

**TOWN OF  
WASHINGTON, NEW HAMPSHIRE**

**CEMETERY RULES**

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**TOWN OWNED CEMETERIES IN WASHINGTON, N.H.**

**Inactive:**

Old Washington Center Cemetery - Located on Faxon Hill Road

**Active:**

New Washington Center Cemetery - Located on Faxon Hill Road  
East Washington Cemetery - Located in East Washington Village, off of East Washington Road

The following rules are hereby established for the mutual protection of lot owners and the Washington cemeteries as a whole. Lot owners, persons visiting, and persons contracted to work within the cemeteries will be expected to abide by such rules as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as peaceful, dignified, safe and beautiful areas as well as reverent symbols of respect for the dead and valuable links to the heritage of the community.

Often people are inclined to resent what they term a restriction of their rights and privileges. One must remember that the certificate of ownership of a cemetery lot only authorizes the owner the “privilege or right to inter human remains within the lot boundaries.”

The Town asks the cooperation of all persons in maintaining due observance of these rules.

## DEFINITION OF TERMS

**“Lot owner”** shall mean: a. A deed holder (before March 1, 2002) or  
b. A certificate of right to inter holder (after March 1, 2002)

**“Certificate of ownership”** shall mean certificate authorizing the “lot owner” the privilege or right to inter human remains within the lot boundaries.

**“Monument”** shall include monument, memorial, gravestone, flush marker, or headstone or natural unquarried stone.

**“Owner of record”** shall mean owner by purchase, legal heir by will or letter of intent, or by probate.

**“Contractor”** shall mean those persons (firms) who are engaged in cemetery maintenance for the Washington Cemetery Trustees, in the business of excavation, i.e. opening and closing graves, and vault and monument companies.

## CEMETERY LOTS

1. No cemetery lot may be used for any purpose other than the burial of human remains or placement of a monument.
2. Any individual who is a current resident or property owner of Washington, New Hampshire, may purchase a Right to Inter, granting the owner the right to inter human remains within the boundaries of a selected lot or lots, and the obligation to designate who may be interred within said lot(s), until lot capacity is met. In all instances, ownership of a lot is governed by NH RSA 290:24, and each lot is subject to the most recent version of Cemetery Rules.
3. It is important that upon the death of an owner of the lot, the heirs or devisees of such person should file with the Cemetery Trustees full proof of ownership for the purpose of updating the record. Per RSA 290:24 notarized statements as to relationship and certified copies of wills or probate records are normally sufficient.
4. The process for purchasing a lot:
  - a. The selection of a lot.
  - b. Paperwork is made out and payment received – checks are to be made out to “Town of Washington, Cemetery Trustees.”
  - c. Rules relating to such lots will be explained and a copy of the

- rules will be given to each purchaser, who will acknowledge receipt in writing.
- d. Cemetery Trustees then sign the interment agreement.
  - e. The Right to Inter agreement is issued to the purchaser.
5. The interment agreement and these Rules and any amendments thereto shall be the sole agreement between the Town and the lot owner. The statement of any employee or agent, unless confirmed in writing by the Cemetery Trustees, shall in no way bind the Town.
  6. All available lots in the New Center Cemetery shall measure four feet by ten feet, excepting those in the old section which are eight feet by eleven feet, and those in the cremains garden, which vary in size.
  7. All available lots previously laid out in the East Washington Cemetery measure four feet by eleven feet. Subsequent lots shall measure four feet by ten feet.
  8. Lot capacity:  
Each Cremains Garden lot shall be permitted 2 cremated remains.  
Each single lot shall be permitted the following burial space(s).
    - one full burial, or
    - two infant burials, or
    - four cremated remains
  9. Currently the cost to purchase a Right of Interment is \$300 for a regular lot and \$400 for a lot in the Cremains Garden. Of this \$275 goes into the general maintenance fund, with the remainder going to the Town.
  10. The Price of lots (Right of Interment) shall be reviewed annually by the Cemetery Trustees.
  11. Each lot shall have installed, within thirty days of purchase, and at the expense of the purchaser, four six by six-inch granite corner markers placed flush with the grade at the locations marked by the Cemetery Trustees. Initials, if desired, shall be incised, not raised. In the instance that multiple adjacent one-lot sites are purchased, granite corner markers are only required around the perimeter of the combined lots. Cremation Garden lot corners are already in place.
  12. No interment may occur and no corner markers, foundations or monuments may be placed upon a lot until it is marked out by the Cemetery Trustees.
  13. Interment property may not be transferred or conveyed to any third party, except as allowed by NH RSA 290:24, but may be conveyed back to the Town of Washington for the original cost of the lot minus the fee to the Perpetual Care/General Cemetery Maintenance Fund.
  14. The Cemetery Trustees reserve the right when they deem it to be in the best interests of the town to purchase outright, or by exchange for other lots, any unoccupied lot or lots or cremation spaces at the original price.
  15. Pursuant to RSA 289:18, if the owner of a lot has not used or made improvements to said lot within fifty years, the Town may institute proceedings for termination and forfeiture of the rights and interest of such owner. Notice sent to the lot owner at the last address on file with the Cemetery Trustees shall be considered sufficient and proper legal notification. It shall be the duty of the lot holder to notify the Town of Washington Cemetery Trustees of any change in his/her post office address.
  16. The Town reserves for itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

## **INTERMENTS**

1. All burials and disinterments shall be under the direction of the Cemetery Trustees.
2. The Cemetery Trustees' chairman must be notified at least forty-eight hours prior to any burial or disinterment.
3. Burials on Sundays or Holidays shall be at the discretion of the Cemetery Trustees.
4. The cemeteries will be closed from November 1<sup>st</sup> to April 31<sup>st</sup>. No interments or stone work will be permitted during this time nor will the cemetery roadways be plowed. Exceptions to this rule can only be made by the Cemetery Trustees on an individual basis.
5. No interments shall be made until the Cemetery Trustees are furnished with a burial transit permit, as required by the State of New Hampshire or a Certificate of Cremation.
6. Prior to any burial, proof of ownership of a burial space is required in accordance with NH RSA 290:24.
7. Full burial vaults may not be placed on top of one another.
8. The Town and Cemetery Trustees shall in no way be liable for any delay in the interment of a body when these Rules or those of the state of New Hampshire have not been complied with.
9. When instructions regarding the location of an interment space in a lot cannot be obtained, or is indefinite for any reason, the Cemetery Trustees may at their discretion have it opened in such location in the lot as seems best and proper so as not to delay the funeral. The Town, and the contractor, shall not be liable for damages caused by any error so made.
10. In the instance of a lot with preexisting burials for which the Town has insufficient burial records to determine available space, no interment shall be allowed unless the applicant provides proof that available burial space exists. In the instance where ground-sensing radar is utilized it shall be at the expense of the applicant. No exploratory digging shall be permitted.
11. All burials, except cremated remains, shall be protected by a concrete vault. Upon request, any vault may be installed upside down, without a cover.
12. All vault burials must be conducted under the supervision of a licensed undertaker and must follow all laws and regulations of the town and state.

## **DISINTERMENTS AND REMOVALS**

1. Once an interment has been made, graves will be opened only under the direction of the Cemetery Trustees in their sole and exclusive judgment that such opening is proper, necessary, and duly authorized or when directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery Trustees.
2. A body or cremated remains may be removed from its original lot to a larger or better lot in the cemetery where there has been an exchange or purchase for that purpose. The family is responsible financially for the move and any added costs.
3. If the remains being removed are not enclosed in a suitable container, the family must purchase an appropriate container for the transport and reinterment.

4. Disinterments shall be made Monday through Saturday only, and at the convenience of the Cemetery Trustees. The utmost care will be exercised in making a removal but the Town, Cemetery Trustees and contractor shall assume no liability for damage to any casket, burial case or urn incurred in making the removal. Bond will be required before disinterment to cover any and all costs.

## **MONUMENTS**

1. Permanent Monuments are required to be installed within one year of interment. Wooden markers are not considered permanent. Purchase and installation of monuments and markers are the responsibility of the lot owner. Multiple cremains in a single lot will have one monument sufficient to contain four names & dates with small individual name stones set flush, if desired.
2. Before any structure not of a traditional nature to the Washington Cemeteries, such as a private mausoleum, is erected, the lot owner must deposit with the Town a sum of money estimated by the Town to be sufficient to yield an income for the proper care of such structure in perpetuity.
3. No above ground monument other than natural unquarried stone may be placed in the cemetery without a suitable formed concrete foundation constructed by the monument company and it shall be built to a depth of at least two feet.
4. The Cemetery Trustees reserve the right to require a larger foundation when, in their opinion, the weight of the structure requires it.
5. A monument shall not be erected or placed on any lot in the cemetery without prior approval and layout by the Cemetery Trustees.
6. Each lot in the Cremains Garden (section CG) will be allowed one twelve inch by twenty-four inch marker, to be set flush with the ground and square with the front line, and set eight inches back.
7. No monument or marker shall be removed or altered other than information added, i.e. names and dates, without the written consent of the original lot owner presented to the Cemetery Trustees and permission granted by them.

## **GROUNDS**

1. The money received for perpetual care/cemetery maintenance shall be held in trust and invested as provided by law.
2. The interest income from the perpetual care/general maintenance fund shall be expended by the Cemetery Trustees in such manner as will, in its judgement, be most advantageous to the care and appearance of the cemeteries 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 Cemetery Trustees are hereby given the full power and authority to determine upon what property, 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 judgement, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery grounds for any purpose necessary to the execution of its duties.
3. General maintenance shall include the cutting of grass upon the lot at reasonable intervals, and in general to keep the lots in suitable and good repair and preservation.
4. All improvements or alterations of individual lots in the Cemetery shall be subject to the consent and satisfaction of the Cemetery Trustees. Should they be made without the Cemetery Trustees consent,

and as a result, the good appearance of the cemetery is affected, the Cemetery Trustees may put any such lot in order.

5. A tree or shrub may be planted only with the written consent of the Cemetery Trustees.
6. The planting of a memorial tree purchased in memory of a loved one will be allowed, in a location approved by the Cemetery Trustees.
7. Shrubs, trees, and other plantings shall be maintained annually by the descendant caretaker, or others, to a standard size for the species, and shall not interfere with other lots or the cemetery maintenance in general. If not, the Cemetery Trustees or their agent shall have the right to remove said trees or shrubs or such parts thereof as they shall determine to be detrimental, unsightly or inconvenient.
8. No curbing, fencing, hedges, or enclosures of any kind will be allowed around the perimeter of any lot or portion thereof.
9. Potted plants are acceptable if placed in the ground in front of a monument (Maynard Section – behind monument) and are no more than eight to ten inches away from a monument or flush marker. Shepherd's hooks shall be placed as close as possible to the monument. All flowers, if not watered and maintained in a fresh state by the people who place them, will be removed.
10. No vehicles, except maintenance or vehicles involved in gravesite preparation or restoration, shall be driven on any part of the cemeteries except upon roadways.
11. No shrubs, trees or other plants considered to be invasive or potentially invasive as listed in the Invasive Plant Atlas of New England website ([www.eddmaps.org/ipane/](http://www.eddmaps.org/ipane/)) shall be allowed to be planted within the grounds of the cemeteries.

## **DECORATION OF LOTS**

1. As a special mark of respect to those who have served our country, the American flag shall be displayed only on the graves of those persons who have honorably served in the armed forces of the United States of America.
2. Flags in good serviceable condition will be placed on the graves by The Cemetery Trustees, or their agent, in early May and removed after Veterans Day.
3. The exclusion of miscellaneous and non traditional items from gravesites is necessary in order to allow for safe and proper mowing and trimming maintenance of the Town cemeteries. Therefore the Cemetery Trustees have developed these guidelines:
  - Plastic flowers, when they become faded, will be removed.
  - Items NOT allowed:
    - Glass containers
    - Lose stones on the ground
    - Pictures, framed or otherwise
    - Paper cups
    - Beer cans/bottles
    - Golf balls
    - Perpetual flames
    - Toys
    - Or any other detrimental or unsightly items

4. Winter decorations may be placed on the lots after November 15<sup>th</sup>.
5. The Cemetery Trustees reserve the right to remove any non-conforming miscellaneous items from gravesites without notification.

## **CONTRACTORS**

1. Contractors are prohibited from attaching anything to adjacent monuments, trees, and shrubs. They shall be required to use a tarp or other protective material on the ground under excavated earth, cement products, etc. to protect the grass and facilitate clean up.
2. Wherever possible all excavated material shall be neatly piled grave side, except that amount which will be displaced by the vault or monument foundation. The displaced material shall be placed in the appropriate stockpile at the back of the cemetery.
3. Once opened, contractors shall be liable to see that excavations are adequately covered/secured until the burial or monument placement is finalized.
4. Monument excavation and installation shall be by the owner's contractor under the direction of a Cemetery Trustee.
5. Damage done to lots, walks, roadways, trees, shrubs, or other property, by contractors, or their agents, shall be repaired by them. If the Cemetery Trustees need to make further repair, the cost of such repair shall be charged to the contractor.
6. No material, machinery, or other thing for the installation of vaults, mausoleums, or monuments, nor the monuments themselves, may be brought into the cemetery until required for immediate use; nor, under any circumstances, when a funeral is in progress; nor between Saturday and Monday morning; nor on a holiday; and no work shall be done during said time; nor shall said material be placed on adjoining lots without special permission from the Cemetery Trustees.
7. Only those persons, contractors and retail dealers approved by the Washington Cemetery Trustees may be permitted to perform services in Washington Cemeteries. Any person, contractor or retail dealer who violates the rules of the cemetery shall be removed from the list of approved contractors and retail dealers and prohibited from future access to the Washington Cemeteries until reinstated by the Washington Cemetery Trustees.

## **VANDALISM**

1. Unless written authorization has been granted in accordance with NH RSA 635:6, it is a felony to purposely or knowingly destroy, mutilate, injure or remove any tomb, monument, gravestone, marker or other structure, or any fragment or portion thereof, that has been placed as a memorial to the dead. It is also a felony to possess, sell, offer for sale, transfer or dispose of any such object that has been placed as a memorial to the dead.
2. The cost of repairs resulting from vandalism is not the responsibility of the Town.

## MISCELLANEOUS

1. Prohibited within any and all Washington Town cemeteries:
  - Gravestone rubbing except in accordance with RSA289:22 and with the written permission from the Cemetery Trustees.
  - Discharging of firearms except by honor guards during a ceremony.
  - Celebrations not connected to burials
  - Fireworks
  - Geo-caching

## CEMETERY TRUSTEES

1. The Cemetery Trustees are hereby empowered to enforce the Cemetery Rules and to exclude from the cemetery any person deliberately violating such rules. The said Cemetery Trustees shall have charge of the cemetery grounds and shall have supervision and control of contractors and all persons visiting the cemetery, whether lot owners or otherwise. They are responsible for the sale of all burial lots, maintenance of records, care and maintenance of grounds, and the surveying and recording of new lots and roadways within the cemeteries.
2. It shall be the duty of the Cemetery Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by law.
3. All business pertaining to cemeteries shall be processed through the Town of Washington Cemetery Trustees. Direct contact can be made to the Cemetery Trustees as listed in the Town records.
4. The Cemetery Trustees reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer, or conveyance of any interment property.
5. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Trustees, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules when, in its judgement, the same appears advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.
6. The foregoing rules are subject to change following a legally noticed hearing

BOARD OF CEMETERY TRUSTEES

Phil Barker

Kathy West

Kitty West