

# **BYLAWS OF THE CEMETERY TRUSTEES TOWN OF BEDFORD, NEW HAMPSHIRE**

## **Articles 1-7 are directions to the trustees.**

**ARTICLE 1. AUTHORITY AND ADOPTION:** In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 289, as amended, and the authority granted by the voters of the Town of Bedford through the Town Charter adopted October 5, 1987, the Bedford Cemetery Trustees have been established.

**ARTICLE 2. PURPOSE AND INTENT:** Pursuant to R.S.A. 289, the Bedford Cemetery Trustees are established to operate and maintain all cemeteries owned by the Town of Bedford.

**ARTICLE 3. POWERS AND DUTIES:** Except as amended by the Town Charter or the Cemetery Trustees as indicated in Article 14, the Trustees are empowered to perform those duties established by the Town Council including but not limited to the following:

- A. Advise the Town Council on matters relating to the Town owned cemeteries.
- B. Adopt bylaws and regulations for the transaction of business, and the establishment and maintenance of all Town owned cemeteries.
- C. Prepare an annual budget for the inclusion with the Town Manager's proposed budget to the Town Council indicating what support and maintenance the public cemeteries will require out of municipal funds.
- D. Annually review the need for capital improvements and expansion of cemetery land, and if necessary, prepare a Capital Improvement Plan to be proposed for incorporation in the Town's Annual Capital Improvement Plan and ten year Master Plan.
- E. Expend monies raised and appropriated by the Town for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.
- F. Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the Town.
- G. As necessary, appoint a cemetery custodian or superintendent who shall not be a trustee and who shall be responsible to the Trustees for supervising the work done in the cemeteries.
- H. Sell cemetery lots to present or former residents of the Town of Bedford for a price established by the Trustees and approved the Town Council. Exceptions to this may be made by the Trustees, for those who have family members interred in the Bedford Cemetery, and also for good cause, on a case by case basis.
- I. Annually select officers, including a chairman and secretary, the latter not necessarily need be a trustee.

J. Keep accurate records regarding the use of all funds associated with operations and trusts of the cemetery, all lots sold, and the location of all interments at cemeteries owned by the Town.

K. Enforce the rules of the cemetery operations.

L. Annually, in December, file a report of the prior twelve months activity with the Town Manager for inclusion in the Town Annual Report.

**ARTICLE 4. APPOINTMENT:** The Town Council shall appoint three Cemetery Trustees in accordance with Section 1-11-1 (c) of the Town Charter.

**ARTICLE 5. ORGANIZATION:** The Cemetery Trustees, at an annual organizational meeting, shall elect a chair and a secretary.

**ARTICLE 6. SALE OF LOTS:** The Trustees shall be responsible for the sale of cemetery lots.

A. Lots shall consist of one, two, or four burial plots.

B. Half lots may be sold consisting of two plots for individual interment. The Trustees shall, where possible, make single plots for single interment available for sale.

C. Full lots contain four burial plots and/or sixteen cremation plots.

D. The price of lots shall be reviewed annually by the Trustees with proposed changes submitted as part of the annual budget submission.

**ARTICLE 7. RIGHTS OF INTERMENT:** All lots shall be transferred by right of interment to the purchaser, who may not transfer or resell the lot to another individual. Unused lots may be sold back to the cemetery at the original purchase price, with the return of the original document. All rights of interment shall include a statement of non-transfer of title. All rights of interment shall include, in a prominent location, a statement indicating the value of the document and warning that it should be kept in a safe place.

A. All interments and disinterments are subject to the rules and regulations of the cemetery as well as subject to the laws of the properly constituted authorities of the town, county or state.

B. No grave shall be opened for interment or disinterment by any person not in the employ of the custodian or under the direction of the trustees.

C. Disinterments shall be made Monday through Saturday only, and at the convenience of cemetery personnel. The utmost care will be exercised in making a disinterment or removal, but the trustees shall not bear liability for damage to any casket, burial container, urn, or cremated remains incurred in making the removal. If the remains being removed are not enclosed in a suitable container, the family must purchase an appropriate container for the transport and re-interment.

D. No interments shall be made until the custodian is furnished with a permit, as required by the State of New Hampshire.

E. When instructions regarding the location of an interment space in a lot cannot be obtained, or is indefinite for any reason, the custodian may at his discretion, open it in such location in the lot as he seems best and proper, so as not to delay the funeral, and the trustees shall not be liable for damages caused by any error so made.

## **RULES AND REGULATIONS**

Cemetery rules and regulations play a most important part in the beautification and preservation of the grounds. It should be borne in mind that in return for the concession of individual tastes and preferences, the following rules and regulations have been adopted for the benefit and propriety of both visitors/owners and the Bedford Cemeteries.

All owners and visitors within the cemetery and all lots and graves sold, shall be subject to said rules and regulations, and subject further, to such other rules and regulations, amendments or alterations, as shall be adopted by the Town of Bedford. All rules previously adopted which are contrary to these rules and regulations are hereby repealed and are no longer effective.

**ARTICLE 8. BURIALS:** Burials are a private matter and are the responsibility of lot owner(s), their executor, or the funeral home.

A. Burials are to be arranged directly between lot owners and the funeral director or cemetery custodian.

B. All burials, including cremations, must be conducted under the supervision of a licensed undertaker or cemetery custodian.

C. Unless otherwise permitted by weather conditions, burials will not be conducted after December 1<sup>st</sup> and before May 1<sup>st</sup>. Arrangements for body remains during this period are the responsibility of the lot owners through a licensed undertaker, which may include use of the Town's limited entombment vault if space is available. Remains must be removed from the vault by June 1<sup>st</sup>.

D. Lots are 1 or 2 or 4 plots. After a full burial in an individual plot, 4 cremation urns may be buried above a burial vault. In a lot without a full burial, a total of 4 cremations may be placed. Cremains may not be disturbed to accomplish a full burial.

E. Green burials are not permitted. All full burials must have a concrete vault. Bodies may be buried without a coffin, but a burial vault must be placed upside down over the body. Cremains must be placed in an urn vault or similar container.

F. Double deep or full burial vaults may not be placed on top of one another.

G. No animals shall be buried in the cemetery.

**ARTICLE 9. HEADSTONE AND CORNER MARKERS:** Individual monuments, flat markers and corner markers may be placed on lots by owners only after the design is approved by the cemetery trustees during consultation with the monument company responsible for the fabrication of the items.

A. If corner markers are desired, the markers shall be placed at the four corners of the lot level with the ground.

B. Only one upright granite monument is allowed per two person lot. It must be centered at the head of the lot, typically in-line with other monuments in that section of the cemetery. Maximum monument size shall be governed by the lot size:

<u>Plot Size</u>	<u>Maximum Width of Base</u>	<u>Maximum Height of Monument</u>
2 Place Grave	48"	36"
4 Place Grave	60"	48"

Note: Height includes base. Base not to exceed 8" above average ground level. Base to extend a maximum of 4" beyond monument on ends, 2" on sides.

One stone bench, not to exceed 20" high x 48" long x 24" wide for a 2 Place Grave or 20" high x 60" long x 24" wide for a 4 Place Grave will be permitted in lieu of a headstone monument. The bench must be constructed of granite securely fastened to the ground. It must meet the same placement and foundation requirements of a monument.

C. Individual graves within the lot may be identified by additional flat markers. Flat markers can be no larger than 12" x 24", should be level with the ground, and located over the burial.

D. On the single lots numbered 312 to 369 in the hilltop section, only flat markers are allowed. Flat markers can be no larger than 12" x 24", should be level with the ground, and located over the burial. No upright monuments are allowed on the single lots.

E. All headstone monuments shall have a four foot deep concrete foundation. Foundations are not required for flush markers or corner markers; however, all flush markers and/or corner markers shall be set and kept level with the ground so as not to be damaged by mowing machines. Flat markers provided by the Veteran's Administration may be installed free of charge by the cemetery custodian, provided that the Veteran's Administration issued flat flush marker is delivered to the cemetery.

F. Any monuments previously approved by the cemetery trustees will be excluded from these requirements.

**ARTICLE 10. VANDALISM:** The cost of repairs resulting from vandalism is the responsibility of the lot owner.

### **CEMETERY APPEARANCE AND MAINTENANCE**

A cemetery should be dignified and respectful. Maintenance of the cemetery is important, and keeping the cost to a reasonable level is the responsibility of cemetery management. To that end, the following regulations try to reach a balance between efficiency and the wishes of cemetery users.

**ARTICLE 11. LOT PLANTINGS:** In-ground planting of plants, shrubs and trees is prohibited on cemetery lots. Live vegetation is permitted if placed in an urn or pot, and more than two requires permission from the trustees. Additional pots may be used if placed on "Shepherd Hooks" placed close to the monument. Artificial flowers are not allowed in spring, summer or early fall. Artificial

flowers and wreaths will only be permitted when there is no mowing of the grass in the late fall and winter.

**ARTICLE 12. DECORATIVE ITEMS:** When leaving lot decorations please keep in mind the safety of our visitors and the maintenance crew. Items should be placed on or as close the headstone pedestal as possible to avoid contact with grounds equipment. Items that would be considered “offensive” (to be defined and determined case by case by the trustees) will be removed. Shepherd Hooks, when used, must be placed close to the monument base. Items are placed at your own risk, the trustees are not responsible for items that are blown away or damaged. The trustees, or their agent, may remove any item that is an obstruction to the maintenance crew, also dead damaged, and/or neglected flowers, plants, trees and/or shrubs.

Flags –Flags are permitted; those found to be objectionable will be removed. They must be placed in an urn or very close to the monument base so as not to be an impediment to maintenance. These flags are to be of the “parade” variety, no larger than 12” x 17”. They must be mounted such that the flag does not touch the ground. Flags found unfit for display will be removed. Flags found to be under snow will be considered in a state of disrespect and will be removed.

**ARTICLE 13. HOURS OF OPERATION:** The cemetery trustees shall make efforts to be available as needed to individuals seeking assistance with lot sales, but admission to the cemetery is prohibited from sundown to sunup. Alternate arrangements must be made with the trustees. The cemetery is closed to vehicles from approximately December 1<sup>st</sup> until April 1<sup>st</sup>, depending on weather. Walking in the cemetery, while closed, is at the person’s own risk.

**ARTICLE 14. REVISIONS TO BYLAWS:** These bylaws may be amended by the Cemetery Trustees by majority vote of the total membership and approval of the Town Council. Appeals to decisions of the Cemetery Trustees may be made to the Town Council.

*Suggestions – When placing items on monuments, consider the “neighbors” and whether your items might seem to be “out of place.”*

*Flags should not be left in place continuously. Flag placement is encouraged for major patriotic holidays such as Memorial Day and Veterans Day. Flags will better survive mowing and maintenance operations if placed in a metal flag holder, this keeps them well off the ground.*

*Comments - There are times of the year when a general cleanup of the grounds will be done. When such is planned, notice will be put in local papers and on the town website allowing time for people to remove items. (Typically 7 days.)*

*Flags removed – There is a box behind the garage in which serviceable flags will be placed. The U. S. Flag Code should be followed. Flags will be left unilluminated during hours of darkness; however this is a deviation of the Flag Code made necessary by logistics. People should understand that the protracted display of a U. S. flag could result in its own desecration.*

**DEFINITIONS:**

**Cremains** – The ashes and residue from a cremation.

**Lot** – Contains 1, 2, or 4 individual burial plots. In Bedford Center Cemetery, Hilltop, a plot is 4 feet by 10 feet. In parts of section 3, it is 4 feet by 9 feet.

**Full Burial** – A burial in a casket, placed in a concrete vault.

**Green Burial** – No casket and no embalming.

**Rigid Container** – Material that will not decompose in wet soil.

**Objectionable** – Objectionable includes, but is not limited to, language referring to alcohol or drug use, or to language determined to be obscene, profane, pornographic, frightening, disgraceful or degrading.

*Approved by Bedford Town Council on January 8, 2014*