

Office of Selectmen
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Moultonborough, N.H. 03254
(603) 476-2347

STATEMENT OF POLICY
No. 14

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 289:6.I requires the election of a board of cemetery trustees. RSA 289:6.II-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 (January 2025), the Town has burial space for sale in two (2) cemeteries (Middle Neck Cemetery and Shannon Cemetery). The Board of Selectmen developed the following policy for the sale of cemetery burial spaces.

1. Burial space available for sale by the Town of Moultonborough shall include:
 - a. “Cremation Burial Lot” measuring four feet by four feet (4’x4’) which can accommodate one single urn or one double urn;
 - b. “Single Full Burial Lot” measuring four feet by ten feet (4’x10’) which can accommodate one traditional burial or up to four cremation burials;
 - c. “Double Full Burial Lot” measuring eight feet by ten feet (8’x10’) which can accommodate two traditional burials or up to eight cremation burials.
 - d. Burials within cemetery lots is at the discretion of the owners, their heirs, and assigns.
2. Residents of the Town of Moultonborough may purchase a ”Cremation Burial Lot”, subject to availability, in any Town-owned cemetery. The purchase price of a cremation burial lot (4’x4’) is Four Hundred dollars (\$400).
3. Residents of the Town of Moultonborough may purchase a ”Single Full Burial Lot”, subject to availability, in any Town-owned cemetery. The purchase price of a single burial lot (4’x10’) is Eight Hundred dollars (\$800).
4. Residents of the Town of Moultonborough may purchase a ”Double Full Burial Lot”, subject to availability, in any Town-owned cemetery. The purchase price of a double burial lot (8’x10’) is One Thousand Six Hundred dollars (\$1,600).

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 twice the amount paid by residents.
6. The Town will transfer ownership of burial lots through a deed recorded by the purchaser in the Carroll County Registry of Deeds. Such deed shall include, amongst other appropriate clauses a provision that the use of the lot is subject to the rules and regulations for the use thereof as shall be established from time to time by the Town of Moultonborough by policy, ordinance, or administrative order. The Town shall take the administrative action necessary to cause the recording of such deed, charging such fee as it shall from time to time establish, and cause the original deed to be returned to the owner of the lot.
7. The Town of Moultonborough charges an additional fee to open and close grave sites. Only the Public Works Director or his designated representatives may open or close a grave site in the Town's cemeteries. The fees to open a grave site are as follows:
 - a. "Cremation Burial" fee is Four Hundred dollars (\$400) weekdays, and Five Hundred dollars (\$500) weekends & holidays.
 - b. "Single or Double Full Burial" fee is Seven Hundred dollars (\$700) weekdays, and Eight Hundred Fifty dollars (\$850) weekends & holidays.
8. All burial lots are to be used in accordance with the rules and regulations for the use thereof sold by the Town with the understanding the purchaser will abide by the Town policy, ordinance, or administrative order on cemeteries. Burial lots are available as follows:
 - a. "Cremation Burial Lot" measuring four feet by four feet (4'x4') which can accommodate one single urn or one double urn.
 - i. Headstones are limited to one per cremation burial lot, which shall not exceed a measurement of 48" wide x 40" tall x 18" deep.
 - ii. Flat surface markers are allowed, one per burial and must not exceed 18" x 36" and must be flush with the surface.
 - b. "Single Full Burial Lot" measuring four feet by ten feet (4'x10') which can accommodate one traditional burial or up to four cremation burials.
 - i. Headstones are limited to one per single full burial lot, which shall not exceed a measurement of 48" wide x 40" tall x 18" deep.
 - ii. Flat surface markers are allowed, one per burial and must not exceed 18" x 36" and must be flush with the surface.
 - c. "Double Full Burial Lot" measuring eight feet by ten feet (8'x10') which can accommodate two traditional burials or up to eight cremation burials.
 - i. Headstones are limited to one per double full burial lot, which shall not exceed a measurement of 48" wide x 40" tall x 18" deep.
 - ii. On those lots which had headstones that had been erected prior to May 5, 2011, two per two-casket lot, provided that the second stone shall not exceed the size specified in (i.) or the size of the pre-existing stone, whichever shall be less, and further provided that no stone shall be closer to the lot line than

four inches (4") and there shall be a minimum of twelve inches (12") between the new and pre-existing stone.

- iii. Flat surface markers are allowed, one per burial and must not exceed 18" x 36" and must be flush with the surface.

- d. 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. The Town cemetery shall be open to visitors between the hours of 7 a.m. to 9 p.m. 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. 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.
- 11. The use of, or the possession of firearms within 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.
- 12. A child or children within the cemetery grounds must be accompanied by an adult responsible for the behavior of such child or children.
- 13. Any animal brought into a cemetery must be leashed or otherwise restrained. Any animal waste must be picked up and disposed of by the person with the animal.
- 14. No floral tributes, shrubbery, trees, flags, or ornamentation (i.e., statutes, vigil lights, balloons, toys, and the like) shall be placed upon or affixed to gravestones or sites except as otherwise provided below.
 - a. Fresh cut flowers, artificial flowers, and live plants may be placed on the headstone or immediately adjacent thereto, not more than two (2) in non-breakable containers (i.e. not glass or ceramics), between April 15th and November 15th, provided such may be readily moved by maintenance personnel.
 - b. Flags will be placed by the Town or authorized veteran's organizations, in holders subject to the approval of the Sexton for Memorial Day, Veterans Day, and other days he shall deem as appropriate to honor their service.
 - c. Unauthorized items will be immediately removed and disposed of by cemetery personnel. Maintenance personnel will remove and dispose of all floral tributes and containers when the flowers or plants become withered, faded, or otherwise unsightly. The Town will not be responsible for damaged, lost, stolen, or discarded containers or floral tributes.

- d. The Sexton or representative shall have the right to enter upon any lot and remove grass, branches, undesirable flowers or plants, and any improper or offensive objects. The Sexton shall be authorized to remove in addition to the items above any tree, shrub, or plant, which is not in conformance of this section and is creating maintenance problems by undermining gravestones, or other such issues.
 - e. In designated landscaping areas as provided by the Town for such plantings.
- 16. 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. 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.
- 17. Erection and/or maintenance of fencing or other enclosures around a lot, or any part thereof are prohibited. Corner posts are permitted but must be kept flush with the ground without raised letters. All lots shall be covered with suitable grass.
- 18. 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.
- 19. 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 record corner pins.
- 20. Headstones may be upright, as permitted in Paragraph 8, in the size of 48”L x 40”H x 18”W. Flat surface markers are allowed, one per burial and must not exceed 18” x 36” 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 unless held within a suitable holder which can be obtained through the Sexton, or through the Veterans Affairs website: www.cem.va.gov/cem/hm/hmtype.asp Annually the Sexton will replace the American flags of Veterans.
- 21. Cemetery lots may only be purchased from the Town of Moultonborough 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.

22. Lot owners may only sell their interest in a lot or lots back to the Town of Moultonborough. 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 Town 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.
23. 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.
24. Perpetual care does not include special care of monuments, watering, or fertilizing the grass, or the planting of plants and shrubbery.
25. 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.
26. 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.
27. 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.
28. Bodies or ashes of deceased humans only, may be buried in a cemetery. All body burials require a cement/metallic vault or cement liner. The Town does not supply the vaults and any costs associated with the vaults are the responsibility of the lot owner.
29. 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.
30. 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.
31. Any party aggrieved by the decision of the Sexton including, but not limited to a removal of items deemed unauthorized, improper, or offensive, may appeal the matter to the Board of Selectmen (the "Board"), on a form to be designated by the Town Administrator, together with any and all materials that would be submitted at an appeal hearing, within fourteen (14) days of said decision. Such Appeal shall be placed upon the agenda of the next regular business meeting of the Board, for which the Agenda remains open, where the Board will consider the matter and determine whether or not to have a

formal hearing. The timetable after that shall be as established by the Board and its decision on any such matter shall be final.

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 May 5, 2011

Joel R. Mudgett, Chairman
Edward J. Charest
James F. Gray
Betsey L. Patten
Russell C. Wakefield
BOARD OF SELECTMEN

This Policy received review, revision and amended on July 17, 2014 and shall become effective on September 1, 2014.

Jonathan W. Tolman, Chairman
Joel R. Mudgett
Paul T. Punturieri
Christopher P. Shipp
Russell C. Wakefield
BOARD OF SELECTMEN

This Policy received review, revision and amended on October 3, 2019 and shall become effective on October 3, 2019.

Joel R. Mudgett, Chairman
Russell C. Wakefield
Jean M. Beadle
Charles M. McGee
Kevin D. Quinlan
BOARD OF SELECTMEN

This Policy received review, revision and amended on July 6, 2023 and shall become effective on July 6, 2023.

Jonathan W. Tolman, Chairman
Shari Colby
Jean M. Beadle
Karel A. Crawford
Kevin D. Quinlan
BOARD OF SELECTMEN

This Policy received review, revision and amended on February 20, 2025, and shall become effective on February 20, 2025.

Kevin D. Quinlan, Chairman
Jonathan W. Tolman
Karel A. Crawford
James F. Gray
Charles M. McGee
BOARD OF SELECTMEN