

# PEMBROKE CEMETERY ORDINANCES

## CHAPTER 155 CEMETERIES

**This revised chapter was adopted by the Town of Pembroke on September 6, 2023.**

### **ARTICLE I Purpose (§155-1)**

§155-1 This chapter establishes rules for the governance and general maintenance of Pembroke's public cemeteries, for the sale and recording of burial lot licenses, and for the design and use of cemetery lots or burial spaces (NH RSA 289:7(a)). This chapter uses the term "cemetery lot" or "lot" as synonymous with the term "burial space" as defined in NH RSA 289:1.

### **ARTICLE II Cemetery Trustees, Cemetery Commission, and Superintendent of Cemeteries (§155-2—155-6)**

§155-2 Responsibility for oversight.

The Pembroke Board of Selectmen serve as Cemetery Trustees for the Town of Pembroke under the provisions of NH RSA 289:6 II-a. The Pembroke Cemetery Commission is appointed by the Board of Selectmen and is responsible to the Board of Selectmen for the oversight of all Pembroke cemeteries, including (but not limited to) cemetery regulations, maintenance, improvements, expansion, budgets, and records.

§155-3 Membership.

The Pembroke Cemetery Commission consists of five (5) members who are appointed by and serve at the pleasure of the Selectmen of the Town of Pembroke.

§155-4 Public Works Director to act as Superintendent.

The director of the Pembroke Public Works Department, or his/her designee, is the Superintendent of Cemeteries. (NH RSA 289:7 II.)

§155-5 Sale, maintenance, and care of lots or burial spaces.

The Superintendent of Cemeteries is responsible to the Selectmen for the sale of burial lot licenses in the public cemeteries of Pembroke, for the care and maintenance of said cemeteries, and for the enforcement of all cemetery regulations. (NH RSA 289:7 II.)

§155-6 Superintendent to be ex officio member of the Commission.

The Superintendent, or his/her designated representative, shall be an ex officio member of the Commission and shall cooperate with the Commission by providing timely reports and recommendations.

### **ARTICLE III General Regulations (§155-7—§155-18)**

#### §155-7 Sale of Burial Lot Licenses.

Burial lot licenses shall be sold only to residents, former residents, immediate family members, or property owners of the Town of Pembroke. Title to the lot or burial space shall remain vested in the Town of Pembroke. The sale of burial lot licenses by the Town of Pembroke is not a conveyance of real estate nor does it confer any rights to sell or transfer the designated lot or burial space except to re-sell the lot to the Town of Pembroke at the original purchase price if the lot is not utilized for burial. (NH RSA 289:18 III) A burial lot license conveys to the grantee and to his/her heirs, administrators, executors and assigns forever the right to designate who may be interred in said lot(s) or burial spaces and to have and to hold the use and occupancy of the premises for the sole purpose of a place of burial for the dead in accordance with the laws of the State of New Hampshire and the ordinances of the Town of Pembroke pertaining to cemeteries and the use thereof, as the same may be amended from time to time. No animal remains may be buried in public cemeteries with the exception of pet ashes included with a human interment.

#### §155-8 Records of sale of Burial Lot Licenses.

A record of the sale of burial lot licenses shall be placed on file in the Town Public Works Office. The record shall include the name of the buyer, the name of the cemetery, the row and lot numbers, and the size of the lot or burial space. Upon payment of the purchase price, the buyer shall receive a burial lot license and a copy of the town cemetery regulations. The cost for all lots shall be set by the Board of Selectmen in consultation with the Cemetery Commission. (NH RSA 289:5)

#### §155-9 Grave openings.

Grave openings shall be supervised by the Superintendent. The cost for grave openings shall be set by the Board of Selectmen in consultation with the Cemetery Commission.

#### §155-10 Changes to costs.

All costs referred to herein are subject to change upon recommendation of the Commission and approval of the Selectmen.

#### §155-11 Notice of funerals.

Funeral directors shall give notice of funerals twenty-four (24) hours in advance except in deaths from contagion. The time of the funeral shall be so arranged that the graves can be filled before dark.

#### §155-12 Winter burials.

Permission for interments during the winter months may be requested from the Superintendent of Cemeteries. Approval shall be subject to weather conditions, the ability to locate and open graves, and

the availability of personnel and equipment to perform the burial in such a way as to leave the site in proper condition. A separate fee schedule shall apply to winter burials.

#### §155-13 Green burials

Non-cremated interments shall be enclosed in a concrete cemetery vault with a cover. Upon request, the vault may be installed upside down, without a cover.

#### §155-14 Multiple burials.

Burials resulting from cremations are authorized in multiples in a standard one-person lot or burial space if desired by the owner of a burial lot license. Cremations require a two-foot-by-two-foot excavation and may be interred directly on top of an existing vault or in a lot purchased for this purpose. No more than six cremation burials may be interred in a standard one-person burial space.

#### §155-15 Conformity of lot maintenance.

Care of and work on lots by owners shall conform to the general maintenance and appearance of adjacent lots and of the cemetery.

#### §155-16 Vehicle and access restrictions.

Public cemeteries are closed from dusk until dawn. Vehicles of any kind are prohibited in all public cemeteries during the frost period and after heavy rains. Determination of access shall be at the discretion of the Superintendent.

#### §155-17 Plants and decorations.

Temporary or permanent plants or decorations which are unsightly or impede the maintenance of the cemetery are not allowed. Authorized decorations may occupy a space of not more than twelve (12) inches in front of the monument and no more than the width of the monument. Winter decorations (wreaths, etc.) shall be removed before April 1. Placement of permanent decorations (urns, etc.) is subject to the approval of the Superintendent.

#### §155-18 Nonpermanent decorations or mementoes.

Memorial items such as small statues, coins, toys, small stones, or other keepsakes may be placed on top of headstones or monuments or within stone, plastic, or concrete planters placed adjacent to the monument. Other items that may impede maintenance or diminish the general appearance of the cemetery are prohibited. The Superintendent of Cemeteries is authorized to remove nonconforming items from any lot after an attempt has been made to request the owner to remove the items.

### **ARTICLE IV Monuments, Headstones, and Lot Corner Markers (§155-19—§155-25)**

#### §155-19 Lot Corner Markers.

At their own expense, lot owners shall mark the corners of their lots or burial spaces with granite corner bounds, each set flush with grade level and bearing an initial that identifies the lot or burial space.

§155-20 Ownership of monuments.

Monuments, headstones, and corner markers placed in public cemeteries remain the property of the individual, family, or descendants.

§155-21 Foundations or footings.

Monuments and benches shall rest on concrete footings deep enough to be a substantial foundation relative to the size of the monument. The top of the footing shall be at least two (2) inches below grade.

§155-22 Size of monuments, headstones, and columbaria.

For single lots, the total width of standing monuments, headstones, and columbaria shall not exceed the width of the lot. The monument base, if any, shall not project more than six (6) inches beyond the monument on any side. For adjacent multiple lots, the total width of the monument, headstone, or columbarium shall not exceed the combined width of the lots.

§155-23 Size of flat headstones.

The width of flat headstones set at grade shall not exceed the width of the lot. Where a nonconforming type of flat headstone is now on a lot, another of the same type may be used on an adjoining lot owned by the same family.

§155-24 Benches.

Permanent benches may be used in lieu of headstones. Benches shall be made of granite or other stone. One bench or one headstone may be used on a single lot.

Bench size: The top shall be no more than four (4) feet long and fourteen (14) inches wide, with an appropriate base or feet supplied by the fabricator.

§155-25 Curbing, steps and platforms.

Curbing, steps or platforms are not allowed on new lots with the exception of corner markers, which shall be flush with the grade of the lot. Existing curbing, steps, platforms, fences, or other architectural features are permitted.

The licensee shall maintain existing curbing, steps, platforms, fences, corner markers, or other architectural features to correct frost or weather damage or displacement and to maintain a good general appearance.