

ORDINANCE #25

TOWN OF HANOVER

MUNICIPAL CEMETERIES - RULES AND REGULATIONS

The Board of Cemetery Trustees of Hanover, New Hampshire, ordain as follows:

SECTION 1: PURPOSE AND INTENT

The Town of Hanover hereby ordains that the following rules and regulations are hereby established to constitute the rules and regulations for the proper operation and use of municipal cemeteries in the Town of Hanover. The Board of Cemetery Trustees (Trustees) for the town of Hanover recognizes that the municipal cemeteries are sacred grounds reserved as a final resting place for the people of the Town. With this recognition, the Trustees desire to have the cemeteries maintained in the best possible manner and firmly believe that these rules and regulations are necessary for the protection of plot and grave owners, for the Town property, and for the proper conduct and good order of the cemeteries.

SECTION 2: AUTHORITY

These Regulations are established by the Trustees in accordance with RSA 47:17 Bylaws and Ordinances., RSA 31:19-22a- Powers and Duties of Towns, RSA 485, A29 Submission and Approval of Plans and Specifications, and RSA 635 Unauthorized Entries.

The Cemetery Trustees per RSA 289:2 Municipality to Provide, RSA 289:6 Cemetery Trustees, RSA 289:7 Cemeteries Powers and Duties, and RSA 290- Burials and Disinterment's, manage cemetery budget preparation, implementation and oversight of all Town cemeteries.

These regulations may at times be amended, for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Hanover.

SECTION 3: CEMETERY TRUSTEES

The Trustees shall be elected by the annual Town Meeting and consist of three members. The term of office shall be for three years. Initially the appointment of the three members shall be for one, two, and three years respectively; thereafter, a new member will be elected each year. Any member may serve for more than one term.

Decisions of the Trustees shall be determined by majority vote. Frequency of meetings shall be determined at the direction of the Chairperson; however, the Trustees shall meet at least once each quarter as a minimum. The Trustees shall serve without pay but will be compensated for out-of-pocket expenses that may occur in carrying out their duties.

The Trustees hereby appoint the Parks & Recreation Director to serve as custodian and sexton. All references herein to the Parks & Recreation Director or the Parks & Recreation Department shall be construed as in the Director's capacity as custodian and sexton.

SECTION 4: ESTABLISHMENT OF CEMETERIES

The Trustees of the Town of Hanover shall have the final authority for the establishment of cemeteries within the Town limits of the Town of Hanover and shall as need arise set aside new ground areas for this purpose.

1. Existing Cemeteries
 - a. The following-named existing cemeteries shall be deemed to have been established as municipal cemeteries.
 - i. Pine Knolls Cemetery
 - ii. Dartmouth Cemetery (Hanover Cemetery)
 - iii. Hanover Center Cemetery
 - iv. Etna Cemetery
 - v. Dana (Ruddsboro) Cemetery
 - vi. Smith Cemetery
 - vii. Greensboro Cemetery
 - viii. Goose Pond Cemetery
 - ix. Tunis Cemetery
 - x. Bollea Cemetery
2. Platting of Cemeteries: Before any new land is opened for cemetery use, the Trustees shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots, such platting to be done by a registered surveyor, and results thereof be recorded with the Grafton County Registry of Deeds.
3. Planning Board to Review: The preliminary plan and layout of new cemetery land areas shall be submitted to the Planning Board for review and approval. Upon approval, the Planning Board shall advise the Trustees of its approval with a recommendation for adoption.
4. Grave size for municipal cemeteries are hereby established as follows:
 - a. Traditional Burials: Each single grave = 4' x 12' or 48 square feet.
 - b. Natural Burials: Each single grave = 6' x 12' or 72 square feet.

SECTION 5: SALE OF GRAVE(S)

1. Graves may be purchased by current residents, current full-time employees of the Town of Hanover, former residents of 10 years or more, and previous full-time town employees of 10 years or more.
 - a. For individuals who do not fit into one of these categories an appeal can be made to the Trustees for an exemption.
 - i. All appeals must be made in writing to the Parks & Recreation Director (or their designee).
 - ii. The appeal will be discussed and acted upon at the next regularly scheduled Trustees' meeting.
 - iii. The individual making the appeal may attend this meeting, but it is not a requirement.
 - iv. Upon a majority vote of the Trustees the appeal will be approved or denied.

2. Graves purchased in surveyed sections of cemeteries of the Town of Hanover shall be conveyed by special deed for burial purposes only and shall be subject at all times to the Town Charter, Town Ordinances, these Cemetery Regulations, and applicable state laws.
3. Graves may be selected and purchased from the Parks & Recreation Director (or their designee) and payment for graves shall be made to the same. Such purchase shall be evidenced by a deed prepared by the Accounting Office, as agent for and on behalf of the Trustees, and signed by the Selectboard and Town Clerk. Such deed shall state the name of the purchaser, purchase price, amount paid, cemetery name, plot number(s), grave number(s), and section in which located.
4. Graves in the natural burial section shall be sold sequentially; specific grave locations may not be requested or purchased.
 - a. There is a purchase limit of two (2) graves in the Natural Burial section.
5. The keeping of records of the cemeteries of the Town of Hanover shall be the responsibility of the Parks & Recreation Director (or their designee) and the Town Office. All maps showing sections of the cemeteries records of grave ownership shall be copied, with one set being kept by the Parks & Recreation Director (or their designee) and one by the Town Office.
 - a. The following price is hereby established as the purchase price for cemetery graves: As designated in a certain document known as "Town of Hanover Schedule of Rates and Fees," as amended.
 - b. *See current Rate & Fee Schedule*
 - i. <https://nh-hanover.civicplus.com/DocumentCenter/View/2997/FY2024-Rates-and-Fees-Schedulefinal-rev-080923>

SECTION 6: GRAVE RIGHT TO INTER OWNERSHIP

1. RSA 290:24 and other applicable laws of the State of New Hampshire govern the descent of title for cemetery graves, as well as other matters relating to their ownership.
2. On the death of an owner of the grave, the heirs or devisees of such person should file with the Trustees proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of will or probate records are normally sufficient.
3. No person shall be considered as the rightful owner of any grave unless he/she shall be in possession of a duly executed Deed or Certificate of Right to Inter signed by the authority having jurisdiction. If a Deed or Certificate cannot be presented in relation to a planned burial, a person shall sign an Interment Order. However, the cemetery records for the Town of Hanover shall be considered as final in determining ownership of any grave. The Trustees reserve the right to make an interment of any member of the immediate family of the grave owners upon their own authorization. No other person may be interred in any grave without proof of ownership or written consent of the owner.
4. It shall be the duty of the grave owner to notify the Town of any change in address.
5. Notice sent to the grave owner at the last address on file with the Town shall be considered sufficient and proper legal notification.

SECTION 7: RESALE OR RELINQUISHMENT OF GRAVE(S)

1. No transfer or assignment of a grave shall be made by any owner without express approval of the Trustees, all transfers shall be made through the office of the Town Clerk.
2. The owners of interment property, or their heirs, shall not grant, sell, alienate, or convey, the said grave to any person or persons other than the Town of Hanover.
3. Upon request of the grave owner, when interment property is relinquished or resold to the Town, the original sale amount shall be returned to the owner.
 - a. Only graves that have no interments are eligible to be relinquished or resold back to the Town.
 - b. Contiguous graves that have been purchased in a plot(s) and had a monument(s) installed may not be resold if the remaining unsold graves cause the existing monument(s) to no longer meet the standards as set forth in Section 11 of this ordinance.
4. After completing the noticing required pursuant to RSA 289:18 the Trustees may declare forfeiture of unused graves meeting the stated conditions.
 - a. Graves so forfeited may be resold by the Town.
 - b. All purchase contracts for burial spaces shall include a notice that the procedures outlined in RSA 289:18 may be invoked in the future.

SECTION 8: INTERMENTS

1. A burial permit must be submitted prior to any full interment.
2. The preparation of graves shall be the responsibility of the Parks & Recreation Department, with the exception of some natural burials as indicated in Section 10(8).
3. Burials are not permitted on the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
4. The following price is hereby established as the rates for burials.
 - a. As designated in a certain document known as "Town of Hanover Schedule of Rates and Fees," as amended.
 - b. *See current Rate & Fee Schedule*
 - i. <https://nh-hanover.civicplus.com/DocumentCenter/View/2997/FY2024-Rates-and-Fees-Schedulefinal-rev-080923>
5. Fees must be paid in full prior to any burial or placement of monument can take place.
6. Responsibility: Neither the Town of Hanover nor the Parks & Recreation Department shall be responsible for errors in location of graves on plots arising from persons making arrangements. In all cases, orders for grave openings shall be communicated in writing to the Parks & Recreation Department.
7. Orders from funeral directors shall be construed as orders from owners.

SECTION 9: TRADITIONAL CEMETERIES INTERMENTS & DISINTERMENTS

Interment of remains, the following regulations apply in cemeteries and cemetery blocks designated as traditional burial areas.

1. In all full interments the remains shall be enclosed in a vault.
2. No restrictions on burial containers
3. Maximum occupancy of interred remains per grave

- a. One full interment and four cremated remains
 - b. A maximum of one (1) cremated remains may be interred at the foot of the grave before a full interment.
4. Disinterment's require a permit from the Department of State in accordance with RSA 290:5 and RSA 290:15.

SECTION 10: NATURAL CEMETERY BLOCK INTERMENTS & DISINTERMENTS

Within Pine Knolls Cemetery Block 8 has been designated as a natural burial area.

1. At the time of scheduling a burial, a filed certified copy of the death certificate must be submitted to the Parks & Recreation Director (or their designee).
2. If upon review of the certified death certificate, in accordance with RSA 5-C:62, there is a question that the deceased had or there may be the presence of a contagious or potentially hazardous virus or infectious disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office.
 - a. Should it be determined that the deceased body could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease to others, a natural burial will not be permitted.
3. Vaults are not permitted
4. Only burial containers made of mostly natural materials, or a shroud are permitted
 - a. Minimal use of nails, staples, glues, or other fasteners.
 - b. No use of plastic or latex products, or non-plant-based oil finishes.
 - c. Documentation describing the burial container must be provided to the Parks & Recreation Director (or their designee) with a minimum of two (2) business days before the scheduled burial.
 - d. After reviewing the documentation provided, a written notice approving or denying the burial container will be issued by the Parks & Recreation Director (or their designee).
5. Maximum occupancy of interred remains per grave is one full interment and one cremated remains.
 - a. Cremated remains may only be interred in the natural burial section of the cemetery at the time of a grave opening for a full interment.
6. Natural burials require the top of the coffin, casket, or burial shroud to be at a depth of four (4) feet below the natural surface of the ground.
7. No embalmed remains may be placed in the natural burial section of the cemetery.
8. If at the time of the burial, a plot cannot be accessed by Town equipment (at the sole discretion of the Parks & Recreation Director or their designee) then the grave must be hand dug. The hand digging of the grave is then required to be coordinated by the family of the deceased.
9. Disinterment's require a permit from the Department of State in accordance with RSA 290:5 and RSA 290:15.

SECTION 11: MONUMENT STANDARDS

Monument Foundations and Marker Settings: All municipal cemeteries shall be permitted to have monuments and markers of such dimensions and material as follows:

1. Cemetery blocks designated as traditional burial areas
 - a. Single graves – Flat grass markers only, 1 foot by 2 feet
 - b. Two grave lot -- 3 to 4 feet long and not over 16 inches wide, height of die thirty-five to forty inches.
 - c. Three grave lot -- 4 to 5 feet long and not over 16 inches wide, height of die not over forty-eight inches.
 - d. Six grave lot -- up to 7 1/2 feet long and not over 16 inches wide; height of die not over 48 inches unless otherwise approved by Board of Cemetery Trustees.
 - e. Flat markers -- 2 feet by 1 foot, may be used in connection with the family stone.
 - f. Foundation for monuments shall be approved by the Parks & Recreation Director (or their designee). Those requesting foundations shall make the request in writing, stating lot number, location of foundation on lot, size of foundation desired and contractor completing work.
 - g. No fencing, curbs or cornerstones shall be permitted around any individual lot or group of lots unless they are flush with the ground surface.
2. Cemetery blocks designated as natural burial areas
 - a. All graves – A single flat grass marker, 1 foot by 2 feet
 - b. To be placed at the head of each plot and flush with the ground.
 - c. No other monuments, markers, flags, plantings, decorations, or adornments are allowed.

SECTION 12: CEMETERY MAINTENANCE STANDARDS

1. The comprehensive maintenance of the cemeteries and grounds, designed to maintain and improve the appearance and condition of their natural areas, shall be the responsibility of the Town. It shall include such items as the upkeep of drives, buildings, fences, spring and fall cleanup, pruning and maintenance of landscape plant materials, turf maintenance and other general grounds maintenance.
2. Potted plants, flowers and other arrangements or decorations are to be removed and replaced according to the following schedule.
 - a. Fall
 - i. Removed by October 15th for cleanup.
 - ii. New items may be replaced after November 15th.
 - b. Spring
 - i. Removed by April 1st for cleanup.
 - ii. New items may be replaced after May 1st.
 - c. All items left on graves after the removal dates will be disposed of by Town staff.
3. American flags and staffs for marking graves of Veterans of Military Service will be issued and placed by the Town (excluding cemetery blocks designated as natural burials).
4. Flowers, wreaths, baskets, etc. left on graves after a burial will be removed after they fade or become unsightly.
5. The placing of boxes, chairs/benches, statues, vigil lights, breakable containers, plastic flowers, flags, staffs, windsocks, or similar unauthorized items upon graves or headstones will not be permitted.

- a. The Town has the right to remove non-conforming items from any grave after an attempt has been made to contact the lot owner on record to remove said item pursuant to Sections 6(4) and (5).

SECTION 13: TREES, SHRUBS, & FLOWERS

1. All visitors are prohibited from gathering or cutting flowers, either wild or cultivated, and pruning or cutting trees or shrubs.
2. Planting Trees, Shrubs, and Flowers:
 - a. Requests to have a tree, shrub, or flowers planted within a cemetery must be made in writing to the Parks & Recreation Director (or their designee).
 - b. All requests must include a detailed plant list describing all plants by name and cultivar, number of each, description or design of planting, individual or contractor completing work, along with location or site map of planting.
 - c. Once received the Parks & Recreation Director (or their designee) may coordinate a site visit to review the plan.
 - d. After reviewing the request and site visit a written notice approving or denying the request will be issued by the Parks & Recreation Director (or their designee).
3. Additional plantings of trees, shrubs, or flowers are not allowed in cemetery blocks designated as natural burial areas.

SECTION 14: GENERAL REGULATIONS

The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization. The Trustees, upon its own motion, or upon recommendation of the Selectboard or Town Manager, may modify, suspend, repeal or amend the provisions of this ordinance in whole or in part thereof. It is the intent of the Trustees that if parts of this ordinance are held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining sections or parts thereof.

The following are the general rules and regulations for the use of municipal cemeteries in the town of Hanover.

1. Cemeteries are open to the public from sunrise to sunset.
2. No person shall
 - a. Enter a cemetery except through an established gate or entrance way or on an established trail or path.
 - b. In any way injure or deface any monument, stone, fence, or other structure or property.
 - c. Damage or mutilate any trees, shrubs, flowers, or other plant material, either wild or domestic.
 - d. Operate an off-road vehicle or ride horseback on cemetery property.
 - e. Allow any dog to soil or damage any natural area or cemetery structure.
 - f. Deposit rubbish, debris, or dog waste on cemetery grounds.
 - g. Smoke, vape, use of any electronic smoking device or inhalable substances, or use of combustible materials within the boundaries of any municipal cemetery.

- i. An exemption for ceremonial use may be authorized by the Parks & Recreation Director (or their designee) on a case-by-case basis. All requests must be made in writing. After review, a written notice approving or denying the request will be issued. A denial by the Parks & Recreation Director (or their designee) may be reconsidered by the Trustees at their sole discretion.
- h. Discharge firearms in any cemetery.
 - i. The prohibition does not apply to authorized volleys at burial services. Volleys may be authorized by the Parks & Recreation Director (or their designee) on a case-by-case basis. All requests must be made in writing. After review, a written notice approving or denying the request will be issued. A denial by the Parks & Recreation Director (or their designee) may be reconsidered by the Trustees at their sole discretion.
- i. Apply any chemical or organic fertilizer, pesticide, herbicide or other substance within a Town cemetery.
- j. Make gravestone rubbings without first obtaining the written permission of the Parks & Recreation Director (or their designee).
- k. Hunt on cemetery property.
- l. Consume alcoholic beverages within cemetery grounds.

3. Traffic Regulations:
 - a. No person shall operate any vehicle within a cemetery except on roads designed for that purpose and no vehicle shall be driven at a speed in excess of fifteen (15) miles per hour upon any roads within municipal cemeteries.
 - b. No person shall drive a vehicle off the paved drives without the permission of the Parks & Recreation Director (or their designee).
 - c. No person shall unload any stone, soil or other material from trucks in any cemetery, except the Town maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission of the Parks & Recreation Director (or their designee).
 - d. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the Town of Hanover applicable to motor vehicle operation.

SECTION 15: ENFORCEMENT

1. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.
2. Penalty for violations of this ordinance shall be subject to a fine of not more than \$1,000 for each violation pursuant to RSA 47:17, XV.
3. Pursuant to RSA 289:23 all other unauthorized conduct under RSA 635:6 and 635:7 regarding the abuse of cemeteries shall be penalized as provided in RSA 635:8.

SECTION 16: DEFINITIONS

Cemetery Block – A subdivided section of the cemetery consisting of a systematic layout of numbered plots and graves.

Cemetery Trustee - Elected by ballot at town meeting and is responsible for the care and maintenance of cemeteries in town. Cemetery Trustees establish bylaws for the care, protection, preservation, and use of the cemeteries as well as prepare an annual budget and arrange for appropriate maintenance of the cemeteries.

Custodian – Shall have any and all meaning, including the maximum extent of legislatively permitted authority, as prescribed by RSA 289:7, II

Deed - Deed issued transferring a limited right to inter remains in a specific grave to a purchaser for a fee. The deed does not convey ownership of real estate; it does give the right to inter in the plot/grave and right to erect a memorial.

Disinterment - The act of exhuming or removing a body from its place of burial.

Grave - The 4' x 12' space required to accommodate an adult interment and up to four (4) cremated remains.

Grave Owner - Person(s) who holds a valid deed or right to inter.

Interment - The permanent disposition by burial of the body or cremated remains of a deceased person.

Lot- A group of contiguous graves purchased by an individual or family.

Marker - A memorial that lies flush with the ground.

Monument - A headstone of approved material that extends above the surface of the ground.

Natural Burial – The set of body preparation, funeral, and burial practices that allow a body to decompose naturally (no embalming) in a cemetery block specifically set aside for this type of burial.

Plot – A numbered section of a cemetery block containing up to 6 graves.

Right to Inter - Exclusive right to a grave for the purposes allowed by these Regulations.

Sexton – Shall have any and all meaning, including the maximum extent of legislatively permitted authority, as prescribed by RSA 289:7, II

Adopted: 02/08/1993

Amended: 08/07/1995

Amended (*Rate & Fee link added*): 10/27/2014

Amended (*Rewritten with Updates & Additions*): 01/13/2026