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**Comment [MM1]:** Check page #'s on final version

**Comment [MM2]:** Does this need to be listed on here? Section # not indicated on signature page.

**Comment [MM3]:** Does this need to be included? If so, remember to keep updated.

**Comment [MM4]:** Add Columbarium Rules? Should this section be included w/all grave sales or just niches?

**CITY OF DOVER, NEW HAMPSHIRE**

**Rules and Regulations for Pine Hill Cemetery and City Owned Cemeteries**

These rules and regulations are supplementary to Chapter 74 entitled Cemeteries Municipal Code of Ordinance, 1989.

**SECTION 1. PURPOSE AND INTENT**

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations are hereby established for Pine Hill Cemetery and city owned cemeteries. All lot owners and persons visiting the cemeteries will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

**SECTION 2. GENERAL RULES**

**A. Office and Cemetery Hours**

1. All business pertaining to the cemetery shall be processed through the Cemetery Office, 131 Central Ave, Dover, NH 03820, during regular business hours from 7:00 AM to 3:00 PM, Monday through Friday or by special appointment. The telephone number of the cemetery office is 603-516-6480. The cemetery itself will be open from 7:00 AM to sundown each day. All vehicle gates will be open Monday through Friday from 7:00 AM to 3:00 PM. The Watson Street gate only will be open 24 hours a day, 7 days a week. Pedestrian walk-through gates are located beside the vehicle gates.

**Comment [MM5]:** Moved from part B/ Employees of the Cemeteries (formerly Workdays of Employees)

2. No person ~~or persons, not, except~~ an employee of these cemeteries the Community Services Department performing official duties, shall enter, ~~these cemeteries of-~~ remain in, or park a motor vehicle in any cemetery, public or private, located in the City of Dover after sundown, ~~for any purpose.~~

**Comment [MM6]:** From Dover Code: Chapter 74-2. Closing Hour; Permitted Access

**B. Workdays of Employees**Employees of the Cemeteries

**Comment [MM7]:** Combined parts B & C and included #1-4 from Mr. Kozulin's recommendations

1. Employees' of the cemeteries normal work schedule is 8 hours a day, Monday through Friday. They are not expected to work on Saturdays, Sundays, or holidays. Additional charges will be made by the cemetery office for interments or ~~entombments inurnments~~ on Saturdays, Sundays, or holidays. ~~The telephone number of the cemetery office is 603-516-6480.~~

2. Duties, assignments and hourly schedule of the employees are defined by the Cemetery Coordinator and Facilities and Ground Superintendent.

3. Employees of the cemeteries are required to be civil and courteous to all persons visiting the cemeteries.

4. Employees of the cemeteries are not permitted to do any work for lot owners or other persons except upon the order of the Cemetery Coordinator and/or Facilities and Grounds Superintendent.

**C. Duties of Employees Defined by Supt.**

~~1. Employees of the cemeteries are not permitted to do any work for lot owners or other persons except upon the order of the Cemetery Coordinator and/or Facilities and Grounds Superintendent but are required to be civil and courteous to all persons visiting the cemeteries.~~

**Comment [MM8]:** Refer to part B, 3 & 4

**DC. Fees and How Payable**

1. All fees or charges for services are payable at the cemetery office, except as herein listed below. No person is required or permitted to pay any fee or gratuity to any employee. Checks for services should be made payable to the City of Dover Cemetery Division. Persons or businesses who make arrangements with the City of Dover for interments ~~and/or entombments, inurnment, or any other services,~~ shall be responsible for ~~payment of said interment and entombment charges~~ all required fees at least 24 hours prior ~~to interment or entombment~~ unless alternative payment arrangements are made ~~with the approval of the Cemetery Coordinator.~~

2. Monument dealers will be responsible for foundation charges.

3. Foundation charges for government markers, which are delivered to the cemetery garage are payable at the Cemetery Office. Persons responsible for the charges will be notified when markers arrive.

**ED. Manner of Travel by Pedestrians**

~~4.~~ Persons within the cemetery shall use only the avenues, walks, and alleys and no person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot. The City of Dover expressly disclaims responsibility for any property damage or any injury sustained by any person.

**FE. Acts of Vandalism Prohibited**

~~1. Persons visiting the cemeteries or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or injuring any memorial, fence, or other structure within the grounds of any cemetery in the city. No person shall gather or damage flowers, either wild or cultivated from bushes, trees, shrubs or evergreens within the limits of any cemetery in this city. No person shall damage the monuments or structures in any cemetery by climbing on, moving or contacting the monuments or structures.~~

**Comment [MM9]:** Changed to reflect wording in Dover Code: Chapter 74-7. Gathering and Damage to Flowers and Vegetation; Damage to Monuments and Structures

**GF. Vehicles**

1. Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemetery, and all vehicles shall comply with the following rules:

- a. Maximum speed limit - 15 miles per hour
- b. No vehicle may be driven or parked across or upon any grave, lot, or lawn.
- c. No person or persons shall park, or permit to be parked, a motor vehicle owned or controlled by them in the cemetery after sundown. Parking or leaving any car or vehicle is prohibited and a violation of this rule will be cause for the removal of such vehicle by the Facilities and Grounds Superintendent at the owners' expense.
- d. Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

~~2. No Off Highway Recreational Vehicles (OHRV), minibikes, snowmobiles, all-terrain vehicles, or other off road recreational vehicles are permitted on the grounds of cemeteries.~~

**Comment [MM10]:** Moved from part G/Prohibitions (formerly part H) and updated to reflect wording in Dover Code: Chapter 74-4. Certain Vehicles and Domestic Animals Restricted

**HG. Prohibitions and Limitations**

1. ~~Children are not to be on the cemetery grounds. Minors under 16 years of age shall not be permitted within the cemetery~~ unless accompanied by an adult.
2. No dogs, horses, cattle or other domestic animals shall be permitted in the cemetery.
3. The placing of boxes, shells, toys, ornaments, chairs, settees, or similar unauthorized items upon lots will not be permitted. The Facilities and Grounds Superintendent reserves the right to remove any such unauthorized items.
4. ~~The bringing of firearms into the cemetery, except by military escort, is prohibited. Discharging of or carrying any offensive weapons, such as bows and arrows, air rifles, slingshots, or the hurling of rocks or pellets, is strictly prohibited. No person shall discharge a firearm or any other weapon, including, but not limited to, bows and arrows, in or adjacent to the cemetery. This prohibition shall not apply to authorized volleys.~~
5. ~~No person shall be noisy or disorderly within the limits of the cemeteries, or otherwise conduct themselves as to desecrate the place, or upon being requested by a cemetery official shall refuse or neglect to leave the premises, or discontinue the disturbance. Noisy or disorderly conduct within the limits of any cemetery is prohibited. Noisy and disorderly conduct pursuant to this chapter is defined as conduct that desecrates the cemetery.~~
6. ~~No motorcycles, bicycles, minibikes, snowmobiles, sleds, ATV's (all terrain vehicles) or other recreational vehicles will be allowed in the cemetery.~~

**Comment [MM11]:** Changed to reflect wording in Dover Code: Chapter 74-6. Conduct in Cemeteries

**Comment [MM12]:** Updated and moved to part F/Vehicles (formerly part G)

**SECTION 3. LOT OWNERSHIP**

**A. Details of Purchase**

1. Persons desiring to purchase graves should contact the Cemetery Coordinator who will aid them in making a selection. Special rules relating to such graves will be explained and a copy of these special rules will be given to each purchaser. Payment for graves will also be explained and arrangements made for such.
2. The cost for each grave or cremation space includes Perpetual Care and a contract explaining what is covered by Perpetual Care will be given to the purchaser upon payment in full for the total number of graves and/or cremation spaces purchased. A Deed will also be issued when the total number of graves and/or cremation spaces purchased is paid in full. The Deed will have the seal of the City of Dover stamped on it and will be signed by the City Manager and City Clerk. This Deed grants an exclusive right to interment within the specified lot of land and shall not be used for any other purpose than a place of burial of the human dead.
3. No foundations, markers, or stones will be placed upon a lot until it is paid for in full.
4. No granite or other curbing, fence, or enclosure of any kind will be permitted in or around any grave or cremation space, and no post, indicating either an extreme or intermediate boundary in any grave or cremation space will be allowed to protrude above the level of the walkway adjacent to said grave or cremation space.
5. No person or committee shall have the right to dispose of any grave, cremation space or lot for a less sum than that fixed by the City Council and City Manager. No person shall be considered as the rightful owner

**Comment [MM13]:** Added for clarification; language taken from directly from deed

of any grave or cremation space unless he/she shall be in possession of a duly executed deed signed by a city official with a stamp of the seal of Dover. If a deed cannot be presented, then the books of the Cemetery Office shall be considered as final in determining ownership of any grave or cremation space. Description of graves or cremation spaces shall be in accordance with the cemetery graves or cremation spaces that are kept on file in the Cemetery Office. It shall be the duty of grave or cremation space owners to notify the Cemetery Office of any change in address after purchase.

6. Lots of various amounts of graves or cremation spaces are available in the cemetery, and therefore, no lots will be subdivided. No single graves or cremation spaces will be sold to joint purchasers.

7. No easement or right of interment is granted to any lot owner in any road, drive, or path within the cemetery, but such road, drive or path may be used as a means of access to the cemetery or buildings as long as it shall be devoted to such purpose.

8. The right to enlarge, reduce, replot, or change the boundaries or grading of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the location of or remove or regrade roads, drives or walks, or any part thereof, is hereby reserved. The right to lay, maintain, and operate, or alter or change, pipelines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Cemetery Division 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.

9. All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemetery from loss and damage, but the Cemetery Division will not be responsible for any loss or damage.

10. These rules and regulations, including amendments thereto, constitute the sole agreement between the cemetery, City of Dover, NH, and the lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemetery of the City of Dover, NH shall in no way bind the cemetery or the City of Dover, NH.

11. The City of Dover, NH reserves the right when municipal officers deem it to be in the best interests of the city to purchase outright, or by exchange for other graves, any unoccupied grave or graves or cremation spaces at the original price.

12. Transfer of lots will not be recognized without the consent of the Cemetery Coordinator and the Cemetery Board.

#### **SECTION 4. CARE OF LOTS**

A. Upon payment of a lot, a Cemetery Donation Contract and a Deed will be given to the purchaser.

B. The general care of the Cemetery is the responsibility of the City of Dover, NH and through the Facilities and Grounds Superintendent. It includes reasonable and practical care of the unsold areas of the cemetery, such as lawn areas, roads, shrubs and trees, which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemetery.

C. All care funds held by the City of Dover, NH whether trust or perpetual care will be invested by the City of Dover, NH as provided by law and will be expended only as provided by the trust or Cemetery Donation Contract.

**SECTION 5. INTERMENTS/DISINTERMENTS/~~ENTOMBMENTS~~**

A. The cemetery will be open for interments from 8:00 AM to 2:00 PM, Monday through Friday. Requests for opening prior to 10:00 AM on Mondays must reach the Cemetery Office before noon on Friday. Any services extending beyond these hours, or Saturday, Sunday, and holiday interments will require an additional charge above the regular interment fee. A minimum notice of 24 hours shall be given for an interment.

B. All funerals entering the cemetery shall be under the direction of the Facilities and Grounds Superintendent or a person authorized by the Superintendent. Funeral Directors upon arrival at the cemetery must present to the Facilities and Grounds Superintendent or to a person authorized by the Superintendent the necessary burial transit permit from the City or Town Clerk.

C. Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or his assistants or on an order signed by court of competent jurisdiction.

D. No interment of two or more bodies shall be made in one grave, except in the case of mother and child, or two infants, buried in one casket simultaneously. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the Cemetery Coordinator and/or the Facilities and Grounds Superintendent. The rules currently allow for the interment of one set of cremains in the same grave as a regular standard burial or the interment of two sets of cremains per standard burial grave.

E. Addendum -- Oct. 8, 1981 -- No animal/animals will be allowed to be buried in or on any city owned or controlled cemetery site or property.

F. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his/her authorized representative. Should they fail or neglect to make such designation, the Cemetery Division reserves the right to make the interment in a location designated by the Cemetery Coordinator and/or Facilities and Grounds Superintendent. The Cemetery Division shall not be responsible for errors from information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, etc where interment is desired.

G. Once an interment has been made, graves will be opened only by officials and employees of the cemetery in the sole and exclusive judgement of the Cemetery Coordinator and/or Facilities and Grounds Superintendent that such opening is proper, necessary, and duly authorized or when the Cemetery is 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 Coordinator and/or Facilities and Grounds Superintendent. In all cases, the responsibility of the Cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.

H. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, metal, reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Facilities and Grounds Superintendent. Outside containers may be procured from any source provided they meet the established specifications.

I. The right is reserved by the Cemetery Division to insist upon at least 24 (twenty-four) hour notice of any interment and at least a week notice of any disinterment or removal. The Cemetery Division reserves the right to postpone interment time due to acts of God, nature, civil and national emergencies.

#### **SECTION 6. PLANTS, SHRUBS, FLOWERS**

A. Flowers, wreaths, baskets, etc left on graves or lots will be removed by Cemetery Division employees as soon as possible after they fade or become unsightly. The Cemetery Division will undertake to maintain, as may be practical, the planting of trees and shrubs to preserve its landscape features.

B. Prior approval must be obtained from the Cemetery Coordinator and/or Facilities and Grounds Superintendent before the planting of any shrubs and trees in the monumental sections of the Cemetery where allowed. Some examples would be dwarf trees or shrubs. All trees and shrubs must be kept trimmed to within six inches of the lot borders. Any trees or shrubs exceeding the six inch mark will be severely cut back or removed.

C. No shrubs or trees will be permitted on a single grave lot. No plantings or any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two grave or larger lots must first be approved by the Cemetery Coordinator and/or Facilities and Grounds Superintendent.

D. For the Memorial Day period, all flowers, wreaths, baskets and ornamentation in general may be placed on lots one week before May 30, and left on no later than one week after May 30.

E. Planting of flowers in the ground around the monuments or on the lots is not allowed.

F. Flower arrangements will be allowed on the ends of the monuments (space permitting). Monuments lacking proper bases may have a base constructed on each end to conform to regulations which are 18" x 18" x 3", flush with the ground (space permitting). The Cemetery Division will construct these bases for those desiring such bases. A charge will be made for this service.

G. Timely notices will be published when urns are to be emptied before the winter season and winter wreaths, etc. are to be removed before the spring season.

H. No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on lots. True floral containers and rustic baskets are recommended. No plastic flowers shall be placed on lots. Plants or silk flowers are recommended.

I. In the Memorial Park or non-monumental sections of the cemetery the primary aim is to create a beautiful expanse of park like grounds, bordered by appropriate shrubs and trees. Within such areas all markers shall be flush with the surface.

J. The Cemetery Division shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in their judgement, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemetery.

K. The Cemetery Division will not be responsible for floral pieces, baskets, or frames in which or to which floral pieces are placed or attached and shall not be responsible for frozen plants or herbage of any kind.

## **SECTION 7. MONUMENTS AND OTHER STRUCTURES**

A. The owner of any lot shall have the right to erect thereon any proper stone or monument outside of the memorial park area upon authorization by the Cemetery Coordinator and/or Facilities and Grounds Superintendent. Only one monument shall be permitted on a lot. The lot must be at least a two grave lot (side by side) in order to have a monument. Only one individual marker per burial is allowed in the cemetery.

B. No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of 60% of the width of the lot except in specific designated areas to be determined by the Cemetery Board. Any individual marker (unless matched to existing markers) must be set flush with the ground. When matching raised markers on a lot, only one raised marker is allowed per grave. Any subsequent marker(s) must be set flush with the ground.

C. All foundation work will be performed by the Cemetery Division. It will be the Cemetery Coordinator's duty to charge the proper individuals who request the services.

D. Any work done by a monument company or its employees is their responsibility but must meet the standards of the Cemetery Division.

E. No stone, monument, or other super-structure shall be erected until a suitable foundation is laid. All foundations for monuments and markers shall be no less than 4 feet in depth. Deeper foundations will be used when deemed advisable by the Facilities and Grounds Superintendent. As a guarantee of good work, for the general welfare of the cemetery, and for protection to lot owners, the Cemetery Division reserves the right to construct all foundations for such structures. The Facilities and Grounds Superintendent may however, if deemed advisable, authorize under his/her supervision the construction of such foundations by other qualified contractors.

## **SECTION 8. DESCENT OF TITLE**

~~A~~ 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 decease of an owner of the lot, the heirs or devisees of such person should file in the cemetery office full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.

## **SECTION 9. CORRECTION OF ERRORS**

~~A~~ The Cemetery Division reserves 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 lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker positions will be cause once work is in progress by the cemetery division for a fair additional charge in the event a change is requested.

## **SECTION 10. ENFORCEMENT**

A. The Cemetery Coordinator and/or the Facilities and Grounds Superintendent and his/her authorized representatives are hereby empowered to enforce the foregoing Rules and Regulations and to exclude from the cemetery any person deliberately violating such rules and regulations. The said Superintendent and/or the Cemetery Coordinator and his/her authorized representatives shall have charge of the grounds and

buildings within the cemetery and shall have supervision and control of employees and all persons visiting the cemetery, whether lot owners or otherwise.

B. It shall be the duty of the Facilities and Grounds Superintendent to report any violations to the Police Department who shall then prosecute any such offense as defined in the City Ordinance.

C. Any person violating the terms of this ~~chapter shall constitute a violation subject to penalties of the law. ordinance shall be fined not less than twenty five (\$25) dollars nor more than fifty (\$50) dollars, except in cases of vandalism and destruction of monuments, windows, fencing, etc. In these cases, persons apprehended will be liable to pay for the extent of the damages. In the case of minors, the parents will be held responsible for the financial cost of repairs.~~

**Comment [MM14]:** Updated to reflect wording in Dover Code: Chapter 74-9. Violations and Penalties

THE FOREGOING RULES AND REGULATIONS ARE SUBJECT TO CHANGE AT THE PLEASURE OF THE CEMETERY BOARD MEMBERS, BUT ALL CHANGES WILL BE GIVEN REASONABLE PUBLICITY.

**CEMETERY BOARD MEMBERS:**

Chairman: \_\_\_\_\_

Vice-Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

Member: \_\_\_\_\_

Member: \_\_\_\_\_

**EFFECTIVE: January 1, 1999**

**Comment [MM15]:** Update (if approved)