

Town of Swanzey
New Hampshire

Cemetery Rules & Regulations

Adopted by:
Board of Selectmen/ Cemetery Trustees
July 30, 1997/Amended April 2000/December 2006/
December 2007/December 2008

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**CEMETERIES AND FACILITIES
IN
SWANZEY, NEW HAMPSHIRE**

The Town of Swanzey has 6 municipal cemeteries and one cemetery located on private property. The names and locations are as follows:

Mt. Caesar Cemetery	Entrance off Old Homestead Highway (NH Route 32) across the street from the Mt. Caesar Union Library. The Cemetery is adjacent to the Carpenter Home property which is also owned by the Town.
Oak Hill Cemetery	Entrance off Pine Street in West Swanzey. Area is available for expansion at this cemetery.
Westport Cemetery	Entrance off Homestead Ave. Cemetery is located near the corner of Homestead Ave. and Westport Village Road. Area is also available for expansion.
Mountain View Cemetery	Entrance off Old Homestead Highway (NH Route 32). Cemetery is located on the west side of the highway south of the intersection of Old Homestead Highway and Hackler Drive. Area is available for expansion at this cemetery.
Willard Cemetery	Located off Lake Street in North Swanzey. This cemetery is not open for burials.
Homestead Cemetery	Located on the east side of Homestead Ave. where it intersects with Denman Thompson Highway. This cemetery is not open for burials.
Applin Cemetery	Located on private property off of Chimney Stone Hill Road. Access by way of a logging road running northeasterly from the Fire Pond located at the intersection of Old Richmond and Hale Hill Roads.

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The Town has also purchased an additional parcel of land for future cemetery expansion located on Route 32 in Swanzey Center. Approximately 55 additional acres is available to be laid out at a future date.

Maps showing the locations of the cemeteries, roadways within, and burial plots of the active cemeteries are on file at Town Hall and may be seen on request at Town Hall. Burial location information is also available. Interested parties are urged to schedule an appointment with the Cemetery Supervisor to review maps which show the location of roadways and burial plots.

RULES AND REGULATIONS OF THE CEMETERIES

PURPOSE

Plot holders 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 "restrictions on my rights and privileges." It is important that residents realize that the cemetery rules are for the protection of the plot holders and a safeguard from misdirected sentiment of those who might erect unsightly memorials or otherwise impair the dignity and beauty of the cemetery.

For the protection and benefit of lot holders, the following Rules and Regulations have been adopted as the Rules and Regulations of the Swanzey Town Cemeteries. All lot holders and visitors within the cemeteries and all lots assigned to individuals shall be subject to these Rules and Regulations, and amendments or alterations as shall be adopted from time to time by the Board of Selectmen.

DEFINITION OF TERMS

1. Cemetery Supervisor. The term "Cemetery Supervisor" shall mean the person duly appointed by the Selectmen for the administration of the Town's Cemeteries. In event of the absence of the Cemetery Supervisor the terms shall mean the individual designated to fulfill the duties and responsibilities in the Supervisor's absence. Duties and responsibilities of the Cemetery Supervisor are encompassed in the Job description approved by the Selectmen.
2. Director of Public Works. The term "Director of Public Works" shall mean the person duly appointed by the Selectmen as the Road Agent of the Town of Swanzey. The Cemetery Department is a Division of the Department of Public Works and the Cemetery Supervisor works under the direction of and reports to the Director of Public Works.

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3. Headstone or Grave Marker. The term "headstone" or "grave marker" shall mean a memorial stone or tablet which marks one grave or two adjoining graves.
4. Interment. The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.
5. Flush Marker. The term "flush marker" shall mean a memorial of natural stone or bronze tablet, the entire surface of which is even with the adjacent surface of the ground and which marks one or two adjoining graves.
6. Lot, Plot or Burial Space. The terms "lot", "plot", or "burial space" shall be used interchangeably and shall apply with like effect to one, or more than one adjoining graves.
7. Marker. The term "marker" shall mean a low, thickset, one piece headstone which marks one or two adjoining graves.
8. Memorial. The term "memorial" shall include a monument, monument vase, ledger stone, headstone, tablet, marker or any other structure intended to commemorate the deceased.
9. Monument. The term "monument" shall include any memorial of natural stone or other approved material which is intended to commemorate all persons buried in the lot.
10. Lawn Marker. The term "lawn marker" shall mean a marker which protrudes from the ground such as a veteran's marker, fire department marker or other similar type of marker used to show affiliation to an organization.
11. Resident. RSA 21:6 defines resident as a person who is domiciled or has a place of abode or both in this Town and who has through his actions demonstrated a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others.
12. Resident Household. A family unit all residing within one dwelling unit as defined in the zoning ordinance of the town.
13. Plot Holder. An individual or family unit to which a burial lot, plot or space has been assigned or conveyed by the town.

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ARTICLE 1. GENERAL SUPERVISION

A. The Cemetery Supervisor is hereby empowered and required to enforce all Rules and Regulations, and to exclude from the property of the Town Cemeteries any person violating the same. The Cemetery Supervisor, coordinating with the Director of Public Works, shall have supervision and control of all persons within the Cemetery, including the conduct of funerals, traffic, and employees working within the cemeteries.

B. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town of Swanzey Board of Selectmen, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules or 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 applications of such rule.

C. Emergency conditions may necessarily cause a labor, equipment or materials shortage so that certain rules cannot be strictly enforced. To meet these conditions, the rules, where necessary, will be temporarily modified or suspended by the Board of Selectmen. Such temporary modification or suspension shall in no way be construed as a waiver nor affect the strict enforcement of the rules upon the conclusion of the emergency.

D. The Town 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 rule, 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.

ARTICLE 2. VEHICULAR TRAFFIC

A. Motor vehicles shall not be driven through the grounds at a greater speed than five miles per hour. Motor Vehicles are not allowed to park or come to a full stop in front of an open grave unless such automobiles are in attendance at a funeral.

B. 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 roadway in such a position as to prevent any other car or vehicle from passing the same, and if so parked or left, such motor vehicle will be removed and the cost of removal borne by the owner.

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C. No bicycles, motorcycles or off highway recreational vehicles shall be admitted to the Cemetery when a funeral is in progress.

ARTICLE 3. PERSONAL CONDUCT

A. Persons within the Cemetery grounds shall use only the walks or roads, and any person injured while walking on the grass, or any portion of the Cemetery other than the walks or roads, shall in no way hold the Town liable for any injuries.

B. 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 birds or animal life.

C. No waste material shall be left within the cemeteries.

D. Dogs shall not be allowed on the Cemetery grounds unless leashed and quieted. Owners shall be responsible for the removal of any animal waste or destruction of grass, plants or shrubs caused by the animals.

E. No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.

F. No signs or notices of any kind, including advertisements, shall be allowed in the cemeteries unless placed by the Board of Selectmen or Cemetery Trustees.

ARTICLE 4. INTERMENTS AND DISINTERMENTS

A. 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 Town, County, and State.

B. Notice of interment should be provided to the Cemetery Supervisor at least forty-eight (48) hours, or two full working days, in advance. This advance notice is required to provide adequate time to arrange for the opening of the grave site.

C. Interments shall take place between the hours of 8:00 a.m. and 2:00 p.m. during the regular work week (Monday through Friday), excluding holidays recognized by the Town of Swanzey. In cases where no other arrangements can be made, interments outside of these hours and on Saturdays may be made subject to the established After Hours/Saturday burial fee schedule.

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D. Funeral directors, upon arrival at a cemetery, must present the necessary burial permits to the Supervisor.

E. Once a casket containing the body is within the confines of a Town Cemetery, no funeral director, or his embalmer, assistant, employee or any agent, shall be permitted to open the casket or to touch the body without consent of the legal representatives of the deceased.

F. All interments, disinterments, and removals must be made at the time and in the manner subject to charges as fixed by the Board of Selectmen.

G. The Cemetery Supervisor reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose if there is a question of assignment and/or right for said interment.

H. 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 Supervisor 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 Town shall not be liable in damages for any error so made.

I. Detailed written instructions are desired by the Supervisor and the Town 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.

J. The Town 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, assignment or conveyance of any interment property, either by canceling such conveyance and substituting the assignment or conveying in lieu of, other interment property of equal value and similar location as far as possible or as may be selected by the Town, or, in the sole discretion of the Town, by refunding the amount of money paid on account of such purchase. In the event such errors shall involve the interment of the remains of any person in such property, the Town reserves, and shall have, the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and assigned or conveyed in lieu thereof.

K. The Town 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

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Regulations have not been complied with. The Town shall be under no duty to recognize any protest of interments unless they be in writing and filed at the Office of the Town Clerk.

L. The Supervisor shall not be liable for the interment permit nor the identity of the person sought to be interred. At the discretion of the Supervisor, interment of two (2) bodies may be made in one grave provided that 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 that there is adequate space.

M. No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted in the cemetery.

N. Artificial grass, lowering devices and other equipment shall be provided by the Funeral Director.

O. Inasmuch as wooden boxes collapse after a comparatively few years, thereby causing unsightly and hazardous sunken graves, the use of all such 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.

P. Removal, by the heirs, of a body or cremated remains so that the plot may be sold for profit or for themselves, or removal contrary to the express or implied wish of the original plot owner is forbidden.

Q. If for any good reason, removal is required, the Town shall assume no liability for damage to any casket, burial case, urn or memorial incurred in making the removal.

ARTICLE 5. OBTAINING OF PLOTS IN THE CEMETERIES

A. It is recommended that selection of an interment space be made in all cases by the prospective plot holder as it is difficult to convey by plan or verbal description the atmosphere of any particular location or the memorial restrictions relating thereto.

B. Effective April 1, 1998, each resident household may reserve, in accordance with the fee schedule approved by Selectmen, a cemetery lot assignment Vacant Lots assignments made prior to April 1, 1998, may be retained without charge as long as residency in the town is continued subject to the requirements of Article 5C (below) .

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C. If residency in the town should terminate for any reason, and the household wishes to retain the lot assignment, the Cemetery Supervisor must be contacted within six months of the date of termination of residency. Within six months of the date of termination of residency, lot holders are offered the opportunity to purchase their lot assignment in accordance with the fee schedule established which includes a provision for care through the 1992 General Trust established for cemetery lot maintenance.

D. Because cemetery space is an expensive resource which should not be wasted, households are requested to consider the number of spaces they require when a lot is requested. Half lots, containing two standard burial spaces, may be assigned. Assignment interest in half lots shall be governed by the same regulations as full lots.

E. Upon written request, additional space may be acquired by a resident household in accordance with the fee schedule adopted by the town. It is a requirement that resident households which purchase additional burial spaces make provisions for perpetual care of the lot. Additional burial plots purchased may or may not be adjacent to the assigned lot. Assignment of lots purchased by a resident household shall be retained by that household even if residency is terminated.

F. Non-residents, may, subject to annual approval of this policy by the Board of Selectmen, acquire burial space in the Cemeteries of the Town. The policy decision to allow the purchase assignment of lots or half lots by non-residents shall be reviewed annually by the Selectmen who will consider such factors as the amount of developed space available in the Town's cemeteries. The purchase of lot assignments by non-residents may be restricted in certain cemeteries from time to time based on the amount of space currently developed in each individual cemetery. Lots purchased by non-residents shall be done so in accordance with the fee schedule established and subject to the provision of funding for care through the 1992 General Trust established for cemetery lot maintenance.

G. Resident plotters, acquiring lot assignment prior to April 1, 1998, terminating residency and moving directly from the Town to a nursing home or shared home type facility, due to physical or mental illness or condition, shall not be subject to the provisions of Section 5C. These plotters shall retain their cemetery plots assigned without charge and shall be treated in the same manner as other resident households are treated under these rules and regulations.

FAILURE TO CONTACT THE TOWN WITHIN SIX MONTHS OF TERMINATION OF RESIDENCY WILL RESULT IN A LOSS OF ALL RIGHTS PERTAINING TO ANY VACANT LOT IN A CEMETERY IN THE TOWN OF SWANZEY. THAT LOT SHALL REVERT BACK TO THE TOWN FOR RE-ASSIGNMENT.

ARTICLE 6. RIGHTS OF PLOT OWNERS HOLDERS

A. All lots, plots and burial space assigned or conveyed shall be presumed to be the sole and separate property of the person or persons named on the "lot assignment card", provided however that the husband or wife shall have a vested right of interment of his or her body in any burial plot assigned or 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 with the joinder therein or written consent attached thereto, shall divest such husband or wife of such vested right of interment provided, however, that the final decree of divorce between them shall terminate such vested right of interment unless it shall otherwise be provided by such decree of divorce.

B. In such assignment or 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 "assigned". Upon 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 of the remains of the deceased joint tenant owner.

C. 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.

D. Whenever an interment is made in a plot that has been assigned or conveyed to an individual owner by the Town, 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, in any, of the owner who by law has a vested right of interment therein, and those remaining, if any, the children of the deceased owner may be interred in order of need, without the consent of any persons 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 in the statutes of descent.

E. On the decease of the plot holder of a lot, when the lot is not specifically mentioned in his will, an affidavit must be filed with the Cemetery Supervisor signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of the names of all heirs and a majority must also designate one of their number as the representative, who shall be authorized to sign orders for interments in the lot and give all other

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needful directions regarding the lot. If no such affidavit shall be filed, the Supervisor may designate some of the heirs at law.

F. If no interment has been made in a plot which has been assigned to an individual owner, 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, descend in the regular line of succession to the heirs of law of the owner.

ARTICLE 7. ADDRESS CHANGES OF PLOT HOLDERS

A. It shall be the duty of the plot holder to notify the Town of Swanzey Cemetery Supervisor of any change in his post office address. Notice sent to the plot owner at the last address on file in the office of the Cemetery Supervisor shall be considered sufficient and proper legal notification.

ARTICLE 8. PROTECTION FROM LOSS OR DAMAGE

A. The Town shall take reasonable precautions to protect the plot holders, 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 the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious invasions, insurrections, riots, and order of military or civil authority, whether the damage be direct or collateral, other than herein provided.

ARTICLE 9. CERTIFICATES AND RULES ARE SOLE AGREEMENTS

A. The Lot assignment form and these Rules and Regulations and any amendments hereto shall be the sole agreement between the Town and the plot holder.

ARTICLE 10. CONTROL OF WORK IN THE CEMETERIES

A. All grading, landscaping and improvements of any kind, all care on plots, all trees and shrubs and herbage planted, trimmed, cut or removed and all opening and closing of plots shall be done by the Town.

B. All improvements or alterations of individual lots in the Cemetery shall be under the direction and subject to the consent, satisfaction and approval

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of the Supervisor 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 holder, or in any event, at any time, in his judgement they become unsightly to the eye.

C. If any trees or shrubs, situated on any lot shall, by means of their roots or branches, become detrimental to the adjacent lots, or unsightly or inconvenient to the proper and timely maintenance of any lot, the Town shall have the right to enter said lot and remove said trees or shrubs or such parts thereof as they shall determine to be detrimental, unsightly or inconvenient.

ARTICLE 11. DECORATION OF PLOTS

A. No flower receptacles may be placed on any plot unless they meet the approval of the Supervisor. The Town shall have the authority to remove all floral design, flowers, weeds, trees, shrubs, plants or herbage of any kind, from the cemetery as soon as in the judgement of the Supervisor they become unsightly, dangerous, detrimental or diseased. The Town 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 service held in a cemetery. They shall not be liable for lost, misplaced or broken flower vases. The town 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 town reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants, or herbage of any kind unless the Superintendent gives his written consent.

B. For cut flowers, 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 flowers.

C. Plastic flowers are prohibited.

D. The use of glass or china jars, tin cans, or other than approved metal or plastic vases is prohibited under penalty of immediate removal.

E. Only one tub or one urn shall be allowed in any plot. No fences or wire enclosures for flower beds, may be placed on any lot and no wires or other means of supports may be used for flower containers unless approved by the Supervisor.

F. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles, upon plots shall

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not be permitted, and if so placed, the Superintendent reserves the right to remove the same.

G. 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 Town.

H. As a special mark of respect to those who have so served our country, the American flag shall be displayed only on the grave of those persons who have honorably serviced in the armed forces of the United States of America. These flags shall 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.

ARTICLE 12. CHANGES IN GRADE AND REPLANTING

A. 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 or remove or regrade roads, drives or walks, or any part thereof, is hereby expressly reserved for the Town. The right to lay, maintain, and operate or alter or change pipe lines or gutters for drainage or water systems, etc. is also expressly reserved for the Town as well as the right to use cemetery property, not assigned to plot owners, for cemetery purposes including the interring and preparing for interment of dead human bodies, or for anything necessary, 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.

B. No easement or right of interment is granted to any plot holder 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 or buildings as long as the Superintendent devotes to that purpose.

ARTICLE 13. CARE OF PLOTS

A. The term "perpetual care" shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of any lot, but shall not include maintenance or repair of any monuments or wall, nor plantings or care of flowers or shrubs.

B. Perpetual care shall in no case be construed as meaning the maintenance, repair or replacement of any memorial tomb or mausoleum placed or erected upon lots; nor the planting of flowers or ornamental plants; nor watering or sprinkling of lots; nor the doing of any special or unusual work in the

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cemetery, including work caused by impoverishment of the soil nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or plot or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority whether the damage be direct or collateral other than as herein provided..

C. The money received for perpetual care shall be held in trust and invested as provided by law.

D. Perpetual care, annual income, whether applied to lots, graves, mausoleums, or to 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.

E. It is understood and agreed between the lot holder and the Town that all of said funds may be deposited with other 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 case 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 duly executed and on file at the cemetery office.

F. The income from the perpetual care fund shall be expended by the Town in such manner as will, in its judgement, be most advantageous to the lot holders 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 Town 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.

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

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H. The record books of the Cemetery and the receipt issued by the Town shall show the amount of perpetual care fund that has been required of the individual and set aside in each case.

I. 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 has been made for perpetual care, the Town provides "annual care".

ARTICLE 14. MONUMENTS AND MARKERS

A. The Cemetery shall be permitted to have monuments, markers and corner markers of such dimensions and materials as shall be approved by the Supervisor of the Cemetery. All markers and corner markers shall be of such dimensions and materials as may be required by the Supervisor and shall be set flush with the lawn surface so that no part of such marker or corner marker shall protrude above the surface of the ground.

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

C. Bases and name stones shall be of the same material.

D. Monuments shall have a foundation of width and length equal to the base of the monument and must be a minimum of two (2) feet deep.

E. The size of a family memorial shall be governed according to the ratio of its face area, (length multiplied by height), to the superficial area of any lot and the ratio of its length, (greatest horizontal dimensions), to the average width of the lot. The face area of each memorial shall not exceed 15% of the superficial area of the lot and its length shall not exceed 60 % of the average width of the lot. The above are for maximum size only. It is often desirable to build a memorial less than maximum.

F. No lot owner shall erect or place, or cause to be erected or placed, on any lot in the cemeteries any memorial in respect of which the Supervisor and the Selectmen disapprove.

G. Corner markers (bounders) shall be of good natural stone; placed flush with the grade. Initials shall be incised, not raised.

H. Corner markers require no foundations. They shall not exceed six inches in width by six inches in length and shall be set at the extreme corners of

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the lot and square with the bounds of the lot. They shall be set flush and level with grade. Initials shall be incised (cut in), not raised.

I. Individual grave markers shall be set so that the top will be at grade level. Markers shall not be greater than one foot wide by two feet long. Location of all markers shall be designated by the Supervisor.

J. 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, terra cotta, sand, cement, gravel or wood shall be allowed on any lot unless approved prior to placement by the Supervisor. The Supervisor reserves the right to remove the same if so erected, planted or placed.

K. It is important that the approval of the material, style, and size of the memorial be secured before commencing work upon the memorial.

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

M. 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 Selectmen and the Cemetery Supervisor.

N. The Supervisor reserves the right to stop all work of any nature, whenever, in the opinion of the Supervisor proper preparations have not been made; or when tools and machinery are insufficient or defective; or when the 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 Supervisor is disregarded; or when work is not being executed according to specifications; or any persons employed on the work violates any rules of the cemetery.

O. The completed work is subject to the approval of the Supervisor, and, if unsatisfactory, it may be removed by the Supervisor after consultation with the Selectmen.

P. The name or inscription on each monument, vault or marker must correspond with the name and record in the office of the Supervisor, and no changes shall be made thereon except on request of proper parties and by permission of the Town.

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Q. 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.

R. 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 roadways or pathways or from leaving materials on the ground longer than absolutely necessary. They must do as little injury as possible and must remove all debris and restore the ground and sod to its original condition.

S. Damage done to lots, walks, drives, trees, shrubs, or other property, by dealers and contractors or their agents, shall be repaired by the Town and the cost of such repair shall be charged to the dealer or contractor or to his principal.

T. While a funeral or internment is being conducted nearby, all work of any description shall cease.

U. Memorial dealers shall abide by all rules of the cemetery.

V. 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 Supervisor or official of the Cemetery before any work in the Cemeteries 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.

W. Workmen engaged in placing or erecting monuments and other structures, or grinding materials, shall operate as independent contractors but must do so under the permission of the Supervisor and must be under the general supervision of the cemetery.

ARTICLE 15. MATERIALS PERMITTED

A. All materials, and markers, will be constructed of good natural stone. No artificial stone of any description is permitted.

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

C. All monuments and markers shall be first quality granite or native stone, the quarrier to agree with the Cemetery Supervisor that such materials

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will be free from sap and components which cause rust stains and from natural faults with might cause cracks.

D. Should any such fault develop within five years from the date of placement in the Cemetery, the faulty stone will be replaced without cost to the Town of Swanzey or the lot holder. This replacement is to be made by the quarrier. If any fault resulting from improper finishing or lettering develops within five years from the date of placement in the Cemetery, the faulty stone will be replaced by its manufacturer without cost to the Town of Swanzey or the lot holder or quarrier.

E. The use of bronze is approved for 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 noncorrosive; of proved permanency, and have been approved by the Supervisor.

ARTICLE 16. CEMETERY CLOSING DATES

A. The Cemetery will be closed for interments from December 1 to May 1 of each year due to winter conditions. Each of the above dates may be modified by the Cemetery Supervisor if weather conditions in any year warrant such change and the Board of Selectmen approve.