



**Town of Candia  
Cemetery Trustees  
74 High Street  
Candia, New Hampshire  
03034**

## **Cemeteries Usage Rules and Regulations**

### **SECTION I : Purpose**

Cemetery lot owners, in general, may misunderstand the purpose and function of cemetery rules and regulations and the vital role they play in the preservation, safety, and aesthetics of the cemetery grounds. In many cases, lot owners take exception to what they feel are restrictions on their perceived rights and privileges regarding the use of their cemetery lot in the belief this ownership has the same rights and privileges as any other piece of “real property”. It is important to understand that cemetery rules are primarily adopted for the protection of the Town, the lot owner and others who visit or work in the cemeteries by, among other things, safeguarding against those actions that may create dangerous situations and/or impair the dignity and appearance of the cemeteries.

It is for the mutual protection and benefit of lot owners, the Candia Cemetery Trustees (hereinafter “Trustees”), the Town of Candia (hereinafter “Town”), and each cemetery as a unit that the following Rules and Regulations have been adopted.

### **SECTION II : Definitions**

- A) The definitions contained in NH RSA 289:1 are hereby incorporated, in their current form and subject to future changes by the legislature as time goes by.
- B) The term "interment" as used herein shall mean the permanent disposition of the remains or cremains of a deceased person by burial in the earth.
- C) The term “gravesite” or “grave” as used herein shall mean a burial site for a single interment. A standard grave for a full size casket is 42 superficial square feet (6’ x 7’).
- D) The term “cremation lots” as used herein shall mean those sections of the cemeteries set aside for the interment of cremated remains. A standard grave for a cremains is 20 superficial square feet (4’ x 5’).
- E) The term "memorial" as used herein shall mean an upright memorial stone or tablet installed within a lot to designate ownership.
- F) The term "marker" as used herein shall mean a stone or bronze tablet, the entire upper surface of which is even with the adjacent surface of the ground, which serves to identify individual interments by its placement at the head and/or foot of a gravesite. In special circumstances, an oversized flat marker may be used as a marker to mark no more than two (2) adjoining gravesites.
- G) The term “agent” as used herein means the Candia Cemetery Sexton appointed by the Trustees.

### **SECTION III : General Cemetery Rules**

- A) The consumption of alcohol within the cemeteries is strictly prohibited.

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- B) Loitering within the cemeteries is strictly prohibited.
- C) Dog Fouling is strictly prohibited within the cemeteries and dogs must be on a leash.
- D) All off-road vehicles are prohibited from the cemeteries. By way of these regulations, snowmobiles and other recreational vehicles are also prohibited. Emergency vehicles are exempt from this rule.
- E) Per RSA 163-B, littering is prohibited. Trash should be properly disposed of offsite.
- F) The cemeteries will be open to visitors at sunrise, and will be closed at sunset. Visitors will not be allowed upon the grounds after sunset, except by permission of the Trustees. The cemeteries will be closed for the winter from December 1<sup>st</sup> to April 1<sup>st</sup> of the succeeding year. The Holbrook Tomb is available for temporary storage of remains from December 1<sup>st</sup> until May 15<sup>th</sup> of the succeeding year.
- G) No vehicles, except maintenance or others involved in lot preparation or restoration under direction of the Trustees or their agent, shall be ridden or driven in any part of the cemeteries except upon the paved roadways designated for that purpose, nor at speeds faster than 10 miles per hour.
- H) Children under fifteen (15) years of age shall not be permitted within the cemeteries or their buildings unless accompanied by an adult.
- I) No person shall gather flowers, either wild or cultivated, on the premises; or remove, cut, break, or mark any tree, shrub or plant; or mark upon, deface, or injure any memorial or any other structure on the grounds.
- J) Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day ceremonies, or by direction of the Trustees. Fireworks are strictly prohibited. Hunting and trapping are not allowed in the cemeteries.
- K) Green Burials will not be permitted within the Town-owned Cemeteries.
- L) Approaching the bereaved and soliciting memorial business, bedding of flowers or plants, or the sale of any commodity or service is prohibited within the confines of the cemeteries.
- M) Exceptions to these rules may be made, on a case-by-case basis, at the discretion of a majority of the Trustees, at a properly noticed public meeting.
- N) In the event of a violation of these Rules and Regulations, the Trustees are authorized to take necessary and appropriate corrective action as it pertains to said corrective action. Furthermore, the Town of Candia is authorized to hold the party or parties responsible for said violation and financially accountable for any and all costs, expenses and charges associated therewith.

### SECTION IV : Purchase/Ownership of Lots

A) The Trustees or their agent shall, upon request, furnish to those desiring to purchase rights of burial, information relative to the current, one-time purchase and maintenance (formerly “perpetual care”) costs per gravesite and the purchase and installation costs of corner markers for the lot, as established by the Trustees in a separate “Fee Schedule”. Only the following are eligible to purchase rights of burial:

1. Current residents of the Town;

2. Previous resident of the Town who: a) resided in the Town for a period in excess of fifteen (15) years AND who; b) relocated outside the Town within the previous two (2) years. Limit of two (2) gravesites. Proof of eligibility shall include, but not be limited to, certification by Town Clerk or Tax Collector of evidence in their records of residency/payment of taxes; certified copies of property deeds.

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3. Exceptions would be allowed to individuals whose family members are already interred in the Candia Cemeteries or for other just cause.
- B) A deed will be delivered by the Town within thirty (30) days of when the total number of gravesites purchased is paid in full. The deed will have the seal of the Town on it and will be signed by the members of the Board of Selectmen. Lack of an executed deed shall not be cause to delay use of the gravesites in the event of an immediate need, provided payment has been received.
- C) Once a deed has been duly issued by the Town, no person shall be considered as the rightful owner of any lot unless they shall be in possession of said document. If a deed cannot be presented, then the records of the Trustees shall be considered as final in determining ownership.
- D) Descent of Title: The laws of the State of New Hampshire govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the death of a lot owner, the heirs or devisees of such person should file with the Trustees full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills or probate documents are normally sufficient.
- E) Address Changes: It shall be the duty of the owner to notify the Trustees of any change in physical or mailing address. Notice sent to the owners at the last address on file with the Trustees shall be considered sufficient and proper legal notification.
- F) The owners of rights of burial, or their heirs, may not assign or convey those rights to any other party without having first obtained the written approval of the Trustees; but it shall be the option of the Trustees to grant or withhold such approval and consent. Subsequent sale of lots by owners, or their heirs, to any other party is strictly prohibited. An application may be made, in writing, to the Trustees to sell unused lot(s) back to the Town for an amount equal to the original purchase price; however the Trustees reserve the right to grant or deny such a request upon review.
- SECTION V : Interments**
- A) The Trustees reserve the right to refuse an interment in any lot if, in their judgment, there is a question of ownership and/or the right for said interment pursuant to RSA 290:24. No bodies, other than family members, may be buried in a family plot unless written permission has been obtained from the owner(s) of the said family plot. It shall be the responsibility of the Funeral Director or the person in charge of said burial to obtain permission for such burial and to supply the Trustees or their agent written confirmation of the same not less than fourteen days before the date of burial.
- B) No interment shall be made until the Trustees or their agent have been furnished with a permit, as may be required by the laws of the State of New Hampshire, together with an order from the owner, or the legal representative, of the right to inter within the lot in question. The Trustees or their designee(s) shall not be liable for the information contained in said permit, nor for the identity of the person to be interred.
- C) No lot shall be opened for interment or exhumation by any person not approved by or in the employ of the Town under the direction of the Trustees or their agent. Exhumations shall be done at the discretion of the Trustees without family or relatives in attendance, in accordance with the laws of the State of New Hampshire.
- D) When instructions regarding the specific location of remains or cremains within a lot cannot be obtained from the owner or his/her authorized representative, or the cemetery records, or are imprecise; or when for any reason, the preferred location cannot be opened where specified, the Trustees or their agent may, at their discretion, open an area of the lot as deemed best and proper, so as not to delay the funeral. Neither the Trustees nor their agent shall be liable for any error so made.

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E) Interment of more than one remains within a single gravesite is prohibited except, at the discretion of the Trustees, multiple remains may be interred in one gravesite as follows: parent and child or two infants buried in one casket; or three separate infants buried at a distance of one foot apart. Further variation may be made in the case of cremains subject to lot space available, dimensions of urns, and the proposed placement of markers. In general, up to two (2) cremains are permitted in the same gravesite with one (1) remains. For cremains alone, no more than four (4) will be permitted per standard gravesite.

F) All interments shall be enclosed within a cement vault, except that infants may require a fiberglass container thirty (30) inches or less in length and cremations shall require an urn or other permanent container. The natural grade of the lot must be maintained. Vaults/containers may be procured from any source provided they meet the established specifications.

G) All funeral processions, while within the grounds, will be subject to the directions of the Trustees or their agent.

H) The Trustees or their agent reserve the right to postpone interment time due to acts of God, nature, civil, or national emergencies.

### **SECTION VI: Cremation Section**

A) A cremation lot contains 20 superficial square feet. There shall be only two (2) cremation burials per Cremation Lot. There will be a maximum of 2 flush markers per cremation lot.

B) Only flush headstones will be allowed in the cremation sections of the cemeteries. Flush markers with retractable vases may be used only if the vases are returned to the flush position when the flowers are removed. Flush markers must be no larger than 12x24x4 and shall be placed at the foot of the burial as permitted.

C) In rare instances, we may be asked to relocate cremains to another grave after it has been planted and the disturbed ground seeded. In order to move cremains a procedure shall be followed. The cremains may be moved but only to another grave in the same lot. The owner of the lot, or a family member with the owner's permission, shall write a letter addressed to the Trustees requesting such move and must note a reason why cremains must be moved. The Trustee shall, if granted, request the Sexton to arrange to have the cremains relocated within the same lot. The Family shall pay a fee to the person moving said cremains for the work before it is completed which shall be known to the family ahead of time. No person or persons shall ever dig up family cremains and bury them elsewhere, on their own. The permanent burial records reflect where cremains are placed and therefore cannot be altered without this procedure.

### **SECTION VII : Memorials**

A) No memorial, marker or headstone shall be considered for approval by the Trustees for installation or maintenance without submission of a properly completed "Memorial Authorization Permit". Proposed memorials shall adhere to the "Memorial Size Restrictions" as established by the Trustees. No curbing, fencing, hedges or enclosures of any kind are allowed around any lot.

B) The Trustees shall have the authority to reject any plan or design for any memorial which, in their opinion, on account of size, design, inscription, kind or quality of stone is unsuited to the aesthetics of the cemeteries or the lot on which it is to be placed, may constitute a hazard, or is not in conformity with the Rules and Regulations.

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- C) All headstones shall be made of good quality granite, hard marble or slate, and all markers shall be of either the same material or of quality bronze. Neither shall be permitted to be erected in the cemeteries without a good and sufficient foundation as approved by the Trustees or their agent.
- D) Each memorial placement shall be placed according to the “Memorial Size Restrictions” as established by the Trustees.
- E) Persons engaged in erecting or maintaining memorials are prohibited from attaching ropes to surrounding headstones, trees and shrubs, or from scattering their material over adjoining lots or from blocking roadways or pathways or from leaving materials on the ground longer than is absolutely necessary. They must do as little injury to the area as possible and must remove all debris and restore the ground and sod to its original condition. Any workmen failing to conform to these regulations may be excluded from the grounds, and the person employing him shall be responsible for the injuries sustained through his neglect.
- F) While a funeral or interment is being conducted nearby, all work of any description shall cease for the duration.
- G) While the Trustees will exercise all possible care to protect all memorials and the raised lettering, carving or ornaments thereon as part of their general oversight of the cemeteries, any responsibility for any damage or injury thereto is hereby disclaimed.

### **SECTION VIII : Permissions/Prohibition/Grievances**

- A) The lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains or cremains and memorials as defined in these Rules and Regulations. The interment of animals is strictly prohibited.
- B) Planting of flowers is permitted within one (1) foot in front of headstones only.
- C) Planting of trees and shrubs is prohibited. Shrubs and trees already in place at the time these Regulations are adopted will be grandfathered, provided that:
1. They have not been neglected so as to hinder the maintenance or aesthetics of the cemetery; or
  2. They are not, by means of roots or branches, detrimental to said lot or its memorial, or to the adjacent lots/memorials, roadways, or paths; or
  3. They are not a hazard or inconvenience to cemetery visitors, contractors, or others.

In the event any of the above is true, it shall be the duty and the right of the Trustees or their agent to remove said tree or shrub, or such parts thereof, as are detrimental, dangerous or inconvenient, after an attempt to contact the owner of the lot and advise them to remove said tree or shrub.

- D) While the Trustees fully appreciate that the grieving process is keenly personal in nature, in the interest of aesthetics and the safety of all, items such as, but not limited to, glass vases, windmills, wind socks, lanterns: candle, solar or battery, boxes, shells, resin or cement statues that are not part of the headstone, or toys are prohibited. In addition, no wood, iron, wire, hedge, or other fence shall be erected or maintained on or around any lot, and no walks of brick, stone, gravel, or similar materials shall be allowed on any lot. These items are, in general, a hindrance to proper maintenance of the cemetery grounds and are potential hazards to all cemetery users. As such, the Trustees reserve the right to remove such items if so erected, planted or placed. Special consideration may be given, on a case by case basis, to allow smaller items to remain which are confined to the

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monument base or permitted planting area. Extra flowers are permitted for a 30 day period immediately following a funeral.

E) The American Flag and Service Flag are permitted and encouraged on Veteran's, KIA, or Public Service (i.e., Fireman, Policeman) and by organizations promoting such individuals patriotism as tribute, (such as DAR/SAR/CAR). However, flags for non-service organizations or other national flags will not be permitted. Trustees reserve the right to remove any such flag that does not meet with these rules and regulations without the permission of the owner.

F) Only one wreath is permitted on a gravesite at a time and must be held in a tripod wreath holder, except for the 30 day period immediately following a funeral. Wreaths must be live evergreen or live flowers only. No plastic flowers or silk flowers are allowed. Wreaths will be removed when Sexton deems they are no longer esthetically pleasing.

G) Timely notices will be published twice annually on the Town website and at each cemetery advising owners of when lots are expected to be attended to by them in preparation for the winter and spring seasons. Items remaining on lots after the established deadlines are subject to disposal by the Trustees or their agent. In addition, neglected plantings will be trimmed or removed as necessary.

*Be advised that the Trustees, without notice, reserve the right to remove any items which interfere with the maintenance of the cemeteries, are non-permitted, or become unsightly. The cemetery is only responsible for damage to monuments or markers if said damage is caused by cemetery personnel.*

H) Gravestone rubbings are prohibited without the express written approval of the Trustees or their agent.

I) Any individual, group or organization aggrieved by an action, actual or pending, associated with an interpretation of these rules and regulations or a difference of opinion as to their meaning and intent may appeal directly to any of the Trustees and request a meeting with the Trustees. Such request shall be communicated to the Chair of the Trustees and expeditiously complied with. Any action associated with the matter in contention shall, if at all possible, be held in abeyance until the meeting is completed.

**Reviewed, Revised and Adopted by the Cemetery Trustees at their May 16, 2019 Regular Meeting.  
Effective May 16, 2019.**