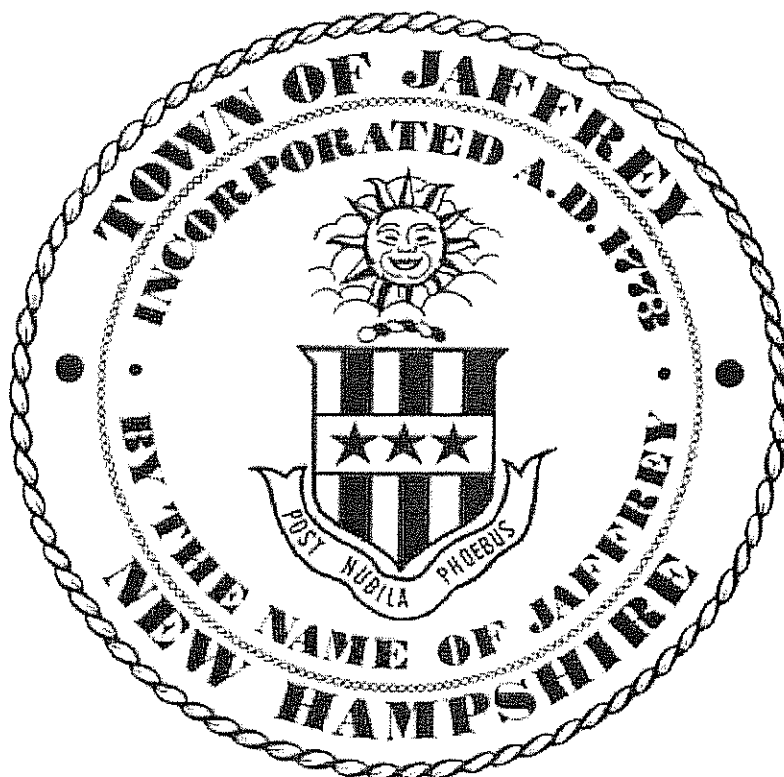


TOWN OF JAFFREY

CEMETERY RULES AND REGULATIONS



Approved by the Board of Selectmen: November 10, 2014

Copies of the signed Regulations can be obtained by
contacting the Jaffrey Department of Public Works at
603-532-6521

TOWN OF JAFFREY
CEMETERY RULES AND REGULATIONS

INDEX

<u>SECTION</u>	<u>PAGE NO.</u>
SECTION I - GENERAL ADMINISTRATION	
A. Purpose	2
B. Authority	2
C. Definition of Terms	2
D. Cemetery Locations	3
E. Hours of Operation	3
SECTION II - GENERAL SUPERVISION	
A. General Provisions	3
B. Personal Conduct	4
C. Motor Vehicle Traffic Within a Cemetery	5
D. Service Charges and Overdue Indebtedness	5
SECTION III - INTERMENTS AND DISINTERMENTS	
A. General Provisions	6
B. Cremations	7
SECTION IV - ACQUISITION AND OWNERSHIP OF LOTS	
A. Purchase	7
B. Lot Sizes and Pricing	8
C. Transfer of Cemetery Lots	8
D. Records	8
E. Property Rights of Owners	8
F. Protection from Loss or Damage	8
SECTION V - SOLE AGREEMENT	9
SECTION VI - CONTROL OF WORK WITHIN CEMETERY	
A. General Provisions	9
B. Changes in Grade and Replanting	10
C. Care of Lots and Graves (Perpetual Care)	10
SECTION VII - MONUMENTS AND MARKERS	
A. General Provisions	10
B. Size of Monuments and Markers	12
C. Materials Permitted	12
D. Foundations and Settings	12
SECTION VIII - VIOLATIONS AND PENALTIES	13
SECTION IX - APPEALS	13
SECTION X - SAVINGS CLAUSE	13
ADDENDUM - BURIAL LOT SIZES AND PRICING	15
APPENDIX A - GRAPHICAL EXPLANATION OF MONUMENT SIZING AND LOT AND GRAVE RELATIONSHIP	
APPENDIX B - STATE LAW RELATING TO CEMETERIES	

TOWN OF JAFFREY
CEMETERY RULES AND REGULATIONS

SECTION I - GENERAL ADMINISTRATION

A. Purpose

These Rules and Regulations are hereby set forth for the mutual protection of lot owners and the cemetery as a whole. The public often misunderstands the purpose and function of cemetery rules and regulations and the role that they play in the beautification and preservation of cemetery grounds. They are intended to safeguard the lot owner from misdirected sentiment or poor taste of those who might otherwise erect unsightly monuments or impair the dignity and beauty of the cemeteries. The following Rules and Regulations have been adopted by the Town of Jaffrey as the Rules and Regulations for all publicly owned cemeteries within the Town of Jaffrey. All lot owners and visitors to the cemeteries as well as all lots sold, shall be subject to said Rules and Regulations and any amendments or alterations thereto as may hereafter be adopted.

Reference to these Rules and Regulations in the Deed to a lot shall have the same force and effect as if set forth in full therein.

B. Authority

The Town of Jaffrey shall provide and maintain one or more suitable public cemeteries for the interment of deceased persons within its limits pursuant to New Hampshire Revised Statutes Annotated as amended (RSA Chapter 289) [See Appendix B].

These Rules and Regulations and all amendments hereafter are adopted pursuant to the New Hampshire Revised Statutes Annotated. The Town Manager is responsible for the daily care of all cemeteries (RSA 37:6.VII(i)) [See Appendix B] and shall confer with the Selectmen and may call upon individuals and/or a standing advisory committee established for this purpose to assist in this effort and to regularly review these Rules and Regulations. (NOTE: The Cemetery Committee, appointed by the Selectmen, was created in 1991 and advises the Town on cemetery matters.)

The creation, operation and care of cemeteries within the Town of Jaffrey shall conform to all present and future applicable statutes as may be amended. These Rules and Regulations shall at all times be governed by pertinent statutes of the State of New Hampshire.

NH Revised Statutes Annotated, Chapters 289 (Cemeteries) and 290 (Burials and Disinterments) and other chapters with reference to these subjects appear below as Appendix B and are considered as part of these Rules and Regulations.

C. Definition of Terms

1. Cemetery. Cemetery is hereby defined to include a burial park for earth interments, a mausoleum for vault or crypt interments, a crematory or crematorium for cinerary interments, or a combination of one or more of these.

2. Cremains. The remains of a cremated person and any container within which the body was placed.

3. Corner Marker. The term corner marker refers to a device used by a Lot Owner to mark the corners of a lot.

4. Deed. A Deed to a burial lot is issued by the Town of Jaffrey for the purpose of granting to the holder of the Deed, to his or her family and heirs, and to any other specified individuals the right to be buried in a specific lot. The Deed has no other purpose whatsoever. The Town of Jaffrey retains ownership of and responsibility for maintenance of the land itself.

5. Director. The term Director shall refer to the Director of Public Works appointed by the Town Manager for the purpose of administering these Rules and Regulations and managing the Town's cemeteries.

6. Grave. This term shall apply to a space of sufficient size to accommodate one (1) adult full earth burial or one (1) cremation burial. One or more graves constitute a lot.

7. Interment. The term interment shall mean the permanent disposition of the remains or ashes of a deceased person by inurnment, entombment or burial.

8. Lot. This term shall apply to a numbered division of space within a cemetery consisting of one or more graves.

9. Lot Owner. The owner of a burial lot.

10. Marker. The term marker means a monument which is flush with the ground.

11. Monument. The term monument shall include a marker, tablet, headstone, gravestone, tombstone, family stone, name stone, footstone, memorial or other similar structure which is flush with or extends above the surface of the ground.

12. Town. The term Town, depending on context, shall refer to the Town of Jaffrey or the Board of Selectmen of the Town of Jaffrey and the Town Manager acting under their direction or pursuant to these Rules and Regulations.

D. Cemetery Locations

The Town of Jaffrey owns and operates six (6) public cemeteries. Their names and locations are as follows:

- Conant Cemetery	Enter from Stratton Road
- Village Cemetery	Enter from Route 124 & Oak Street
- Cutter Cemetery	Enter from Harkness Road
- Cutter Extension	Enter from Cutter Cemetery
- Old Burying Ground	Enter from Blackberry Lane
- Phillips Heil Cemetery	Enter from Fitzwilliam Road

Maps showing the location of these cemeteries are available at the Jaffrey Town Offices during normal office hours.

E. Hours of Operation

Article 1: Cemeteries will be open to the public between the hours of 7:00 am and sunset. Cemeteries will be open to vehicular traffic from the fifteenth of April until the fifteenth of November (weather and road conditions permitting). Vehicular access to cemeteries outside of the above time period may be arranged by appointment and at the discretion of the Director.

SECTION II - GENERAL SUPERVISION

A. General Provisions

Article 2: The Director (or the Director's designee) is hereby empowered to oversee and enforce the Rules and Regulations pertaining to Town-owned

cemeteries and shall oversee all cemetery buildings and grounds. The Director shall exclude from these properties any person violating the Rules and Regulations and shall also have control of all persons within a cemetery including the conduct of individuals, funerals, traffic and Town employees and contractors.

Article 3: The Director in order to protect the best interests of a cemetery is authorized to make temporary additional rules, exceptions, suspensions or modifications of these Rules and Regulations when in the Director's judgment it is necessary to do so in order to meet emergencies, to avoid an unnecessary hardship or as may in the Director's judgment appear to be advisable with or without notice.

Article 4: Such temporary suspension or modification of the Rules and Regulations will in no way be construed as affecting the general application of such rule or regulation or a waiver of the rules or regulation upon the conclusion of the emergency.

Article 5: The Town may develop policies, guidelines and rules and regulations specific to any individual cemetery if in the opinion of the Director the conditions in that cemetery warrant such attention.

Article 6: The Town may, and it hereby expressly reserves the right, to adopt new Rules and Regulations, or to amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations after a public hearing. Notice shall be given for the time and place of each public hearing at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. The full text of the proposed change need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. All rules formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer in effect.

B. Personal Conduct

Article 7: It is of the utmost importance that there should be strict observance of proprieties in a cemetery. Hence, all persons within a cemetery should avoid conduct unbecoming a sacred place.

Article 8: Persons traveling within a cemetery shall use only the roadways, avenues and walks provided by the Town unless it is necessary to do so to gain access to one's own lot. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.

Article 9: Children under the age of twelve (12) shall not be permitted within a cemetery or its buildings unless accompanied by an adult.

Article 10: The gathering of flowers, breaking or cutting of trees, shrubbery or plants, defacing or otherwise damaging of monuments or structures or disturbing bird or animal life shall be strictly prohibited.

Article 11: This article removed.

Article 12: No persons shall sit on, lean against, climb on or otherwise be in contact with any monument.

Article 13: No persons shall make loud noises on cemetery grounds within hearing distance of funeral services.

Article 14: The leaving of rubbish on cemetery grounds or in cemetery buildings is strictly prohibited.

Article 15: No signs, advertisements of any nature, peddling or soliciting the sale of any commodity shall be permitted within a cemetery.

Article 16: Pets are not permitted in a cemetery or its buildings.

Article 17: Firearms are not allowed in a cemetery except POLICE OFFICES OR by a military escort accompanying a veteran's funeral or attending memorial services.

Article 18: The use of cemetery grounds for commercial purposes (such as settings for movies, plays, etc.) is not allowed without the approval of the Director and only under controlled circumstances where the dignity of the setting will not be compromised.

C. Motor Vehicle Traffic within a Cemetery

Article 19: Motor vehicles shall not be allowed to park or come to a full stop in front of an open grave unless said vehicles are in attendance at a funeral.

Article 20: Motor vehicles must be kept under control at all times. They must not pass a funeral procession going in the same direction. When meeting a funeral procession, they must stop until the procession has passed.

Article 21: Motor vehicles shall not be left with their engines running, and their emergency brakes shall be set when the vehicles are left unoccupied by their operators.

Article 22: Drivers of motor vehicles hired to attend a funeral must remain quietly in their seats during the funeral services.

Article 23: Motor vehicles and their operators must refrain from unnecessary noise while in a cemetery.

Article 24: No motor vehicle shall be left, driven across or parked upon any grave or lot.

Article 25: The parking or leaving of any motor vehicle on any road, driveway or path which is left in a manner or position so as to prevent any other motor vehicle from passing the same is prohibited. Such a vehicle may be removed by the Director at the owner's expense.

Article 26: The use of a cemetery as a thoroughfare is prohibited. Commercial or industrial vehicles, other than those of monument companies, funeral directors or tree services carrying out cemetery business, may enter a cemetery only with the permission of the Director.

Article 27: Off-road recreational vehicles (OHRVs), snowmobiles and the like are prohibited from all cemeteries.

D. Service Charges and Overdue Indebtedness

Article 28: The charges for the services to be performed by the Town will be paid at the time of the interment, disinterment or in the case of repairs, payment will be made upon acceptance of the estimated cost by the Director.

Article 29: The Town reserves the right to refuse to do or allow to be done work of any character, including interments in or upon any lot until arrangements have been made for payment of any and all indebtedness due to the Town for work performed upon the lot.

SECTION III - INTERMENTS AND DISINTERMENTS

A. General Provisions

Article 30: In addition to these Rules and Regulations, all interments and disinterments shall be made in accordance with and subject to orders by duly constituted authorities of the Town, County or State of New Hampshire.

Article 31: Cemeteries will be open for interments from 7:30 am to 3:30 pm daily, with the exception of Sundays and legal holidays. Interments may be made outside of these hours or days if required by the laws of New Hampshire or if in the opinion of the Director a delay would cause an undue hardship or inconvenience. In that event an additional fee will be added to the regular interment charges (overtime rates).

Article 32: The Director reserves the right to refuse an interment in any lot if in the Director's judgment there is a question as to ownership or the right of interment.

Article 33: When the location of an interment space in a lot cannot be determined, is indefinite or is otherwise unclear, or if for any reason an interment space cannot be opened, the Director may at his discretion open another space in such location in the lot as he deems proper. In such circumstances, neither the Director nor the Town shall be liable for any damages for this or any other error.

Article 34: To prepare for an interment/disinterment, the Director shall be given written detailed instructions by the lot owner or Funeral Director. Neither the Director nor the Town will be responsible for any errors resulting from any order given verbally or by telephone or for any mistake occurring from the lack of precise written instructions.

Article 35: The Town of Jaffrey reserves the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any lot, either by canceling such conveyance and substituting and conveying in lieu thereof another lot of equal value and similar location as far as possible, or as may be selected by the Director, or, in the sole discretion of the Director, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such lot, the Town of Jaffrey reserves the right to remove or transfer such remains so interred to another lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

Article 36: 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 where the Rules and Regulations have not been complied with. The Town further reserves the right to place the body into a receiving vault until such time as the protest has been resolved. The Town is under no obligation to recognize any protest unless it is submitted in writing to the Director.

Article 37: No interment of any body or the cremated remains of any body other than that of a human body shall be permitted.

Article 38: Containers for full earth burials or cremated remains must be enclosed in a concrete, stone or other permanent vault or section liner of approved specifications provided by approved vendors, UNLESS OTHERWISE APPROVED BY THE DIRECTOR.

Article 39: It is prohibited to remove a body or cremated remains so that a lot may be re-sold.

Article 40: A body or cremated remains may be removed with proper permits from its original grave to a different grave within the same lot or to another lot in the same or another cemetery.

Article 41: In cases where the Town is required to disinter a body or cremains, the utmost care in making the removal will be exercised. However, the

Town will assume no liability for damages resulting to any casket, urn, burial case, memorial, vault or body.

Article 42: Advance notice of interment must be given to the Director equal to at least two (2) working days.

Article 43: Funeral Directors, upon arrival in a cemetery, must present all necessary burial documents.

Article 44: Artificial grass, lowering devices and any other materials or equipment associated with the burial ceremony shall be provided by the Funeral Director.

Article 45: The receiving vault is for temporary use only and on a semi-annual basis and under no circumstances shall a body be considered as interred or buried by reason of being placed therein.

Article 46: The Director reserves the right, without notice, to remove at once from any vault and inter any remains not in good state of preservation.

Article 47: The remains of any person who has died of infectious or contagious disease may only be deposited in a receiving vault when in compliance with prevailing State health regulations.

B. Cremations

Article 48: No cremains shall be independently and privately buried in the cemetery by individuals. All burials shall be under the supervision of a funeral director or the Town of Jaffrey.

Article 49: In a full grave plot, three and a half feet by twelve feet (3.5'x 12'), up to four (4) individual containers of cremains may be buried. The ashes of more than one person may be commingled in one individual container.

Article 50: The location of each container buried shall be reported to the Director for recording purposes.

Article 51: Cremains may be buried in the foundation of a future monument:

a. If done through a funeral home, there shall be no burial charge from the Town. The funeral director shall be responsible for signing the burial permit and for notifying the Director so that the burial information can be recorded.

b. If the burial is not done through a funeral home, burial must take place during regular Town working hours: the Director or the Director's designee must be present to verify placement of ashes and to sign any required permit.

Article 52: All rules and regulations, except those that relate exclusively to the burial of physical remains, shall also apply to burial of cremains.

SECTION IV - ACQUISITION AND OWNERSHIP OF LOTS

A. Purchase

Article 53: A lot holder is the purchaser or owner of a right of interment in a specified grave or lot within a specified cemetery. The lot holder does not own the land in question in the usual sense of the word.

Article 54: Persons wishing to purchase the right of interment in a cemetery lot should contact the Director or the Director's designee for the purpose of inspecting available space and discussing current Rules and Regulations.

Article 55: Once a cemetery lot has been selected, the purchaser shall remit to the Town Clerk the required fee.

Article 56: Upon complete payment, the Town Clerk will deliver to the lot holder a Deed fully describing the designated lot. At this time, if not before, the lot owner will be provided with the current Cemetery Rules and Regulations and will be asked to sign a receipt to the effect that the Rules and Regulations have been received.

Article 57: The Town reserves the right to refuse to sell any cemetery lot to a purchaser if it is determined that the best interests of the Town will not be served by such a sale.

B. Lot Sizes and Pricing

Article 58: As lot sizes and prices are subject to change, a separate addendum is available which lists applicable charges. Please check with the Director for current information.

C. Transfer of Cemetery Lots

Article 59: The Director may refuse to consent to a cemetery lot transfer if there is any indebtedness due the Town from the lot owner of record.

Article 60: When cemetery lots are transferred to the Town, the Town shall compensate the lot owner of record in an amount equal to the sum originally paid to the Town for said lot.

Article 61: All transfers of cemetery lots shall be subject to a nominal charge which must be paid to the Town when the transfer is recorded. (See addendum)

Article 62: The subdivision of cemetery lots may be permitted by the Director when written consent by the LOT owner and the proper signatures and/or affidavits have been furnished to the Director.

D. Records

Article 63: The Town shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot or part of such lot, in which the burial was made.

Article 64: It shall be the duty of the lot owner to notify the Town Clerk of any change in the owner's mailing address. Notice sent to a lot owners at the last address on file shall be considered sufficient and proper legal notification.

E. Property Rights of LOT Owners

Article 65: All cemetery lots conveyed shall be presumed to extend the right of interment to the person or persons named as the grantee in the Deed, provided however that the spouse shall have the vested right of interment of his/her body in any burial lot conveyed to the other.

Article 66: The Town reserves to itself 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.

F. Protection from Loss or Damage

Article 67: The Town shall take reasonable precautions to protect its cemeteries and the lots, structures and monuments therein from loss or damage from causes beyond its reasonable control and especially from damage caused by

the elements, ~~an~~ acts of God, thieves, vandals, malicious mischief makers, and unavoidable accidents.

SECTION V - SOLE AGREEMENT

Article 68: The Deed and these Rules and Regulations of the Town of Jaffrey and any amendments thereto shall constitute the sole agreement between the Town and the lot owner. The statement of any employee or agent, unless confirmed in writing by the Director, shall in no way bind the Town of Jaffrey.

SECTION VI - CONTROL OF WORK WITHIN CEMETERY

A. General Provisions

Article 69: All grading, landscaping and improvements of any kind, and all care on lots shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closings of lots, and all interments and disinterments, and removals shall only be made with the expressed permission of the Director.

Article 70: All improvements or alterations of individual lots in a cemetery shall be under the direction and subject to the consent and satisfaction of the Director and should they be made without the Director's consent, the Director shall have the right to alter or change such improvements or alterations at the expense of the lot owner or, in any event, at any time should they become in his judgment unsightly to the eye.

Article 71: No trees, bushes, shrubs or other permanent woody vegetation shall be planted on any lot. The Town shall have the authority to remove all non-permitted floral designs, trees, bushes, shrubs, plants or herbage of any kind from a cemetery, as well as those which in the judgment of the Director have become unsightly, dangerous, detrimental or diseased. Seasonal annual flowers in non-fragile containers are permitted as well as annual bulbs. The director reserves the right to remove any permitted vegetation that has wilted or died or has spread and become invasive to either the monument or surrounding lots.

Article 72: The Town shall not be liable for floral pieces, baskets or other receptacles beyond the use of such items for a funeral held in a cemetery. Furthermore, the Town shall not be responsible for plants which may be lost, misplaced, broken, damaged by the elements, loss by thieves or vandals or any other causes beyond its control. The Town also reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants of any kind without the written consent of the Director.

Article 73: For cut flowers the use of a sunken vase of heavy metal with removable inner container is recommended. The submerged vase keeps the water cooler and thus helps prolong the freshness of the flowers.

Article 74: The use of glass or china receptacles, tin cans or other than approved metal or plastic vases is prohibited and subject to immediate removal.

Article 75: Artificial plant material shall not be permitted, and will be subject to immediate removal by the Director. Wires used in them may become deadly projectiles if hit by a lawn mower.

Article 76: The placement of boxes, shells, metal designs, ornaments, balloons, toys, stuffed animals, photographs, chairs, settees, STONE BENCHES, fencing, colored stones, statuary, vases, glass, wood or iron cases and similar articles upon lots shall not be permitted, and will be subject to immediate removal by the Director.

Article 77: All fittings, adornments, urns, inscriptions, materials and layout of monuments or other structures shall be and are declared to be subject to the approval and control of and acceptance or rejection by the Town.

Article 78: All flags will be removed without notice when they become soiled, faded, torn or otherwise unsightly. This shall not be construed to require the removal of American flags in good condition or the removal of approved flag holders.

Article 79: The Director shall have the right and responsibility to remove without notice any articles deemed inappropriate (including but not limited to those noted in Articles 71, 74, 75 and 76), improper, unsafe, or detrimental to the maintenance and/or general appearance of a cemetery. Articles removed shall be held by the Director for retrieval by the lot holder. Articles still in the possession of the Director at the end of any calendar year may be disposed of.

Article 80: Any articles placed on graves in recognition of Memorial Day shall be removed no later than two weeks after Memorial Day. After this period the Director shall have the right and responsibility to remove without notice such articles.

B. Changes in Grade and Replanting

Article 81: The right to enlarge, reduce, replant or change the boundaries or grading of a cemetery or of a section or sections, including the right to modify or change the location of or to remove or regrade roads, drives, or walks, or any part thereof, is hereby expressly reserved for the Town. The right to lay, maintain, and operate or alter or change pipe lines or gutters for sprinkler systems, drainage, water bodies, etc., is also expressly reserved for the Town.

C. Care of Lots and Graves (Perpetual Care)

Article 82: Perpetual care is included in the price of all lots sold within Town-owned cemeteries.

Article 83: Perpetual care shall include the cutting of grass upon the lot at reasonable intervals and the raking and cleaning of the lots. It shall not include maintenance and/or repairs to monuments or the pruning of shrubs and trees.

Article 84: The funds received from the sale of lots shall be held in trust and invested by the Trustees of the Trust Funds as provided by law.

Article 85: Expenditures from these trusts shall only come from income and not from principal and such income may only be used for cemetery purposes.

Article 86: It is understood and agreed between the purchaser and the Town that all funds from the sale of lots may be deposited with others of like character and intent to the end that the income from such accumulated general fund shall be used in the general improvement and perpetual care as above defined; but in no cases shall their deposit be construed as a contract to care for any individual property, lot or space other than as defined above.

Article 87: The income from the perpetual care fund shall be expended by the Town in such manner as will, in its judgment, be most advantageous to the lot owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of such funds. The Town is hereby given the full power and authority to determine for what purpose and in what manner the income from said fund shall be expended, and it shall expend said income in such a manner as in its sole judgment it may deem advisable for the care, construction, reconstruction, repair and/or maintenance of all or any portion of any Town cemetery for any purpose necessary to the execution of its duties.

SECTION VII - MONUMENTS AND MARKERS

A. General Provisions

Article 88: Bases and monuments shall be of the same or complementary materials acceptable to the Director.

Article 89: Corner markers shall be of first quality stone placed flush with the grade, lettering to be incised not raised.

Article 90: Lettering on all monuments, markers, and corner markers shall be hand carved, bronze or sandblasted letters and numerals. If plaques are attached to stone monuments, they shall only be made of bronze.

Article 91: While the Town will exercise care to protect the monuments or other structures on any lot and the raised lettering, carving or ornaments on such monuments or other structures, it disclaims responsibility for any damage or injury thereto.

Article 92: No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot without the expressed permission of the Director, and no walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel or wood shall be allowed on any lot. The Director reserves the right to remove same if so erected, planted or placed.

Article 93: It is required that a plan drawn to scale showing design and complete inscription in detail with all dimensions be submitted in duplicate to the Director and that approval in writing be secured from the Director before the foundation for the monument is installed. It is important that the approval of the materials, style, and size of the monument be secured before commencing work.

Article 94: The Director shall have the authority to reject any plan or design for any monument which in the Director's opinion, on account of size, design, inscription, kind or quality of stone is unsuited to the lot on which it is to be placed or is not in conformity with these Rules and Regulations. If said plan is to be rejected, such rejection shall be made within fifteen (15) days of submission and a written explanation given. Appeals of a decision to reject such a plan shall be made to the Office of the Town Manager in writing.

Article 95: The Director reserves the right to stop all work of any nature whenever in the Director's opinion, proper preparations have not been made or when tools and machinery are insufficient or defective or when work is being executed in such a manner as to threaten life or property or when the monument dealer has been guilty of misrepresentation or when any reasonable request on the part of the Director has been disregarded or when work is not being executed according to specifications or in violation of the provisions of these Rules and Regulations.

Article 96: The making of stone rubbings is not allowed in any cemetery.

Article 97: The coloring, painting, enameling of letters or other parts of any monument is prohibited with the exception of the use of lithichrome to enhance the visibility of incised lettering.

Article 98: It is necessary that persons erecting, cleaning, or repairing monuments give advance notice of their intentions to the Director and comply with these Rules and Regulations. Persons performing such services or those who are engaged in erecting monuments are prohibited from attaching ropes to other monuments, trees, shrubs, or from scattering their materials over adjoining lots. They must do as little injury to the grass, trees, or shrubs as possible and shall restore said grounds to their original condition thereafter.

Article 99: Damage done to lots, walks, drives, trees, shrubs or other property by dealers, contractors, vendors, funeral directors, etc., shall be repaired by the Town and the cost of such repairs shall be charged to the responsible party.

Article 100: While a funeral or interment is being conducted nearby, all work of any description shall cease.

B. Size of Monuments and Markers

Article 101: The size of a monument above ground level shall be governed according to the ratio of its face area (length multiplied by height) to the total area of the lot and the relation of its length (greatest horizontal dimension) to the average width of the lot. The face area of the monument shall not exceed 15% of the total area of the lot and its length shall not exceed 60% of the average width of the lot. All monuments shall be at least six (6) inches thick with the exception of slate monuments which shall be a minimum of two (2) inches thick.

It is often desirable to build a monument that is less than the maximum size. The size and proportions of nearby existing monuments should be considered in the design of new monuments.

Article 102: The size of a marker (a monument flush with the ground) shall not exceed a total of four (4) square feet and shall be a minimum of four (4) inches thick. It shall be made of granite or similar hard stone so as to accommodate the weight of mowing equipment.

Article 103: There shall be no more than one upright monument per lot.

C. Materials Permitted

Article 104: All monuments, mausoleums or tombs shall be constructed of first quality natural stone. Such materials shall be free from sap and components which cause rust stains and from natural faults which might cause cracks. The use of cement, artificial stone, composition, wood, tin, iron or other metal shall not be permitted for any monument. The Director reserves the right to reject any materials. The materials used in nearby existing monuments should be considered in the design of new monuments.

Article 105: The location and design, plans and specifications of any mausoleum or tomb, either wholly or partially above ground, are subject to the review and approval of the Director.

Article 106: Lot owners and their descendants shall be responsible for the maintenance and repair of the monuments on their lots. In instances where no lot owners or their descendants can be found, the Town may undertake any necessary repairs although at no time shall the Town become liable for the replacement or repair of monuments.

Article 107: The use of bronze is allowed for doors and window grilles of mausoleums, also for any tablets when attached to monuments of natural stone provided the bronze has been cast from an alloy containing not less than eighty five percent (85%) copper nor more than five percent (5%) lead. No other metals may be used unless they are substantially non-corrosive, of proved permanency, and have been reviewed and approved by the Director.

D. Foundations and Settings

Article 108: As a grantee of good work and as a protection to all lot owners, the Town reserves the right to oversee, inspect and approve all excavations for and the building of all foundations, setting of all markers and monuments, and to regulate all work done in a cemetery.

Article 109: No foundation shall be built when the weather is such that injury from frost may occur. No heavy stone work may be set in inclement weather or until the concrete in the foundation has had time to cure thoroughly.

Article 110: Corner markers require no foundations. They shall be six (6) inches square on their face and shall be a minimum of eight (8) inches in depth and shall be set at the extreme corners of the lot and square within the bounds of the lot. They shall be set flush and level with the grade.

Article 111: Individual markers shall be a minimum of one (1) foot wide by two (2) feet long and shall be placed at the end of the grave farthest from the base of the monument. In single graves, all monuments shall be placed at the head of the grave.

Article 112: Foundations shall be of concrete.

Article 113: The bottom surfaces of bases, monuments and markers must be cut level and true and set in cement mortar to allow every part to be in contact with the foundation without the use of pawls or underpinning.

Article 114: Foundations shall be made at least as large as the bottom base or first masonry course above ground but the Town reserves the right to require a larger foundation when, in its opinion, the weight of the structure requires it. Foundations shall be of a depth determined by the monument company sufficient to sustain the weight of the monument. The foundation shall be constructed so as to not impact abutting lots.

Article 115: Should any monument, mausoleum, or tomb become unsightly, dilapidated, or a menace to visitors, the Town shall have the right either to correct the condition or to remove same at the expense of the owner.

Article 116: No monuments or markers shall be RELOCATED WITHIN OR removed from a cemetery except by the Town unless the written order of the lot owner be presented to and permission granted by the Director.

SECTION VIII - VIOLATIONS AND PENALTIES

Article 117: Any person violating these Rules and Regulations shall be guilty of a violation as set out in RSA 289:8 and shall be subject to the penalties set out in RSA 635:8. See Appendix B.

SECTION IX - APPEALS

Article 118: Any person aggrieved by any provision of these Rules and Regulations or a decision rendered by the Director may appeal said decision or action to the Town Manager.

Article 119: All appeals must be submitted in writing and include all pertinent documentation as well as specific reference to the rule or regulation or decision giving rise to the appeal. Appeals must be made within ten (10) working days of the applicant's knowledge of action causing the grievance. The Town Manager will call upon all interested parties or other experts as the Town Manager may deem appropriate to assist in reaching a decision on the matter being appealed and will respond in writing within ten (10) working days thereafter.

Article 120: No liability shall attach for any delays, or costs incurred or for any other damages which may occur which are associated with time required for the appeal process.

SECTION X - SAVINGS CLAUSE

A. General Provisions

Article 121: In the event that any portion of these Rules and Regulations is held to be in violation of State or Federal law, or found to be unenforceable by a Court of competent jurisdiction, then that specific section or article shall be stricken or amended to the extent necessary to conform to existing

law, rule or regulation. The remainder of this these Rules and Regulations will continue in full force and effect.

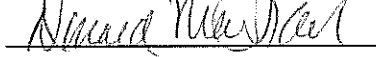
These Rules and Regulations are hereby adopted by the Town of Jaffrey through its governing body and shall become effective on the date of adoption.

Reviewed and Approved:

Kathleen Batchelder
Donald MacIsaac
Thomas Rothermel

David Caron
Town Manager

Board of Selectmen

A handwritten signature in dark ink, appearing to read "Donald MacIsaac", is written over a horizontal line.

Donald MacIsaac, Selectmen

Date Approved: November 10, 2014

**TOWN OF JAFFREY
CEMETERY RULES & REGULATIONS**

ADDENDUM - BURIAL LOT SIZES AND PRICING:

A. Burial Lot Sizes and Pricing

Single Grave Lot (3.5'W x 12'L)	\$450.00
Double Grave Lot (7.0'W x 12'L)	\$900.00
Four Grave Lot (14'W x 12'L)	\$1,800.00
Cremation Lot (3.5'W x 6'L)	\$350.00

Note: All above charges include perpetual care.

B. Burial and Miscellaneous Service Charges

(These charges cover opening, closing, reseeding and recording.)

Interments or Disinterments (full earth burial)

Weekdays	\$500.00
Weekends	\$600.00
Holidays	\$700.00
Children (under the age of 12)	\$150.00
Simultaneous Burials (in same lot; above charges plus an additional. . .)	\$100.00

Interments or Disinterments (cremation)

Weekdays	\$200.00
Weekends	\$300.00
Holidays	\$400.00
Children (under the age of 12)	\$100.00
Simultaneous Burials (in same lot; above charges plus an additional. . .)	\$100.00

<u>Lot Transfers</u> (change of ownership)	\$25.00
--	---------

Approved by the Board of Selectmen after a public hearing on
August 9, 2021.

