

John C. Shirley Memorial Cemetery
Rules and Bylaws – Board of Cemetery Trustees
February 10, 2025

Cemetery Bylaws

Article 1: Authority and Governance

1. Authority of Cemetery Management

There shall be three Cemetery Trustees elected by ballot to three-year staggered terms of office.

RSA:289:6

The Cemetery Trustees have the authority to oversee all operations, maintenance, and financial activities, and have day-to-day operational control, including enforcing these bylaws.

The Cemetery Trustees have the authority to establish and revise usage fees, and the rules and regulations concerning use of the cemetery, in keeping with the regulations of the State of NH.

The Town Office can assist residents with all normal transactions and arrangements for use of the cemetery, or they can contact the Trustees directly, or reach them through Town Offices as required (603-859-8000). For assistance in locating a lot or installation of a grave marker, monument, or foundation, please contact the Cemetery Sexton (603-859-8000).

2. Authority to Expend Funds

All cemetery funds shall be held by and expended under the direction of the Cemetery Trustees.

It shall be their duty to supervise all such municipal cemeteries to the end that the said funds must be expended for the purpose for which they are raised.

RSA:289:7.

Appropriations from the cemetery's general fund will be requested by the Cemetery Trustees as needed for the development and future improvements of the cemetery.

Article II: Hours of Operation, Visitation, Burial, and Maintenance

1. Operating Hours

Weather conditions permitting, the cemetery will be open for use and burials from May 1 to

November 30 of each calendar year at the discretion of the Cemetery Sexton.

The cemetery shall be open to the public for visitation from dawn to dusk, 7 days a week.

Access to the cemetery outside of regular hours may be restricted to authorized personnel only,

unless otherwise permitted by the Cemetery Trustees.

2. Regular burial hours are Monday through Thursday, 9:00am-5:00 pm May 1 - November 30. After hour burials shall be designated as being Fridays, Saturdays, Sundays, and holidays.

Article III: Funding and Appropriations

1. Sale of Lots and Burial Fees

- a. All funds acquired from the sale of cemetery lots (4ftx10ft for full casket lots and cremation only lots) shall be kept in the Cemetery General Trust Fund to be used for general cemetery maintenance. (9/16/1988).
- b. The sale of cemetery lots shall be restricted to buyers who are past or present residents of New Durham or people who are buying a lot or lots for the burial of past or present residents.
- c. A person may purchase a tract of up to 12 lots total.
- d. Subject to lot usage approval, burial permits may be obtained for usage of purchased lots to intern members of the buyer's or lot executor's family as outlined in RSA 290:16
- e. Re-sale of purchased lots is strictly prohibited. The owner may return the space to the Town and receive compensation in the same amount the owner paid for the lot. Re-sale by the Town of Returned lots will be at the current rate.
- f. Every lot owner is to receive a copy of the rules and regulations and restrictions for the John C. Shirley Memorial Cemetery.

2. Cemetery Fees:

- a. **Full casket lots** in Sections A, B, and C -

\$700.00

One casket and three containers of cremation remains may be buried in one full casket lot (casket must go in first), or four standard cremation containers may be buried in the same lot.

- b. **Cremation-only lots**, Rows 6 and 8, lots 3 through 10 -

\$375.00

(maximum of 4 standard cremation containers per lot)

Private Columbarium - 5-12 niche units

\$500.00

- c. Grave opening during working hours and after-hours burial:

Adult - regular hours

\$400.00

Adult - after hours

\$650.00

Child - regular hours

\$300.00

Child - after hours

\$450.00

- d. Cremation container

\$300.00

Cremation after hours

\$450.00

- e. Disinterment fee

\$650.00

- f. Scattering Garden Fee for scattering ashes

\$100.00

(to include plaque and registering with the town)

Article IV: Right to Inter and Scheduling Burials

Burials:

At a minimum, a 48-hour notice from funeral homes, executors, or descendants shall be required for opening graves. All graves shall be opened and closed by Town personnel.

1. Cremations:

To scatter remains, a person must go to the Town Hall to pay the appropriate fees and schedule a date and time.

The Sexton or representative must be on site at the time of scattering. A Death Certificate must be presented.

All scattering of ashes must be confined to the designated area.

2. Reporting:

All interments, including cremations, must be reported by the Town Clerk.

The Cemetery Sexton will be responsible for placement and the recording of all monuments and markers.

Article V: Decorations and Memorials

1. Monuments and Markers

A cement liner or cement vault shall be mandatory for every interment. The Cemetery Sexton will be responsible for digging the vault size and recording the location of cremations and burials.

With the approval of the Cemetery Sexton, the monument company shall install foundations for all monuments according to the following instructions:

- a. Monuments must be made of durable materials such as granite, marble, or bronze.
- b. Lots may have ground monuments, in-ground markers, and/or corner stones as desired.
- c. There may be more than one monument on a lot: however, one monument may be located to serve several contiguous lots.
- d. All monuments, markers, and corner stones shall be set to conform to the plan of the Trustees as indicated by the Sexton.

- e. The foundation will be installed at a minimum depth of 36 inches or below the frost level. The foundation will be installed to a maximum of 36 inches.
- f. If a base is used for the monument, it should extend eight (8) inches on each side of the monument to allow a space to hold plants off the ground. The total width of a base of a monument shall not exceed 36" on a single plot.
- g. Monuments and stones shall not exceed six (6) feet in height. Contiguous lots may have longer monuments and stones, not to exceed six feet in length.
- h. Corner stones may be placed at each corner of the lot (or lots) flush with the ground.
- i. Individual grave markers and footstones may be set in the ground but must not be projected above ground level.
- j. Every interment shall be recorded in a permanent manner using a uniform system of numbering the graves of every lot.
- k. No permanent source of flame will be allowed (i.e., gas, kerosene, etc.).
- l. The Cemetery Sexton will be responsible for placement and the recording of all monuments and markers.
- m. Scattering garden brass plaques: If you wish to have loved one's name on the memorial, you must contact the funeral director. You will be allowed no more than one (1) line with New Times Roman font and the size of the lettering will be one- and one-half inch (1-1/2) and will contain the name of the deceased and birth and death dates. The Town of New Durham accepts no responsibility for any lettering on the memorial.

2. Maintenance

- a. A caretaker (Sexton) shall do mowing, clipping, roadway care, general maintenance of markers, general maintenance of plantings and grass (i.e., fertilize, weeding, watering, pruning, and spraying), under the supervision of the Cemetery Trustees.
- b. It may be necessary to have monuments, markers, or corner stones reset if they are installed prior to opening the grave, or if the grave must be reopened.
- c. Maintenance of the cemetery is done under the authority of the Cemetery Trustees and supervised by the Sexton.
- d. The owner will repair any damaged stone at once.

3. General Decoration Rules

Decorations on burial sites are permitted, but all items must comply with the following guidelines:

Permitted Decorations:

Live Flowers:

For each grave, one container of fresh flowers will be allowed throughout the year, subject to the mowing and maintenance schedule of the cemetery. Two are allowed if the monument base extends beyond the stone to hold them. All other flowers, containers, or potted plants resting on the ground will be removed during mowing.

To properly maintain the cemetery lawn, we respectfully request that there be no planting of shrubs, trees, plants, or flowers on any grave.

Prohibited Decorations:

Items that pose a safety hazard, such as glass objects, sharp objects, or any item that may impede mowing and groundskeeping activities shall not be permitted.

There shall be no trinkets, vigil lights, toys, photos, glass containers or statues, shepherds' hooks, artificially potted plants, etc. on any grave. Items that do not conform with the rules and regulations will be removed by the cemetery staff.

Temporary Decorations:

Decorations related to holidays (e.g. wreaths for Christmas, Easter, flags for Memorial Day) may be placed for a limited time, no earlier than 10 days before a holiday, and must be removed within 10 days after the holiday.

*Memorial Day Flowers are allowed 10 days before Memorial Day and must be removed by June 10th.

Only lots that have monuments with extended bases or cement pads on the side of the monument will be allowed to display flowers after June 10.

For funerals: The cemetery is a carry in/carry out cemetery. Please take what you brought with you including flower/plant clippings.

Article VI: General Provisions**1. Compliance with Laws and Regulations**

All cemetery activities must comply with local, state, and federal laws. Any new rules or regulations enacted by governmental authorities will take precedent of these bylaws.

2. Amendments to the Bylaws

These bylaws may be amended by a majority vote of the Cemetery Trustees. All amendments will be made available to the public for review.

Article VII: Miscellaneous Provisions**1. Appeals Process**

If an individual or group disagrees with a decision made by the Cemetery Trustees regarding any of these bylaws, an appeal can be made to the Cemetery Trustees.

2. Liability and Responsibility

The cemetery assumes no liability for damage to personal property, including decorations or memorials, unless caused by the cemetery's negligence.

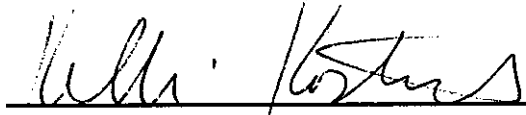
Article VIII: Duties of the Cemetery Sexton RSA 289:7

The Cemetery Trustees may appoint and supervise a Cemetery Sexton with cemetery responsibilities to include:

- a. Record keeping: Maintaining records of burials, including names, dates, and plot locations.
- b. Sale of lots: Sell burial lots and prepare deeds to be recorded by the Town Clerk.
- c. Preparing the ground for burial with correct vault size and proper recording of location of cremations and burials.
- d. Grounds maintenance: Care for and maintain the cemetery grounds.
- e. Scheduling manpower for burials.
- f. Enforcing rules: Enforce cemetery rules and regulations.
- g. Surveying: Survey and record new lots, avenues, and burial sites.
- h. Make sure that all monuments, markers, and corner stones are conforming to the Cemetery Trustees plan.

Respectfully Submitted:

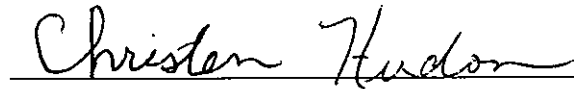
Cemetery Trustees



Kelli Kostick, Chairman, Cemetery Trustee



Stephanie MacKenzie, Cemetery Trustee



Chris Hudon, Cemetery Trustee

***NOTE:** It is advised that the Lot Deed be filed with the Registry of Deeds in
Strafford County for reliable record retrieval.

Revision History:

Rules August 2006 revised from Rules 2004, Section 14, B: Made explicit the number of potted plants and containers present at the moment. Other RSA references updated as needed.

Rules May 2008 revised from Rules August 2006: Organized sections by the subject, defined length of monument, defined size of each lot, added note of after-hours burials, add executors and descendants to rule #14.

Rules June 2009: Revised Trustee and Chair designations. Added note to file deed with Registry of Deeds.

Rules March 2011: Revised Trustee and Chair designations.

Rules May 2012: Revised Trustee and Chair designations.

Rules March 2013: Revised Trustee and Chair designations.

Rules March 2014: Revised Trustee and Chair designations.

Rules September 2014: Revised Trustee and Chair designations.

Rules August 2018: Revised the price of lots in Sections A, B, C: identified lots for cremation only: and added new rule for the Cremains Garden. Also removed the words "rate of \$500.00" and added "current rate". This change will ensure lots resold by the Town will be sold at the established on the date of the sale.

Rules August 2021: Revised the number of cremations allowed in full casket lot and also indicated that the casket needs to go in first.

Rules May 2024 Section 3: Cost of full casket lots in Sections A, B, C is \$650.00 cremation-only lots, Rows 6 and 8, Lots 3 through 10 will cost \$350.00(maximum of cremations per lot). All lots will be registered by the Town of New Durham to the Registry of Deeds. Charge for opening a grave during working hours is \$300.00. The charge for opening a grave for a child is \$200.00. Charge for burial of cremation container is \$100.00. After-hours burials are: Full casket \$550.00, child \$250.00, and cremation \$200.00. Disinterment fee is \$600.00.

Rules February 2025 Article 111: Funding and Appropriations, Cemetery Fees:

Full casket lots in Sections A, B, C, will be \$700.00

Cremation only lots, rows 6 and 8 lots 3 through 10 will be \$375.00

Private Columbarium for 5-12 niche spaces will be \$500.00

Adult grave opening during working hours will be \$400.00/ \$650.00 after hours

Child grave opening during working hours will be \$300.00/ \$450.00 after hours

The cremation container will be \$300.00

Cremation after hours will be \$450.00

Disinterment Fee will be \$650.00

Scattering Garden Fee will be \$100.00 to include plaque and registering with the town.

General Decoration Rule Language has been added under Article V: Decorations and Memorials:

#3. Permitted Decorations: Live Flowers:

Prohibited Decorations:

Items that pose as a safety hazard, such as glass objects, sharp objects, or any item that may impede mowing and groundskeeping activities shall not be permitted. There shall be no trinkets, vigil lights, toys, photos, glass containers or statues, shepherds' hooks, artificially potted plants, etc. on any grave. Items that do not conform with the rules and regulations will be removed by the cemetery staff.

Added language, Article VIII: Duties of the Cemetery Sexton RSA 289:7

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