

Office of Selectmen

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Moultonborough, N.H. 03254
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STATEMENT OF POLICY No. 14

SALE OF CEMETERY LOTS & CEMETERY RULES

RSA 289:2 states, in part.: “Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries, which shall be subject to such regulations as the municipality may establish.”

RSA 289:6I requires the election of a board of cemetery trustees. RSA 289:6II-a allows that the residents of a town may at Town Meeting delegate the duties and responsibilities of cemetery trustees to their board of selectmen.

At the time this Policy became effective, the Town of Moultonborough maintains fifty-four (54) cemeteries. At this time, the Town has lots for sale in three (3) cemeteries (Holland Hill, Middleneck and Shannon). The Board of Selectmen developed the following policy for the sale of cemetery lots.

1. Burial lots available for sale by the Town of Moultonborough shall normally constitute a “double lot” that measures eight feet by ten feet. This size accommodates two traditional burials or up to eight cremation burials. Burial within a double lot is at the discretion of the owners, their heirs and assigns.
2. Residents of the Town of Moultonborough may purchase double burial lots, subject to availability, in any Town-owned cemetery. The purchase price of a burial lot (as described) is four hundred fifty dollars (\$400.00)¹.
3. Occasionally, a single lot may exist in one of the Town’s cemeteries. A single lot measures four feet by ten feet. This size accommodates one traditional burial or up to four cremation burials. Burial within a single lot is at the discretion of the owners, their heirs and assigns.
4. Residents of the Town of Moultonborough may purchase a single burial lot, subject to availability, in any Town-owned cemetery. The purchase price of a single burial lot (as described) is two hundred fifty dollars (\$250.00)².

¹ Price increase for a double burial lot was effective July 1, 2010

² Price increase for a single burial lot was effective July 1, 2010

5. Other Moultonborough property owners (non-residents) may purchase a burial lot in the Town's cemeteries, subject to their stated intent to become residents of Moultonborough at some point in the future. These property owners will pay a purchase price equal to the cost of a similar municipally-owned burial lot. The purchase price will be equal to the pricing policy(ies) of the municipality where they claim residence.
6. The Town will transfer ownership of burial lots through a deed recorded by the purchaser in the Carroll County Registry of Deeds.
7. The Town of Moultonborough charges an additional fee to open and close grave sites. The fee to open a grave site for a traditional burial is three hundred dollars (\$300.00) weekdays, and five hundred dollars (\$500.00) weekends & holidays; for a cremation burial the fee is one hundred and fifty dollars (\$150.00) weekdays, and two hundred dollars (\$200.00) weekends and holidays³. Only the Highway Agent or his designated representatives may open or close a grave site in the Town's cemeteries.

~~The Board of Selectmen and the Town of Moultonborough will at all times meet the collective obligations and responsibilities of RSA 289 and such other laws, ordinances and policies as are now and may in the future become applicable.~~

8. BURIAL LOTS: All burial lots are sold by the Town with the understanding the purchaser will abide by the Town Ordinance on Cemeteries. Burial lots are available as follows:

- a. A one casket lot.
- b. A two casket lot or multiples thereof.
- c. A casket space may be converted into 4 cremation spaces.
- d. Head stones are limited to one per two-casket lot and shall not exceed a measurement of 48"Lx40"Hx14"W
- e. A fee equal to the current per person purchase price shall be paid for each and every cremation over and above the remains provided for in the original purchase agreement.

9. CEMETERY OPEN: The Town Cemetery shall be open to visitor's at all reasonable hours from April 15th to November 15th. The Cemetery Sexton is authorized to open the cemetery during the closed period at such times and for such purposes as they may determine. Furthermore, the Cemetery Sexton is authorized to close the Cemetery at any time they believe such closing is necessary or desirable.

10. VEHICLES: Motor vehicles, duly registered, may be operated over the roadways of Cemeteries by visitors or business invitees, duly licensed to operate such vehicles, provided such vehicles are operated in a safe and careful manner.

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³ Increase in fees to open and close a grave site were effective April 1, 2010

11. FIREARMS: The use of, or the possession of, firearms with the Cemetery is prohibited. The sexton, however, is authorized to give special permission to named individuals to possess or use firearms in a Cemetery relative to a Military funeral or patriotic exercise.

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12. CHILDREN: A child or children within the cemetery grounds must be accompanied by an adult responsible for the behavior of such child or children.

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13. ANIMALS: Any animal brought into a Cemetery must be leashed or otherwise restrained.

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14. FLOWERS, PLANTS AND SHRUBS: NO trees/shrubs to be planted or allowed to grow. The Town encourages the use of flowers throughout the summer season, but requests those placing flowers in the cemetery to please remove them before they become wilted or unattractive to the lot. The use of suitable urns or other appropriate plant containers is permitted. Not more than two such containers are permitted on any lot. Containers not in use will be removed. The Sexton or Representative shall have the right to enter upon any lot and remove there from grass, branches, undesirable flowers or plants, and any improper or offensive objects. Artificial flowers may be used use must be in a suitable container or vase. Ground cover type plants are prohibited. All removed material will be deposited in appropriate provided containers.

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15. DAMAGED PROPERTY: The Town, its sexton or agents shall not be held responsible for damage to any lot, marker, monument, post or curbing, nor the planting on any lot; neither shall they be responsible for any urns, containers, or other articles placed upon a lot in the cemetery. The Town, through its sexton and agents will use reasonable care to avoid damage to any lot or appurtenances.

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Note: The Laws of the State of New Hampshire (RSA Chap. 572) provide penalties for wrongfully destroying, injuring, defacing, or removing any tomb, monument, stone, or other structure, including trees, shrubs or plants; penalties are also provided if such acts include a fence, railing or curbing; other penalties are provided for the wrongful removal of decorations from a grave as well as for any act tending to desecrate a grave. No person shall make gravestone rubbings in a Cemetery without first obtaining written permission of the owner of record.

16. FENCING AND GRASS: Erection and/or maintenance of fencing or other enclosures around a lot, or any part thereof are prohibited. Corner posts are permitted

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but must be kept flush with the ground with not raised letters. All lots shall be covered with suitable grass.

17. ROADS/WALKWAYS: All roads within the cemetery are under the direct control and supervision of the Sexton or his designee. Trucks are permitted within the cemetery only by special permission of the Sexton or his designee. All walkways must be kept clear at all times, and free and clear of objects or plant urns.

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18. WORKMEN: All workmen performing any work, i.e. monument/corner marker placements within a Cemetery shall be subject to the direction of the Sexton or his designee, who will make the lot of records corner pins.

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19. HEADSTONES/MARKERS/FLAGS: Headstones may be upright but not to exceed one per two-casket lot in the size of 48"Lx40"Hx14"W. Flat surface markers are allowed, one per burial and must not exceed 18"X30", and must be flush with the surface. Benches may be used instead of a headstone, and its measurement must be within the above stated for headstones. Flags are not permitted in the ground, and must be held within a suitable holder which can be obtained through the Sexton, or through the Veterans Affairs website: www.cem.va.gov/ce/hm/hmtype.asp. Annually the Sexton will replace the American Flags of Veterans.

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20. PURCHASE OF LOTS AND GRAVES: Cemetery lots may be purchased from the Town or individual designated by them in accordance with a price schedule adopted by the Board of Selectmen/Trustees. All lots and graves will be sold only to Moultonborough legal residents, taxpayers, or to former residents. Borderline cases will be left up to the discretion of the Board of Selectmen.

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21. TRANSFER OF OWNERSHIP: Lot owners may sell their interest in a lot or lots back to the Town of Moultonborough only. The lot owner must write a letter to the Board of Selectmen asking them to purchase the lot back from them. The Town will purchase the lot or lots at the price of the original sale. The Secretary will record the change of ownership back to the Town in the Cemetery Records. The Cemetery records shall be the official record of ownership of cemetery lots. Existing lot sizes shall not be affected by the transfer of ownership. The lot may then be sold by the Town at the current rate of lots.

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22. PERPETUAL CARE: Perpetual care of lots includes the mowing of grass, removing old flowers, fallen leaves, tree branches or other debris, and care of cemetery roads and fences.

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23. REGULAR CARE: regular care does not include special care of monuments, watering, or fertilizing the grass, or the planting of plants and shrubbery.

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24. LOT GRADE: All lots re-seeded or re-made will be at such grade level as the Sexton or his designee may determine. The grade will be level with the surrounding area; no grave mounds are permitted.

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25. RE-SEEDING: Re-seeding or re-turfing of lots will be done under the direction of the Sexton or his designee. The cost for re-seeding or re-turfing will be the responsibility of the requestor.

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26. OPENING GRAVES: Graves must be opened under the direction of the Sexton or his designee. The Sexton or their designee shall be notified prior to any burial taking place in a Cemetery. It is the policy of the cemetery that equipment used to open a grave may not pass over an existing grave site. This may require that a grave be dug by hand.

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27. INTERMENT: Bodies or ashes of deceased humans only may be buried in a Cemetery. All body burials require a cement/metallic vault or cement liner.

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28. DISENTERMENT: The disinterment of a body or cremation shall be subject to RSA 290:5. A copy of the required permit will be filed with the Board of Selectmen/Trustees. During the winter months the undertaker will store the body and make arrangements for the burial in the spring.

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29. VIOLATION OF RULES: Any person willfully violating any of these rules will be ejected and excluded from a Cemetery. Such further action may be taken as the Sexton or Board of Selectmen/Trustees deem advisable.

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February 2011

Date of Adoption:
June 14, 2001

Robert W. Foster, Chairman

Russell C. Wakefield
Ernest E. Davis, Jr.
BOARD OF SELECTMEN

This Policy received review, revision and update on ~~August 28, 2003~~~~September 21, 2006~~ March 3, 2011

~~Karel A. Crawford~~ Joel Mudgett, Chairman
~~Edward J. Charest~~
~~Ernest E. Davis, Jr~~ Betsy Patten.
~~James F. Gray~~
~~Joel R. Mudgett~~ Karel A. Crawford
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Ernest E. Davis, Jr., Chairman
Karel A. Crawford
Russell C. Wakefield
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