

# Municipal Cemeteries

Keene  
New Hampshire

City Rules, Regulations and  
City Ordinances

Relating to Cemetery Control  
and Maintenance

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**CITY CEMETERIES & FACILITIES  
KEENE, NEW HAMPSHIRE**

The City of Keene has nine municipal cemeteries:

Ash Swamp Cemetery	Entrance off West Street on southeast side of Ash Swamp Brook adjoining Keene Country Club.
Chase (or North) Cemetery	Entrance at Junction of East Surry Road and Court Street.
Greenlawn Cemetery	Entrance off Greenlawn Street.
Hurricane Road Cemetery	Entrance off Hurricane Road.
Monadnock View Cemetery	Entrance off Park Avenue. Includes Hebrew Cemetery Section.
Washington Street Cemetery	Entrance off Washington Street.
West Cemetery	Entrance off Bradford Road.
Woodland Cemetery	Entrance off Beaver Street.
Woodland Northeast Division	Entrance off North Lincoln Street.

**ADMINISTRATIVE OFFICE OF CEMETERIES DIVISION**

312 Washington Street, Keene, New Hampshire 03431  
Phone 603-357-9829 Fax 603-537-9859  
Handles the sale of lots and lot repair.

**RECORDS OFFICE OF CEMETERIES DIVISION**

312 Washington Street, Keene, New Hampshire 03431  
Phone 357-9829 Fax 603-357-9859  
Handles burial arrangements and burial records

Both offices and the City Clerk have copies of these rules, regulations and ordinances available.

**MAPS**

Maps showing the location of all avenues, roadways, and burial places in the municipal cemeteries are on file at the Cemeteries Records Division Office and may be seen on request.

**SUMNER KNIGHT CHAPEL**

The Sumner Knight and Family Memorial Chapel is situated in Woodland Northeast Division Cemetery.

The Chapel is constructed of granite, one and one-half stories high with basement. It has a seating capacity of one hundred fifty (150) persons and has space for the exclusive use of both the minister and the bereaved family.

The City of Keene by its Councils accepted the bequest of Marcus W. Knight on December 4, 1930, and a complete copy of the Council Resolution relative to the "Marcus W. Knight Bequest" appears in the Annual Report for the City of Keene, dated 1931.

The guidelines for use of the chapel adopted by the Keene City Council are as follows:

Type of uses:

- Funerals
- Memorial services
- Non-denominational services on an occasional basis
- Hymn sings
- Programs of meditation
- Meetings of historical societies
- By any group whose main concern is the upkeep of the chapel

Fee policy:

There will be charges to cover the cost of opening and securing the building when the use is outside of regular working hours.

There may not be any use of the Chapel which charges an entrance fee or registration fee.

Donations may be taken during any use and donations to the City for use of the chapel are encouraged.

# RULES & REGULATIONS OF CITY CEMETERIES

## PURPOSE

Plot owners in all cemeteries often misunderstand the purpose and function of cemetery rules and regulations and the important part they play in the beautification and preservation of the grounds. Too often people are inclined to resent what they term "restriction on my rights and privileges." It is important that residents of the community fully realize that cemetery rules are for the protection of the plot owner, safeguarding him from the misdirected sentiment and poor taste of those who might erect unsightly memorials or otherwise impair the dignity and beauty of the cemeteries.

For the mutual protection and benefit of lot owners, and each cemetery as a unit, the following Rules and Regulations have been adopted. These Rules and Regulations supplement any City Ordinances concerning City Cemeteries and are empowered by Ordinance. In the event of conflict between these Rules and Regulations and City Ordinances, the latter shall prevail.

## DEFINITION OF TERMS

1. The term "Director" shall mean the person duly appointed by the City Manager for the administration of City Cemeteries. The "Director" is the Director of the Parks, Recreation and Facilities Department.
2. The term "headstone" or "grave marker" shall mean a memorial stone or tablet which marks one grave or two adjoining graves.
3. The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.
4. The term "lawn marker" or "flush marker" shall mean a memorial stone or bronze tablet, the entire upper surface of which is even with the adjacent surface of the ground and which marks one grave or two adjoining graves.
5. The terms "lot", "plot", "burial space" shall be used interchangeably, and shall apply with like effect to one or more than one adjoining graves.
6. The term "marker" shall mean a low, thickset one-piece headstone which marks one grave or two adjoining graves.
7. The term "memorial" shall include a monument, monument vase, ledger stone, headstone, boulder, tablet, marker, or any other structure intended to commemorate the dead.
8. The term "monument" shall include any memorial or granite or other approved material which is intended to commemorate all persons buried in the lot.

# CITY ORDINANCES RELATING TO CEMETERY CONTROL AND MAINTENANCE

## CHAPTER 7 SECTION 8

"Section 8. PARKS, RECREATION AND CEMETERIES DEPARTMENT"

A. DIRECTOR. The City Manager shall appoint a Director of Parks, Recreation and Facilities, who shall be responsible for all parks, recreational facilities and cemeteries and he shall appoint all authorized employees, subject to the approval of the City Manager.

### B. FUNCTIONS

1. PARKS DIVISION The Division will be responsible for planning all activities in and caring for all designated city parks and undesignated areas owned by the City and not used for other purposes. Such activities may be conducted in conjunction with other persons or organizations but all activities in the parks must have permission of the Director.

2. RECREATION DIVISION. The Division will be responsible for:

1. Planning, executing and supervision of a comprehensive recreation program for the City.
2. Constructing and maintaining all recreation areas and facilities in the City.
3. Conducting and assisting in any form or recreational, cultural or social activity for the benefit of all the citizens of the City.

3. CEMETERIES DIVISION. The division will be responsible for the maintenance and development of all cemeteries in Keene and their use, in accordance with regulations promulgated by the Director.

4. ADMINISTRATIVE DIVISION. The division will be responsible for preparing and maintaining all records of the Department, the issuance of any permits and permissions, budget preparation and the like.

### C. ORDINANCES RELATED TO THE PARKS, RECREATION AND FACILITIES DEPARTMENT

#### 1. PARKS

- a. No glass beverage containers shall be taken into or used in any part of Wheelock Park, Robin Hood Park, and Fuller Park. Only metal, paper or plastic containers may be brought into or used in these parks.
- b. No person shall enter or be in any part of the Beech Hill Woodlands or Wheelock Park between the onset of darkness and 6:00 AM except as follows:
  - The personnel of the Cable TV provider in Beech Hill Woodlands for the maintenance of equipment.

- In Wheelock Park campground during season, the horseshoe area, and any field or tennis courts when lighted, and designated parking areas and the main paved access road.
  - By special permission of the director.
- c. No person shall enter or be in any part of Robin Hood Park or Ellis-Harrison Park between 10:00 PM and 6:00 AM, except on the tennis courts and immediately adjacent parking area and access road, and except during special events authorized by the Director of Parks, Recreation and Facilities.
- d. No person shall operate an off-highway recreational vehicle including but not limited to snowmobiles, mini-bikes, trail bikes, dirt bikes, or any similar vehicle in Dinsmoor Woods, so-called, on the north and south sides of Maple Avenue or in Monadnock View Cemetery on Park Avenue, except for registered vehicles on designated roads or in any other City owned property adjacent thereto. Such property will be posted by the Director of Parks, Recreation and Facilities in accordance with the provisions of RSA 635:4.

## 2. CEMETERIES

- a. Platting. Before any new block of a municipal cemetery is opened for sale of lots, the Director shall cause it to be platted and recorded in the City Clerk's Office, after the approval of the City Council.
- b. Operation of Motorized Vehicles on Public Lands. Except where paved, graveled, or graded ways are provided and open to the public, no motorized vehicles shall be permitted to be operated upon any park, cemetery, forest, river park, airport, or other publicly held or controlled land of the City of Keene, except in those areas designated by the responsible department. The presence of any motorized vehicle in any location other than a generally accepted vehicular way or parking area within said publicly owned facilities shall be deemed prima facie evidence of violation of this chapter.
- c. Prices of Graves. Fifty percent (50%) of the funds derived from the sale of the lots in those sections of the cemeteries designated for perpetual care shall be credited to the City Accounting Office to the perpetual care trust fund and shall be considered a full payment by the purchaser for care of the lots by the City in perpetuity. All money received from the sale of lots except that part provided for perpetual care shall constitute a "Permanent Improvement Fund", to be invested by the Trustees of Trust Funds and the income only to be used as current revenue for the cemeteries. Appropriations may be made from the principal amount of said "Permanent Improvement Fund" for improvements and enlargements of the cemeteries of the City.
- d. Restrictions - Specific. Cemetery sections have been designed to meet various needs and provide the Department with controls as deemed necessary by the City Council. Lot owners must abide by the restrictions as set forth for their section by ordinance. Cremains may be allowed in graves in all sections of Keene cemeteries at the discretion of the Director.

### 1. Monadnock View Cemetery

- a. Sections A, C, D, E, H, I, J, K, N:
  - 1. Upright monuments permitted when two (2) or more adjacent graves are owned.
  - 2. Only one (1) upright central or family memorial shall be allowed on a lot and that shall be set on the space designated by the Director at least three (3") inches from the lot line. Single graves may not have any pot or urn that cannot be lifted with one (1) hand.
- b. Section B
  - 1. Flush markers only.
  - 2. Markers are to be placed at the head of the grave.
  - 3. Graves may be sold in any combination.
- c. Section F
  - 1. Infants up to six (6) months.
  - 2. Assistance cases.
  - 3. Flush markers only.
  - 4. Sold by single grave.
- d. Section G
  - 1. Mausoleums only.
  - 2. Sold by square footage.
- e. Jewish and American Legion/VFW
  - 1. Upright monuments permitted in Jewish Section only.
  - 2. American Legion/VFW Section sold by single grave.
  - 3. Jewish Section graves may be sold in any combination.
- f. Woodland Northeast Division Cemetery Section XII-C
  - 1. Cremains only.
  - 2. Upright markers allowed within size restrictions as put forth in the Cemetery Rules and Regulations.
- g. All Other Cemeteries
 

Upright monuments permitted when two or more adjacent graves are owned.

Only one upright central or family memorial shall be allowed on a lot and that shall be set on the space designated by the Director at least three inches from the lot line.

Single graves may not have any pot or urn that cannot be lifted with one hand.

Graves may be sold in any combination.

Graves restricted for cremains only may have an upright monument within the size restrictions as put forth in Article 91 of the Cemetery Rules and Regulations.

No person shall cause the surface of the ground to be raised above the existing height on the surrounding surface. All grading shall be done by the Cemetery Division or under the direction of the Cemetery Division.

No curbs or any type of fencing shall be permitted around any individual lot or multiple of lots.

Prices of Graves:

- |                                     |                    |
|-------------------------------------|--------------------|
| 1. All graves excepting those below | \$400.00 per grave |
| 2. Section B – Monadnock View       | \$330.00 per grave |
| 3. Infant grave, 2' X 5'            | \$125.00 per grave |
| 4. Cremain Grave , 3' x 5'          | \$150.00           |

e. Miscellaneous Charges

1. Disinterments. \$425.00
2. Interments: including openings, greenery, closing, reseeding and official recording.
  - a) Standard 4 X 10 \$325.00
  - b) Children up to 6 months. \$90.00
  - c) Children 6 months up to 12 years \$200.00
  - d) Ground Inurnment \$130.00
  - e) All interment fees increase by twenty (20) percent between December 1 and March 31
  - f) For each additional body in a grave, children up to age of 2 at the time of burial 50.00
3. Tomb Service - Flat rate for bodies to be buried outside of Keene 25.00
4. Overtime fee for funerals and closing extending beyond 3:00 PM on regular workdays or funerals on weekends, as permitted 40.00/hr.
5. Overtime fee for funerals on recognized City holidays, as permitted 65.00/hr.
7. Perpetual Care. Per grave, for graves sold prior to the inclusion of perpetual care in price of the grave. \$150.00
  1. Perpetual Care - Evergreen shrubs per pair for upright monuments only...\$200.00
  2. Rose bush and lilac permit fee.\$15.00
  3. Flush marker installation \$45.00

f. Cremains. Cremains may be allowed in graves of Keene cemeteries at the discretion of the Director.

g. Sale of Lots. The sale of lots in the municipal cemeteries shall be under control of the Director, subject to the City Ordinances pertaining thereto. Anyone desiring to buy a lot shall apply to the Director and select a lot from those available for sale. The buyer shall then present to the City Accounting office a memorandum from the Director showing selected lots together with payment in full. Upon presentation of proper receipt, the Director shall issue a deed to the lot. The deed shall be signed by the Director and the Mayor and be recorded in the City Clerk's Office.

All funds raised and appropriated by the City for the care and maintenance of cemeteries shall be held by and expended under the direction of the Cemetery Trustees after receiving the recommendations of the Director of the Parks, Recreation and Facilities Department, and soliciting any advice from him/her that the Cemetery Trustees may desire. It shall be their duty to supervise all public cemeteries to the end that said funds may be so expended as best to serve the purposes for which they are raised and appropriated.

h. Transfer of Lots. The transfer of lots previously sold shall be registered with the City Clerk by presentation of the original deed on the back of which is written, "hereby transfer to (name of the new owner) (portion of lot)" and the endorsement of the original lot owners, his heirs or assigns. No person shall be recognized as the owner or part owner unless so recorded in the City Clerk's Office. All transfers must be approved by the Director.

i. Perpetual Care Required. All lots sold shall be provided with the perpetual care services, the expense to be included in the price of the lot. Perpetual care shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lot, but shall not include maintenance or repair of any monument or wall. It may include arranging for the planting and care of flowers if adequate funds are provided for that purpose.

j. Purchase of Perpetual Care. Those owners of lots previously sold without perpetual care may secure this service by applying to the Director for acceptance of the necessary amount of money in accordance with a schedule approved by the City Council, said sum to be held in trust with the income therefrom to be used for perpetual care services.

k. Definition of Perpetual Care. Perpetual care shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lot, but shall not include maintenance or repair of any monument or wall. It may include arranging for the planting and care of flowers if adequate funds are provided for that purpose.

l. Monuments, Markers, Flowers, Urns, etc. All municipal cemeteries shall be permitted to have monuments, markers and cornerstones of such dimensions, placement and materials as shall be permitted by regulation. All markers and cornerstones shall be set flush with the lawn surface so that no part of such marker or cornerstone shall protrude above the surface of the ground. No trees or bushes shall be planted in any lot or cemetery by any individual. Only dwarf rose bushes, dwarf lilacs and evergreen shrubbery permitted by regulation are allowed. Rose bushes and evergreen shrubbery are permitted in upright monument sections only. Vases, urns, or potted plants may be placed against monuments or on markers for Memorial Day, but must be removed by September 30 of that year. The Director of Parks, Recreation and Facilities Department may at his/her discretion have pots and urns which contain mostly dead flowers removed at any time. Flowers may be planted and must be placed against the front of the headstone and bedded the exact length of the headstone and may not come out from the headstone more than eight (8) inches. Artificial flowers are prohibited from April 1 through October 31.

1. No monument, marker, cornerstone or memorial shall be placed on any lot until said lot is paid in full.
2. All work on monuments, markers, foundations and lettering shall be done during the working hours of the Cemetery Division. Such work during non-working hours of the Cemetery Division may be performed by permission of the Director given in writing in advance.
3. Rose and lilac bushes may not be planted until a permit is obtained from the Cemetery Division. A listing of permissible species is available at the Cemetery Office. All rose bushes and lilacs must be kept trimmed and attended for disease and insects. No rose

bush or lilac may exceed the height of the monument and may only be planted at the end of the monuments. Should any rose bush or lilac become unsightly or infested, one warning shall be directed to the permit holder. If there is no response to the warning or no correction of the problem noted within the time prescribed, the Cemetery Division shall remove the bushes. Fees for rose bushes and lilac permits shall be set forth in these ordinances.

4. Dwarf evergreen shrubbery may be planted under perpetual care. The shrubbery may not exceed the height of the monument by more than six inches and may be planted only at the ends of the monument. A listing of permissible species is available at the Cemetery Office. Replacements of previous evergreen shrubs must conform to regulations. Perpetual care shrubbery shall receive a yearly trimming and will be replaced when they die. Perpetual care for shrubs already in place may be purchased if all the criteria are met and proof can be shown that the shrubs are less than two years old.

m. Entry by Director. The Director or designee may enter upon any lot and remove any shrubs or trees that are deemed detrimental to the cemetery or adjoining lots or unsightly or inconvenient to the public. He or she may enter upon any lot and make improvements deemed for the advantage of the grounds.

n. Payment of Interment Charges. Interment and entombment charges shall be billed to next of kin and be paid in the office of the City Tax Collector.

o. Notice of Interment. Notice of interment must be given to the Director at least twelve (12) working hours in advance. The Director or his assistant shall have full charge of opening, closing and sodding of all graves.

p. Time of Interment. No person shall bury, or cause to be buried or interred, any dead body at any other time of day than between sunrise and sunset except when otherwise permitted by the Director. Burials may take place on Saturdays up to 12:00 noon. Only in exceptional cases will burials be allowed, excluding Saturday mornings, on weekends or recognized City holidays.

q. Depth of Grave. No person shall inter, or cause to be interred, any dead body in a grave which shall be less than two (2) feet deep from the surface of the ground surrounding the grave to the top of the coffin.

r. Records. The Director or designee shall keep records for each cemetery consisting of (1) a lot burial record, (2) an index of lot owners, (3) an interment register (4) a burial record. In addition, the Director shall keep any and all necessary records for the proper administration of the municipal cemeteries.

s. Use of Cemeteries. The following ordinances shall apply in all municipal cemeteries.

1. No person shall enter or leave except through the gates. No persons except cemetery employees or police officers shall be within the cemetery except during daylight hours.

2. No dogs shall be allowed in any cemetery.

3. Vehicles. No vehicles shall be driven except on roads designated for that purpose and no vehicle shall be driven faster than fifteen (15) miles per hour upon the roads of any municipal cemetery.

4. The Director shall maintain order and shall require any person whose conduct is objectionable or who violates this ordinance to leave the cemetery.
5. No person shall discharge a firearm or any other weapon including but not necessarily limited to bows and arrows, in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services.
6. No person through fault or neglect shall allow any stock to trespass upon any public burial place or private graveyard protected by fencing.

t. Grading of the Surfaces in Monadnock View Cemetery. No person shall cause the surface of the ground to be raised above the existing height on the surrounding surface. All grading shall be done by the Cemetery Division or under the directions of the Cemetery Division.

u. Curb and Fencing in Monadnock View Cemetery. No curbs or any type of fencing shall be permitted around any individual lot or multiple of lots.

v. Tomb. No body shall be entombed before November 15th. All entombed bodies must be removed from the tomb on or before May 10th.

w. Disinterments. No disinterments shall be made between the dates of November 15th and May 10th except in a case of any emergency as called for by the City and/or State authorities.

x. Vaults. A concrete vault, cement liner, or equal, approved by the Director shall be required for all burials in all cemeteries.

y. Rules and Regulations. The Director is hereby empowered to promulgate written rules and regulations relative to the care and control of cemetery property which shall take effect upon filing with the City Clerk.

## RULES & REGULATIONS OF CITY CEMETERIES

### GENERAL SUPERVISION

**Article 1:** The Director is hereby empowered to enforce all Rules and Regulations and to exclude from the property of the City cemeteries any person violating the same, and to Director shall have charge of the grounds and buildings, and at all times, shall have supervision and control of all persons within the cemetery, including the conduct of funerals, traffic and employees. To protect and promote the best interests of the cemetery, he is authorized to make temporary additional rules which may be needed from time to time, to meet emergencies which are not covered by these Rules and Regulations.

**Article 2:** Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations, when, in its judgement, the same appears advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such rule.

**Article 3:** Emergency conditions may necessarily cause a labor or material shortage so that certain rules cannot be strictly enforced. To meet these conditions the rules, where necessary,

will be temporarily modified or suspended. Such temporary modifications or suspensions shall in no way be construed as a waiver no affect the strict enforcement of the rules upon the conclusion of the emergency.

**Article 4:** The City may, and it hereby expressly reserves the right, at any time, or times, to adopt new rules and regulations, or to amend, alter or repeal any rules, regulation or article, section, paragraph or sentence in these Rules and Regulations. All rules formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer effective.

## VEHICULAR TRAFFIC

**Article 5:** Motor vehicles are not allowed to park or to come to a full stop in front of an open grave unless such motor vehicles are in attendance at a funeral. Motor vehicles must not turn in the driveways or avenues, but must proceed to the next intersection before changing direction.

**Article 6:** Motor Vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession has passed. They must not pass a funeral procession going in the same direction. Motor vehicles must not be left with the engine running and the emergency brake must be set when the driver is not in his seat. Mufflers must not be open nor the horn sounded within the cemetery.

**Article 7:** No motor vehicles or animals shall be driven across or upon any grave, lot or lawn, nor parked or left thereon. It is prohibited to park or leave any motor vehicle on any road or driveway within the cemetery at such location or in such a position as to prevent any other motor vehicle from passing the same, and if so parked or left, such motor vehicle will be removed.

**Article 8:** The use of the cemetery as a thoroughfare is prohibited and commercial or business vehicles are permitted to enter only by permission from the Director.

**Article 9:** No bicycles, motorcycles or off highway recreational vehicles shall enter a cemetery when a funeral is in process.

## PERSONAL CONDUCT

**Article 10:** Persons within the cemetery grounds shall use only the avenues, walks, alleys or roads, and any person injured while in violation of these rules may not hold the City liable for any injuries sustained.

**Article 11:** Only the plot owner and his relatives shall be permitted on the cemetery plot. Any other person thereon shall be considered a trespasser.

**Article 12:** Children under fifteen years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult.

**Article 13:** All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, defacing or otherwise damaging monuments or structures, or disturbing the bird or animal life.

**Article 14:** No person shall be permitted to have refreshments or lunches within the cemetery with the exception of the Cemetery employees.

**Article 15:** Persons are not permitted to sit or lounge on any of the grounds, graves or monuments in the cemetery.

**Article 16:** No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.

**Article 17:** Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or any part of the grounds, or in the buildings is prohibited.

**Article 18:** No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the City Council.

## INTERMENTS AND DISINTERMENTS

**Article 19:** Besides being subject to these Rules and Regulations, all interments and removals are made subject to the orders and laws of the properly constituted authorities of the City, County and State.

**Article 20:** Funeral Director, upon arrival at the cemetery, must present the necessary burial permits.

**Article 21:** Once a casket containing the body is within the confines of the cemetery, no funeral director, or his embalmer, assistant, employee or agent, shall be permitted to open the casket or touch the body without consent of the legal representatives of the deceased.

**Article 22:** The Director reserves the right to refuse an interment in any plot if in his judgement there is a question of ownership and/or the right for said interment.

**Article 23:** When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when for any reason, the interment space cannot be opened where specified, the Director may, in his discretion, open it in such location in the lot as he deems best and proper, so as not to delay the funeral; and he and the City shall not be liable in damages for any error so made.

**Article 24:** Detailed written instructions are required by the Director and the City shall not be responsible for any order given verbally or by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.

**Article 25:** The City reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments, or removals or in, the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting other interment property of equal value and similar location as far as possible or as may be selected by the City, or, in the sole discretion of the City, by refunding the amount of money paid on account of such purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves, and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

**Article 26:** The City shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Rules and Regulations have not been complied with; and, further, said City reserves the right under such circumstances to place the body in the receiving vault until the full rights have been determined. The City shall be under no duty to recognize any protests of interment unless they are in writing and filed in the office of the Director.

**Article 27:** The Director shall not be liable for the interment permit nor for the identity of the person sought to be interred. At the discretion of the Director, interment of two (2) bodies may be made in one grave provided the first interment is made at extra depth and in case of parent

and child or two infants buried in one casket or three separate infants buried at a distance of one foot apart or an infant in a grave with an adult provided there is adequate space.

**Article 28:** No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted in the cemeteries.

**Article 29:** Artificial grass, lowering devices and other equipment owned by the City shall be used exclusively in making interments and removals.

**Article 30:** Inasmuch as wooden boxes collapse after a comparatively few years, thereby causing unsightly and hazardous sunken graves, the use of fragile containers is prohibited and every body buried in a lot or single grave must be enclosed in a concrete, stone or other permanent vault or section liner of approved specifications, the actual installation of the sectional liner to be made by the Cemetery Division.

**Article 31:** Removal by the heirs of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the express or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

**Article 32:** A body or cremated remains may be removed with proper permits from its original plot to a larger or better plot in the Cemetery where there has been an exchange or purchase for that purpose.

**Article 33:** The utmost care will be exercised in making a removal but the City shall assume no liability for damage to any casket, burial case, urn or memorial incurred in making the removal.

## SERVICE CHARGES AND OVERDUE INDEBTEDNESS

**Article 34:** The charges for the services to be performed will be paid at the time of the interment, disinterment or in the case of repairs, payment will be made upon acceptance of estimated cost by the Director.

**Article 35:** The City reserves the right to refuse to do or allow to be done work of any character including interments in or upon any lot until arrangements have been made for payment of any and all indebtedness due the City for work performed in or upon the lot.

## PURCHASE OF PLOTS

**Article 36:** It is recommended that selection of an interment space be made in all cases by the prospective buyer, as it is difficult to convey by plan or verbal description the atmosphere of any particular location or the memorial restrictions relating thereto.

**Article 37:** Description of lots will be in accordance with the Cemetery records which are kept on file in the Cemetery office.

## PROPERTY RIGHTS OF PLOT OWNERS

**Article 38:** All lots, plots and burial space conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the instrument of conveyance, provided however that the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which shall continue as long as he or she shall remain the husband or wife of the plot owner or shall be his or her wife or husband at the time of such plot owner's demise. No conveyance or other action without the joinder therein or by written consent attached thereto, shall divest such husband or wife of such vested right of

interment provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it shall otherwise be provided by such decree of divorce.

In all such conveyance to two or more persons as joint tenants each joint tenant shall have a vested right of interment of his or her remains in the plot conveyed. Upon the death of a joint tenant, the title of the burial plot heretofore held in joint tenancy immediately vests in the survivor, or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner.

A vested right of interment as in this rule provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

Whenever an interment is made in a plot that has been transferred by deed or certificate of ownership to an individual owner by the City and is held as a separate plot, it shall be indivisible, and the whole of such burial plot thereby becomes inalienable and shall be held as the family burial plot of the owner in which one grave, niche, or crypt may be used for the owner's interment, one for the interment of the surviving husband or wife, if any, of the owner who by law has a vested right of interment therein, and those remaining, if any, the children of such deceased owner may be interred in the order of need, without the consent of any person claiming any interest therein. In the event there shall be no child surviving such deceased person, the right of interment shall go to the next heirs at law of said deceased owner as specified by the statutes of descent.

**Article 39:** On the decease of the proprietor of a lot, when the lot is not specifically mentioned in his will, an affidavit must be filed at the Office of the Director signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of names of all heirs and the majority must also designate one of their number as the representative who shall be authorized to sign orders for interments in the lot and to give all other needful directions regarding the lot. If no such affidavit shall be filed, the Director may designate some one of the heirs at law so to act until such time as the beforementioned affidavit shall have been filed.

**Article 40:** If no interment has been made a plot which has been transferred by deed or certificate of ownership to an individual owner by the City, or if all the bodies have been lawfully removed therefrom, in the absence of the specific disposition thereof by the owner's last will and testament the whole of said plot, except the one grave, niche or crypt which must be reserved to the surviving husband or wife of the owner, shall upon death of said owner, descent in regular lines of succession to the heirs at law of the owner.

## TRANSFERS OF ASSIGNMENTS

**Article 41:** The Director may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the City from the record plot owner.

**Article 42:** All transfers of ownership in plots shall be subject to a nominal charge which must be paid to the City when the transfer is recorded.

**Article 43:** The subdivision of plots may be permitted by the Director when written consent by the owner and the proper signatures and/or affidavits have been furnished to the Director.

**Article 44:** The statement of any employee or agent, unless confirmed in writing by the Director, shall in no way bind the City Cemetery Division.

**Article 45:** The City shall take reasonable precautions to protect the owners of plots within the cemetery from loss or damage but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by elements, an

act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, and order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

## ADDRESS CHANGES OF PLOT OWNERS

**Article 46:** It shall be the duty of the plot owner to notify the Director of any change in his post office address. Notice sent to the plot owners at the last address on file in the office of the Cemetery Division shall be considered sufficient and proper legal notification.

## CERTIFICATE AND RULES ARE SOLE AGREEMENTS

**Article 47:** The certificate of ownership, City Ordinances and these Rules and Regulations and any amendments hereto shall be the sole agreement between the City and the plot owner. The statement of any employee or agent, unless confirmed in writing by one of its officers, shall in no way bind the City.

## CONTROL OF WORK WITHIN CEMETERY

**Article 48:** All grading, landscaping and improvements of any kind, and all care on plots shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closings of plots, and all interments, disinterments, and removals shall be made only by the Director unless by special permit from the Director in writing.

**Article 49:** All improvements or alterations of individual property in the Cemetery shall be under the direction and subject to the consent and satisfaction of the Director and should they be made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner or, in any event, at any time, in his judgement they become unsightly to the eye.

**Article 50:** No flower receptacles may be placed on any plot unless they meet the approval of the Director. The City shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as in the judgement of the Director they become unsightly, dangerous, detrimental, or diseased. The City shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached beyond the acceptance of such floral pieces for funeral services held in the cemetery. It shall not be liable for lost, misplaced or broken flower bases. The City shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals or by other causes beyond its control. The City reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants or herbage of any kind unless the Director gives his written consent.

**Article 51:** For cut flowers the use of a sunken vase of heavy metal with removable inner container is recommended. The submerged vase keeps the water cooler and thus helps to prolong the freshness of the flowers.

**Article 52:** The use of glass or china jars, tin cans or other approved metal or plastic vases is prohibited under penalty of immediate removal.

**Article 53:** Only one tub or one urn shall be allowed on any plot. No fences or wire enclosures for flowerbeds may be placed on any lot and no wires or other means of support may be used for flower containers.

**Article 54:** The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases and similar articles upon plots shall not be permitted, and if so placed, the Director reserves the right to remove same.

**Article 55:** All fittings, adornments, urns inscriptions and arrangements or crypts or niches shall be and are hereby declared to be subject to the approval and control of and acceptance or rejection by the City.

**Article 56:** All flags will be removed without notice when they become soiled, faded, torn or otherwise unsightly, even though a special permit shall have been granted to maintain them.

## CHANGES IN GRADE AND REPLANTING

**Article 57:** The right to enlarge, reduce, replant or change the boundaries or grading of the Cemetery or of a section, or sections, 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 expressly reserved for the City. The right to lay, maintain, and operate or alter or change pipe lines or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved for the City as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes including the interring and preparing for interment of dead human bodies, or anything necessary, incidental or convenient thereto. The City reserves to itself and to those lawfully entitled a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

**Article 58:** No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery; but such road, drive, alley or walk may be used as a means of access to the cemetery of buildings as long as the Director devotes it to the purpose.

## THE CARE OF PLOTS

**Article 59:** The money received for perpetual care shall be held in trust and invested as provided by law.

**Article 60:** Perpetual care annual income, whether applied to lots, graves, mausoleums, or anything within the confines of the cemetery, shall be limited absolutely to the income received from the investment of the perpetual care fund, no part of the principal being expended, anything herein stated to the contrary notwithstanding.

**Article 61:** It is understood and agreed between the purchaser and the City that all of said funds may be deposited with others of like character and intent to the end that the income from such accumulated general fund shall be used in the general improvement and perpetual care as above defined; but in no cases shall their deposit be construed as a contract to care for any individual property or space other than as above defined except special care agreements fully executed and on file at the cemetery office.

**Article 62:** The income from the perpetual care fund shall be expended by the City in such manner as will, in its judgement, be most advantageous to the property owners 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 City is 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.

**Article 63:** The amount of said perpetual care funds to be collected from the purchasers of cemetery ground plots shall be such sums as may be determined by the City for the various sections after taking into consideration the physical difficulties in character of the ground and such other factors as tend to determine the necessary cost of the care of said land, same to be required as a deposit for such purpose and deposited with the City at the time of payment of the purchase price.

**Article 64:** The record books of the Cemetery and the receipt issued by the City shall show the amount of perpetual care fund that has been required of the individual and set aside in each case.

**Article 65:** All plots within the cemetery must be mowed and maintained in such a manner as to contribute to the general appearance of the grounds. When no provision, or insufficient provision, has been made for perpetual care, the City provides "annual care" at the expense of the plot owner, or owners, and bills such expense to the owner or representative at the last known address. Should payment not be received, the amount due for such care shall become a lien against the lot with the status of Overdue Indebtedness.

**Article 66:** The receiving vault is for temporary use only and on semi-rental basis and under no circumstances shall the body be considered as interred or buried by reason of being placed therein.

**Article 67:** Funeral directors of approved credit rating may guarantee such charges in which case the deposit may be waived but the funeral director in such case shall be responsible for the payment of such charges upon receipt of the statement for the same.

**Article 68:** The Director reserves the right, without notice, to remove from its vaults at once and inter any remains not in a good state of preservation or when the condition of the body renders its interment necessary.

**Article 69:** The remains of any person who has died of any infectious or contagious disease may not be allowed to be deposited in the receiving vault.

**Article 70:** Flowers will be removed from the receiving vault at the discretion of the Director.

## MONUMENTS AND MARKERS

**Article 71:** Bases and name stones shall be of the same material.

**Article 72:** Monuments shall have a foundation of width and length to equal the dimensions of the base of the monument and the foundation must be a minimum of four (4) feet deep.

**Article 73:** Corner posts shall be of good natural stone placed flush with the grade. Initials shall be incised, not raised.

**Article 74:** Lettering on all monuments, markers, and cornermarkers shall be hand cut (carved), or sandblasted letters and numerals.

**Article 75:** While the City will exercise all possible care to protect the memorial or other structure on any lot and the raised lettering, carving or ornaments on such memorial or other structures, it disclaims responsibility for any damage or injury thereto.

**Article 76:** No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot, and no walks of brick, cinders, tile, stone, marble,

terracotta, sand, cement, gravel or wood shall be allowed on any lot. The Director reserves the right to remove the same if so erected, planted or placed.

**Article 77:** It is requested that a sketch drawn to scale (unless otherwise permitted), showing design and complete inscription in detail with all dimensions be submitted in duplicate and that approval in writing be secured from the Director before the foundation for the memorial is installed. It is important that the approval of the material, style, and size of the memorial be secured commencing work upon the memorial.

Cemetery officials shall have the authority to reject any plan or design for any memorial which, in the opinion of the Director, on account of size, design, inscription, kind or quality stone is unsuited to the lot on which it is to be placed or is not in conformity with the Rules and Regulations.

If the plan for the memorial is rejected, such rejection shall be made within fifteen (15) days and explanation given. Upon application, any rejection shall be promptly reviewed by the Municipal Services, Facilities and Infrastructure Committee of the City Council.

**Article 78:** The Director reserves the right to stop all work of any nature whenever, if in the opinion of the Director, proper preparations have not been made or when tools and machinery are insufficient or defective or when work is being executed in such a manner as to threaten life or property or when the monument dealer has been guilty of misrepresentation or when any reasonable request on the part of the Director is disregarded or when work is not being executed according to specifications or when any person employed on the work violates any rules of the Cemeteries.

**Article 79:** The name or inscription on each monument, vault or marker must correspond with the name and record in the office of the Director, and no changes shall be made thereon except upon request of the proper parties and by permission of the City.

**Article 80:** All die-stones shall be finished in an approved manner, on at least the front and back, and shall be at least six inches thick.

**Article 81:** Photographing or measuring of memorials shall not be allowed except on signed order of the owner or cemetery official.

**Article 82:** No memorial showing drill or tool marks or staining from removal of rubber mat used for sand engraving, shall be considered as first-grade workmanship.

**Article 83:** The coloring, painting, enameling, lacquering or bronzing of letters or other parts of stone or bronze work is prohibited.

**Article 84:** It is necessary that persons erecting, cleaning, or repairing memorials obtain a permit and in doing such work, comply with the Cemetery Rules and directions of the Director. The persons or firms requesting such permit may be required to furnish satisfactory evidence of their ability to properly perform the work proposed. Persons engaged in erecting monuments or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots or from blocking avenues or pathways or from leaving materials on the ground longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible and must remove all debris and restore the ground and sod to its original condition.

**Article 85:** Damage done to lots, walks, drives, trees, shrubs or other property by dealers and contractors or their guests, shall be repaired by the City and the cost of such repair shall be charged to the dealer or contractor or his principal.

**Article 86:** No material, machinery, or other thing for the construction of vaults, mausoleums, monuments, or other structures, or monuments themselves, may be brought into the cemetery

until required for immediate use, not under any circumstances when a funeral is in progress nor between Saturday and Monday morning nor on a recognized City holiday and no work shall be done during said time, nor shall said material be placed on lots adjoining the one on which such a structure is to be erected without special permission from the Director and shall proceed promptly until erection of the memorial is complete.

**Article 87:** While a funeral or interment is being conducted nearby, all work of any description shall cease.

**Article 88:** Approaching the bereaved and soliciting memorial business, bedding of flowers or plants, or the sale of any commodity is positively prohibited within the confines of the Cemetery.

**Article 89:** Letter cutters, persons or firms who engage in the business of cleaning monuments (not connected with established retail dealers already on the approved list of dealers) and all other persons or firms must procure a permit from the Director or official of the cemetery before any work in the Cemetery is commenced. In order to secure the permit, it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged.

**Article 90:** Workmen engaged in placing or erecting monuments and other structures or grinding material, shall operate as independent contractors but must do so under permission from the Director and must be under the general supervision of the Cemetery Division.

## SIZE OF MONUMENT

**Article 91:** The size of a family memorial shall be governed according to the ratio of its face area (length multiplied by height) to the total area of the lot and the relation of its length (greatest horizontal dimension) to the average width of the lot. The face area of each piece of the material is to be figured separately. The face area of the memorial shall not exceed 15% of the total area of the lot and its length shall not exceed 60% of the average width of the lot.

The following table gives examples.

Dimension of Lot Length & Width	Total Area of Lot	Maximum Length of Base From End to End	Maximum Total Area of Face of Monument
11' x 10'	110 Sq. Ft.	6'	16.5 Sq. Ft.
11' x 12'	132 Sq. Ft.	7'2"	19.9 Sq. Ft.
20' x 10'	200 SQ. Ft.	6'	30.0 Sq. Ft.
22" x 13'	286 Sq. Ft.	7'8"	42.9 Sq. Ft.
22" x 14'	308 Sq. Ft.	8'4"	46.2 Sq. Ft.

The above are for maximum size only. It is often desirable to build a memorial less than maximum.

Monuments in Sections "C", "D", "E", "H", "I", "J", and N in Monadnock View Cemetery shall have a total height of not more than thirty-six (36") inches from the surface of the ground. The length of any monument shall not exceed one half (1/2) the length of the lot. The width of any monument shall not exceed one foot four inches (1'4") and not less than one foot one inch (1'1"). Monuments shall be located on a boundary line of the lot, the boundary to be designated by the Director.

Markers shall be not less than one foot wide by two feet long. The location of all markers shall be designated by the Director.

## MATERIALS PERMITTED

**Article 92:** All materials, markers, mausoleums or tombs will be constructed of good natural stone from quarries approved by the Director. No artificial stone of any description is permitted.

The use of cement, artificial stone, composition, wood, tin or iron shall not be permitted for any memorial.

Mausoleums, or tombs, either wholly or partially above ground, shall be constructed only in lots designated by the Director. Location and design and plans and specifications of the mausoleums or tombs in a lot are subject to the approval of the Director.

Should any such fault develop within five years from date of placement in the cemetery, the faulty stone will be replaced without cost to the City.

**Article 93:** The use of bronze is approved for doors and window grilles of mausoleum fixtures, and statuary for dowels, also for any tablets when attached to monuments or markers of natural stone provided the bronze has been cast from an alloy containing not less than eighty-five percent (85%) copper nor more than five percent (5%) lead, and purchased from an approved dealer. No other metals may be used unless they are substantially non-corrosive, of approved permanency, and have been approved by the Director.

## FOUNDATIONS AND SETTINGS

**Article 94:** As a guarantee of good work and as a protection to all lot owners, the City reserves the right to excavate for and build all foundations, set all markers and posts and to regulate all work done in the Cemetery. A reasonable charge will be made for such work and the City shall assume responsibility for the proper construction of the foundation.

**Article 95:** Foundations are to be full size of base of memorial and finished two inches below grade at top.

No foundation will be built when the weather is such that injury from frost cannot be prevented. No heavy stone work may be set in inclement weather or until the cement in the foundation shall have had time to harden thoroughly.

Corner posts require no foundations. They shall be six inches wide by six inches long and shall be set at the extreme corners of the lot and square with the bounds of the lot. They shall be set flush and level with grade.

Individual grave markers shall be a minimum of one foot wide by two feet long and shall be placed at the end of the grave farthest from the base of the monument. In single grave sections, all markers shall be placed at the head of the grave.

**Article 96:** Foundations must be made of cement of the following: one part cement, two parts sand and four parts stone mixed with water to puddle properly.

**Article 97:** Markers shall have a foundation of width and length to equal the width and length of the marker and shall be two feet deep.

**Article 98:** The bottom beds of the bases and markers must be cut level and true and set in cement mortar to allow every part to be in contact with the foundation without the use of pawls or underpinning.

**Article 99:** Foundations will be made at least as large as the bottom base or first masonry course above the ground but the City reserves the right to require a large foundation when, in its opinion, the weight of the structure requires it.

**Article 100:** Should any memorial, mausoleum, or tomb become unsightly, dilapidated, or a menace to visitors, the City shall have the right either to correct the condition or to remove same at the expense of the owner.

**Article 101:** No monuments or markers shall be removed from the cemetery except by the City unless the written order of the plot owner be presented at the office of the Director and permission granted by the Director.