk. If, during such one year period, such person does not complete and submit the reservation form to the Town Clerk, then his or her reservation shall lapse at the end of such period. If, during such one year period, such person does complete and submit the reservation form to the Town Clerk, then his or her reservation shall remain extant and shall continue for a period of twenty years from the date on which these Regulations become effective (and may be extended during the last year of such period as and in the same manner as any other reservation). If so requested by the person holding the reservation, such person may obtain a written confirmation of the reservation from the Town Clerk.
- K. If a reservation lapses or the reservation is not valid for any other reason, the Grave Site shall, thereupon, become available for reservation or Interment as fully as if the reservation had never occurred.
- L. The transfer or assignment of any reservation relative to a Grave Site shall be prohibited and any purported transfer or assignment of a reservation shall be null and void.

ARTICLE 7 - RIGHTS OF GRAVE SITE USERS

- A. No Property Interest. The Interment of a person in a Grave Site does not transfer any property interest in the Grave Site to that person or to his or her estate. The Town retains all property interests in and to all of the Town Cemeteries, including the Grave Sites therein, notwithstanding the Interment of persons in Town Cemeteries. Notwithstanding the foregoing, but subject to any other provision of these Regulations allowing for removal or movement of remains, once a person has been buried in a Grave Site, such person's remains shall be left undisturbed by the Town.
- B. Memorials. Any Memorial to be placed at or on a Grave Site shall be erected by or on behalf of the family of the Interred person and any such Memorial shall be maintained at the expense of the family of the Interred person. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall have any responsibility for the erection, care, repair, maintenance, or upkeep of any Memorial. Any Memorial that is not maintained or could pose a danger to persons in the applicable Town Cemetery may be removed by the Sexton.

ARTICLE 8 - ADDRESS CHANGES OF GRAVE SITE USERS

During his or her lifetime, it shall be the duty of each Holder to notify the Cemetery Trustees of any change of his or her mailing address, e-mail address, or phone number. Any notice sent to a Holder at the last mailing address on file in the records of the Town Clerk shall be considered sufficient and proper legal notification.

ARTICLE 9 - PROTECTION FROM LOSS OR DAMAGE

The Town shall take reasonable precautions to protect the Town Cemeteries, but neither the Town, nor the Cemetery Trustees, nor the Sexton shall be liable or responsible to any person, or any estate or representative of any person, for any loss or damage, whether direct or consequential, to the Town Cemeteries, the Grave Sites, reservations regarding Grave Sites, or Monuments. Without limiting the generality of the foregoing, neither the Town, nor the Cemetery Trustees, nor the Sexton shall be liable for any loss or damage, whether direct or consequential, arising or resulting in any way from causes beyond their control including, without limitation, loss or damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious invasions, insurrections, riots, or any order of any military or civil authority.

ARTICLE 10 - REGULATIONS ARE ENTIRE AGREEMENT

These Regulations, and any amendments, modifications, or supplements hereto, shall constitute the entire agreement between the Cemetery Trustees and the Holders. The statement of any employee or agent of the Town (including the Sexton), shall not be binding upon the Cemetery Trustees or the Town unless the authority to make such a statement is expressly granted by these Regulations or unless such statement is confirmed in writing by the Cemetery Trustees.

ARTICLE 11 - INTERMENTS AND DISINTERMENTS

- A. Authority. Besides being subject to these Regulations, all Interments and disinterments are subject to the orders and laws of the properly constituted authorities of the Town and the State of New Hampshire.
- B. Payments. Interments, disinterments, and other services provided by the Sexton are subject to fees established, from time to time, by the Cemetery Trustees. A list of the fees in effect as of the effective date of these

Regulations is set forth at the end of these Regulations. The Cemetery Trustees may change such fees from time to time without the need to provide notice to Holders. Payment of any required fees shall be made to the Town of Hebron in advance of the services being provided.

- C. Supervision by Sexton. All openings and closings of Grave Sites, including the Interment of cremains, shall be by or under the direct supervision of the Sexton. No person, other than the Sexton or a person operating under the direct supervision of the Sexton, shall have any right to open or close a Grave Site, to inter or disinter a body or cremains, or to otherwise perform any of the functions typically performed by or under the supervision of the Sexton.
- D. Requests for Interments. Interment requests shall be submitted to the Sexton at two (2) full working days (i.e., any day other than a Saturday, Sunday, or holiday) in advance of the date that is requested. Exceptions to this advance notice requirement based upon a need to accommodate religious requirements for a burial should be made freely whenever it is practicable to do so.
- E. Interment Hours and Days. Interments shall take place after sunrise and before sunset of the given day. Interments shall not take place on or after December 1st up to and including April 15th or on any other date if the ground is frozen or the conditions are such that the Sexton is unable, or it is impracticable, to open the Grave Site.
- F. Identification. On the date of an interment, the funeral home that is interring the body or cremains shall place a Memorial on the Grave Site that is either a permanent Memorial or a temporary Memorial, in either case, that includes the name of the person interred and the person's date of death. If the funeral home fails to do so, the Sexton may do so. If the Memorial originally installed by the funeral home is a temporary Memorial, the funeral home shall have up to one (1) year after the date of interment to install a permanent Memorial.
- G. Refusal of Interment. The Town reserves the right to refuse Interment in any Grave Site or to refuse to open any Grave Site for any purpose if the Sexton or the Cemetery Trustees believe that there is a question regarding the eligibility of the deceased person to be buried in a Town Cemetery or whether a reservation exists regarding the specific Grave Site.
- H. Lack of Instructions. When instructions regarding the location of a Grave Site cannot be obtained, or are unclear or indefinite, or when for any reason the Grave Site cannot reasonably be opened where specified, the Sexton may, in his or her sole discretion, open such other available Grave Site as he or she deems best and proper, so as not to delay the funeral service; neither the

Town, nor the Cemetery Trustees, nor the Sexton shall be liable in damages for any error so made.

- L. Minimum Burial Depth. No person shall inter, or cause to be interred, any body or cremains in a Grave Site unless the highest portion of the vault lid or cremains container is at least two (2) feet below the surface of the ground surrounding the Grave Site.
- M. Burial Limitations. Only one full adult burial (an adult coffin or casket and vault) is permitted in each Grave Site; provided, however, that burial of coffins or caskets and vaults at double depth within a Grave Site shall be permitted if the excavation of the Grave Site can be performed safely, if both of the deceased persons consented to the arrangement, and if the first grave on the Grave Site is dug to a depth to insure that the first vault can have another vault stacked vertically on top of it and still have the upper vault lid be at least two (2) feet below the surface of the ground surrounding the Grave Site.
- N. Grave Site Dimensions. A Grave Site for burial shall be no greater than four (4) feet wide by ten (10) feet long although the Sexton may make minor variations in the dimensions of a particular Grave Site in order to deal with obstructions such as trees, roads, etc. and this provision shall not be applicable to Grave Sites that, as of the effective date of these Regulations, have already been used for the Interment of a person.
- O. Cremain Interments. Multiple Interments of up to three (3) cremains in a single Grave Site for cremains are permitted provided there is adequate room within the limits of the Grave Site and provided that each container includes the name and date of death of the applicable individual.
- P. Only Human Remains. No Interment of any body, or the cremated remains of any body, in each case other than that of a human being, shall be permitted in the Town Cemeteries.
- Q. Equipment for Services. Artificial grass, mechanical lowering devices, and other necessary items or equipment shall be provided by the funeral director and promptly removed from the applicable Town Cemetery after the funeral services are completed.
- R. Vaults. Every body buried in a Grave Site must be enclosed in a concrete, stone, or other permanent vault or section liner having specifications approved by the Sexton. For the avoidance of doubt, the foregoing requirement does not apply to buried cremains, but cremains must be interred in a solid, durable container. Plastic bags or containers made of cardboard, wood, or other non-durable material are not permitted for the Interment of cremains.

- S. Liability for Damage during Removal. If disinterment of remains of a person buried in a Grave Site is ordered by a court of law, then the Sexton shall, or shall cause persons under his or her direct supervision to, open the Grave Site and remove such remains. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall incur any liability for any damage occurring in connection with completing such removal.

- T. Disinterments during Closings. Disinterments shall take place after sunrise and before sunset of the given day. Except in the case of an emergency or as ordered by a court of law, disinterments shall not take place on or after December 1st up to and including April 15th or on any other date if the ground is frozen or the conditions are such that the Sexton is unable, or it is impracticable, to open the Grave Site. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall be liable for the unavailability of disinterment services at any other times or on any of the precluded dates.

ARTICLE 12 - CONTROL OF WORK IN THE CEMETERIES

- A. Authority of Sexton. All grading, landscaping, and improvements of any kind, all installations of Memorials, all care of Grave Sites, all trees, shrubs, and herbage planted, trimmed, cut, or removed and all opening and closing of Grave Sites shall be performed by or under the supervision of the Sexton.

- B. Grave Site Maintenance. All maintenance of Grave Sites in the Town Cemeteries shall be performed by or under the direction of the Sexton and all improvements to Grave Sites shall be under the direction and subject to the prior written approval of the Sexton.

- C. Trees and Shrubs. No person, other than the Sexton, shall plant trees, shrubs, or herbage within any Town cemetery.

- D. Working Hours. All work on Memorials shall be performed on work days and during normal working hours. Any such work on any other day or at any other times shall only be permitted with the prior permission of the Sexton.

- E. Proof of Insurance. Funeral home employees or agents, memorial dealers, contractors, and the agents of any of them, shall display proof of appropriate insurance coverages to the Sexton if requested by the Sexton. Contractors and others who routinely perform work in the Town Cemeteries shall maintain a current proof of appropriate insurance coverages with the Sexton.

- F. Authority of Sexton Concerning Work. The Sexton shall have the right to stop all work of any nature and require that the contractor or worker leave the

grounds of the Town Cemeteries whenever, in the opinion of the Sexton (i) the tools and equipment being used are insufficient, dangerous, or defective; (ii) the work is being executed in such a manner as to threaten life or property; (iii) the contractor or worker or memorial dealer has been guilty of misrepresentation in connection with the work being performed; (iv) any reasonable request made by the Sexton with respect to the work being performed has been disregarded or not fully complied with; (v) work is not being performed in accordance with previously approved specifications; or (vi) any contractor or work violates any of these Regulations.

- G. Approval of Completed Work. All completed work is subject to the approval of the Sexton and, if found to be unsatisfactory, may be removed or corrected by the Sexton. The cost of removals or repairs made by the Town shall be the responsibility of the party who commissioned the work.
- H. Noise during Services. While a funeral or other Interment is being conducted in a Town Cemetery, all work and all noisemaking of any kind or description shall cease.
- I. Compliance with Regulations. Memorial dealers, contractors, funeral home workers, installers, and workers shall abide by all of these Regulations.

ARTICLE 13 - BOUNDARIES, CHANGES IN GRADE, AND EASEMENTS

- A. Boundaries. The right to enlarge, reduce, replant, or change the boundaries or grading of the cemeteries or any sections as well as the right to modify, change the location, remove, or re-grade roads, drives, or walks, or any part thereof, is expressly reserved to the Town. The right to lay, maintain, and operate or alter pipe lines and gutters for drainage or water systems is also expressly reserved to the Town as well as the right to use Town Cemetery property, not assigned to Grave Site Holders, for cemetery purposes.
- B. Easements. No easement or right of Interment is granted to any Holder in any road, drive, or walk within the Town Cemeteries; but such road, drive, or walk may be used as a means of access to the cemetery grounds or buildings.
- C. Grave Site Grade. No person shall cause any part of the surface of the ground of a Grave Site to be raised above the existing height of the surrounding surface. All grading shall be done by or under the direction of the Sexton.
- D. Fencing Around Grave Sites. Curbing and fencing are not permitted around Grave Sites; provided, however, that any existing fencing or curbing is permitted to remain so long as it is maintained in good condition.

ARTICLE 14 - REQUIRED MATERIALS

- A. Materials. To be installed in a Town Cemetery, a Memorial must be constructed of first quality granite or other natural stone. The use of cement, artificial stone, wood, composition wood, tin, iron, aluminum, or other metals (other than as permitted in Clause D. below) is not permitted.
- B. Warranties. The quarrier, manufacturer, or dealer of the stone used for a Memorial shall provide written certification to the Sexton that the materials used will be free from sap or contaminants that might cause stains and from natural faults which may cause cracks and shall agree to replace any Memorial required to be replaced pursuant to clause C. below.
- C. Responsibility for Faults. Should any fault develop in the stone of a Memorial within five (5) years from the date of placement of a Memorial in a Town Cemetery, the faulty stone must be replaced without cost to the Town or the Holder. Replacement of the faulty stone shall be made by the quarrier, manufacturer, or dealer. If any fault resulting from improper finishing or lettering develops within five (5) years from the date of placement in the cemetery, the faulty stone shall be replaced by its manufacturer or dealer without cost to the Town or the Holder.
- D. Bronze and Metals. The use of bronze is approved for Tablets when the bronze is attached to a natural stone Memorials and only if the bronze that is used has been cast from an alloy containing not less than eighty-five percent (85%) copper nor more than five percent (5%) lead.

ARTICLE 15 - MEMORIALS

- A. Authority. Memorials are permitted to be installed or erected in the Town Cemeteries so long as the location, dimensions, design, and materials are either (i) usual and customary in all respects, or (ii) approved in advance by the Cemetery Trustees in their absolute discretion. The height of any Memorial that is taller than six (6) feet must be approved in advance by the Cemetery Trustees but in no event shall any Memorial exceed eight (8) feet above the ground.
- B. Related Persons. No person shall be entitled to erect a Memorial on a Grave Site unless such person qualifies as a Related Person with respect to the person interred in such Grave Site.
- C. Foundations. Monuments and raised Headstones shall have a solid, one-piece foundation that has width and length at least equal to the base of the Monument or raised Headstone and the foundation must be a minimum of two (2) feet deep. Foundations shall not be built during inclement weather or when there is danger of damage from frost. No stone shall be set before the foundation is fully hardened.

- D. Monument Location. Only one Monument shall be allowed on a Grave Site and shall be set on the space at least three inches inside the boundaries of the Grave Site. If adjoining Grave Sites are occupied or reserved by Related Persons, a family Monument may be centered across the multiple Grave Sites, but must be at least three inches inside the boundaries of the relevant multiple Grave Sites. Only one family Monument shall be allowed across multiple Grave Sites, but multiple Ledger Stones shall be permitted to mark individual burials.
- E. Ledger Stones. Ledger Stones shall be set so that the top will be at the grade level of the Grave Site. Ledger Stones shall not be less than one foot wide by two feet long. Locations of all Footstones, Headstones, Ledger Stones, Markers, Tablets, and other markers shall be pre-approved by the Sexton.
- F. Memorial Inscriptions. The name or other information inscribed in or on a Memorial must correspond with the name and other information on record with Town Clerk and no changes shall be made thereon except on written request by a Related Person and with the written permission of the Sexton.
- G. Corner Markers. Corner Markers shall be of natural stone and placed flush with the grade of the Grave Site. Corner Markers do not require foundations, they shall not exceed six inches in width by six inches in length and shall be set at the extreme corners of the Grave Site and square with the bounds of the Grave Site. Initials shall be incised on a Corner Marker. The location of Corner Markers shall be determined by the Sexton and, upon payment of the fee therefor set forth at the end of these Regulations, they shall be installed by the Sexton or by personnel under the supervision of the Sexton.
- H. Walkways within a Grave Site. Walkways or paved areas within a Grave Site shall not be allowed.
- I. Prevention of Damage. Persons engaged in erecting Memorials or other structures are prohibited from attaching ropes or other items to other Memorials, to trees or shrubs, from scattering any of their materials over other Grave Sites, from blocking roadways or walkways, or from leaving their materials on the ground longer than is absolutely necessary. Such persons must do their work in a professional and workman like manner, must do as little damage as possible, and must remove all debris and restore the ground and sod to its original condition in an expedient manner.
- J. Responsibility for Damages. Any damage done by dealers or contractors or their employees or agents to Grave Sites, roadways, walkways, trees, shrubs, herbage, or other property shall be repaired by such dealer or contractor or, at its option, by the Town and the cost of any such repair performed by the Town shall be chargeable to the dealer or contractor or to the dealer or

contractor's customer or principal.

- K. Monument Lettering. All lettering on Memorials shall be incised, sandblasted, or laser etched into the surface of the stone.
- L. Monument Workers. Letter cutters or persons or firms which engage in the business of cleaning Memorials, and all other persons or firms working in a Town Cemetery must procure approval from the Sexton before the start of any work in a Town Cemetery.
- M. Independent Contractors. Workers engaged in placing, installing, or erecting Memorials and other structures, using grinding materials, or performing any other work in the cemeteries, may operate as independent contractors, but must do so with the prior permission of the Sexton and must be under the general supervision of the Sexton. Proof of appropriate insurance is required and shall be a condition to obtaining the permission of the Sexton.
- N. No Liability for Memorials. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall be liable for any damage, destruction, vandalizing, theft, or other mistreatment of Memorials.

ARTICLE 16 - DECORATION OF GRAVE SITES

- A. No Liability for Flowers and Plantings. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall be liable for lost, misplaced, stolen, or damaged floral pieces, vases, baskets, or frames. Neither the Town, nor the Cemetery Trustees, nor the Sexton shall be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes.
- B. Removal of Flowers and Plantings. The Sexton shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind, from a Town Cemetery as soon as, in the judgment of the Sexton, any such item is dead, decayed, or becomes unsightly, dangerous, detrimental, or diseased or is in violation of these Regulations.
- C. Artificial Flowers, Flower Vases, and Personal Mementos. Flowers may be placed on a Grave Site or a Memorial on a Grave Site, but artificial flowers are not permitted to remain after December 1st of a given year and glass jars, tin cans, plastic food containers, or other temporary or easily breakable containers are not permitted to be used as flower vases. Small figurines or personal mementos are permitted around a Headstone as long as they are not taller than eighteen (18) inches in height or more than twelve (12) inches in width, remain inside the boundaries of the Grave Site, and do not interfere with mowing and maintenance of the cemetery. The Sexton shall

remove and discard any items that the Sexton determines are non-compliant, are artificial flowers after December 1st of the given year, are inconsistent with the somber nature of a cemetery, or are offensive to contemporary community standards.

- D. Fencing and Curbing; Lighting. No fences, wire enclosures, or curbing for flower beds may be placed on any Grave Site and no wires or other means of support may be used for flower containers. No lighting, whether electric or solar, shall be placed in any Town Cemetery except by the Sexton if necessary to perform his or her responsibilities.
- E. Planting and Flower Locations. Potted flowers, planted flowers, or urns with flowers are allowed around a Memorial in an area not to exceed eighteen (18) inches from the Memorial and each item must be totally inside the perimeter of the Grave Site.
- F. Bushes and Shrubs. No trees or shrubs shall be planted in any Grave Site in any Town Cemetery by any person or persons except the Sexton. Existing trees or shrubs may be removed by the Sexton if deemed by him or her as necessary for any reason (including damaging, encasing, or impacting any Monument or fencing) or if deemed by him or her to be detrimental to the maintenance of Grave Sites.
- G. Grave Site Boundaries. In all circumstances, ornaments, plantings, shrubbery, parts of shrubbery or plantings, Memorials, or other additions to a Grave Site shall not be in or extend beyond the area that is three inches inside the boundaries of the Grave Site.
- H. Markers and Holders. Lawn Markers, of the type provided by the American Legion and other similar organizations, are permitted near Headstones.
- I. Honoring of Veterans and others in Service. As a special mark of respect to those who have served our country and state, the American flag shall be displayed only on the Grave Sites of those persons who have honorably served in the Armed Forces of the United States of America. The American Legion will procure and place American flags annually prior to Memorial Day on all known Grave Sites of veterans of the Armed Forces. These flags shall be removed by the Sexton when they become soiled, faded, torn, or otherwise unsightly. A small POW-MIA flag not equal to or exceeding the size of the American flags on the Grave Sites, may be displayed on the site of a memorial placed to honor a military service member who has been declared as missing in action. Related Persons should identify to Town Clerk those veterans buried in a Grave Site to enable accurate record keeping and proper marking of the Grave Site. Small fire and police department flags may be displayed on Grave Sites of department veterans. Fire and police flags shall not exceed the size of any American flags provided by the American Legion and shall be lower in

height when placed on the Grave Site.

ARTICLE 17 - CEMETERY CLOSING DATES

The Town Cemeteries shall be closed for Interments from December 1st up to and including April 15th of each year. The foregoing dates may be modified by the Sexton if weather conditions in any year warrant a change.

ARTICLE 18 - OTHER BURIAL GROUNDS

All burial grounds on private property, not in a Town Cemetery, shall comply with the following requirements of RSA 289:3.

Hebron Cemetery Trustees as of the effective date of these Regulations:

Patrick Moriarty
John Dunklee
Eleanor Lonske

Hebron Cemetery Sexton as of the effective date of these Regulations:

Doug Merrill
Don Merrill
Bruce Barnard

CEMETERY FEE SCHEDULE payable to the Hebron Town Clerk

Laying of Corner Markers	\$75.00
Opening of a Grave Site for vault and casket or casket and backfill	\$75.00
Opening of Grave Site for cremains and backfill	\$75.00
Opening of a Grave Site for disinterment of a casket or coffin and backfill	\$75.00
Opening of Grave Site for disinterment of cremains and backfill	\$75.00
Prices for Sunday openings are double the above rates.	



Regulations regarding the Hebron Town Cemeteries

INTRODUCTION

Pursuant to the provisions of New Hampshire Revised Statutes Annotated (RSA) 289:6, the town of Hebron, by a vote occurring at a town meeting on March 11, 2014, delegated the duties and responsibilities of the cemetery trustees to the board of selectmen. The board of selectmen, acting as the cemetery trustees, and pursuant to the authority of granted by RSA 289:7, adopted regulations (the "Regulations") applicable to the Town Cemeteries (as that term is defined in the Regulations). The board of selectmen, acting as the cemetery trustees, and pursuant to the authority of granted by RSA 289:7, hereby adopts the following amendments (the "Amendments") to the Regulations.

Effectiveness: These Amendments are effective on November 3, 2016.

AMENDMENTS

1. Section 11M of the Regulations is deleted in its entirety and replaced with the following Section 11M:
 - M. Burial Limitations. If a Grave Site is to be used for the burial of an individual (a coffin or casket and vault), then only one individual is permitted to be buried in such Grave and no cremains may be interred in such Grave Site, whether before, at the time of, or after the burial of the individual.

2. Section 11O of the Regulations is deleted in its entirety and replaced with the following Section 11O:
 - O. Cremain Interments. Multiple Interments of up to six (6) cremains in a single Grave Site for cremains are permitted provided there is adequate room within the limits of the Grave Site and provided that each container includes the name and date of death of the applicable individual.

NO OTHER AMENDMENTS

Except as set forth hereinabove, there are no further amendments to the Regulations and the Regulations are in full force and effect as of the effective date hereof.