

**CEMETERIES
TOWN OF HOPKINTON
NEW HAMPSHIRE**



RULES AND REGULATIONS

TABLE OF CONTENTS

	PAGE
CEMETERIES, TOWN OF HOPKINTON, NH	2
PURCHASE OF LOTS	3
DEFINITION OF TERMS	3
THE SAFEGUARD OF CEMETERY RULES	4
THE RULES AND REGULATIONS OF THE TOWN OF HOPKINTON CEMETERIES	5
GENERAL SUPERVISION WITHIN CEMETERIES	5
INTERMENTS AND DISINTERMENTS	5
DISINTERMENTS AND REMOVALS	7
TRANSFER, ASSIGNMENT, SALE OR EXCHANGE OF LOTS	7
CONTROL OF WORK WITHIN CEMETERY	8
DECORATION OF LOTS	8
CHANGES IN GRADING AND REPLANTING	10
CONDUCT OF PERSONS WITHIN THE CEMETERY	11
PROTECTION FROM LOSS OR DAMAGE	12
THE CARE OF LOTS	12
DEEDS AND RULES ARE SOLE AGREEMENTS	13
MODIFICATIONS AND AMENDMENTS	13
MEMORIALS	13
MATERIALS PERMITTED	15
FOUNDATIONS AND SETTINGS	15
MISCELLANEOUS	15

**CEMETERIES, TOWN OF HOPKINTON,
NEW HAMPSHIRE**

The Town is very fortunate to have seven attractive country cemeteries. It also maintains three private cemeteries.

The Town-elected Hopkinton Cemetery Board of Trustees is responsible for the following cemeteries:

PUBLIC CEMETERIES

CONTOOCCOOK VILLAGE, E/S Hopkinton Road, about 1/4 mile south of the village, Contoocook

OLD HOPKINTON, E/S Routes 202, 9, 103 and Main Street, adjacent to Town Hall, Hopkinton

NEW HOPKINTON, W/S Routes 202, 9, 103 and Main Street, near Exit 4, I-89, Hopkinton

BLACKWATER, N/S Dustin Road, about 900 feet west from Penacook Road, Contoocook

STUMPFIELD, fenced in area in rear of Contoocook Village Cemetery, Contoocook

CLEMENT HILL, W/S Clement Hill Road, about 1,000 feet south from Pine Street, Contoocook

PUTNEY HILL, E/S Putney Hill Road, about 4,000 feet south from Hopkinton Road, Contoocook

PRIVATE CEMETERIES

HARDY/LITTLE, W/S Bound Tree Road, Contoocook

HUES/WILSON/KOCH, S/S College Hill Road, Contoocook

PUTNAM, NE/S Kearsarge Street, Contoocook

PURCHASE OF LOTS/PLOTS

Generally, our standard cemetery lot is ten feet by twenty feet (10' x 20') and contains four burial plots five feet by ten feet (5' x 10'). Partial lots of one, two or three burial plots may be purchased. **Lots are not available in Clement Hill or Putney Hill Cemeteries.**

PURCHASE OF LOTS ----- EFFECTIVE MAY 1, 2004

	Lot (10' x 20')	Plot (5' x 10')
Lot	\$ 800.00	\$200.00
Maintenance	1600.00	400.00
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TOTAL PRICE	\$2400.00	\$600.00

Corner markers are required on all partial or full lots. The Trustees will provide four 4"x4" plain granite markers at a cost of \$20 per four. If incised initial corner markers are desired these will be purchased by the buyer of the full or partial lot at his/her expense from a monument company and are required at the time of purchase.

There will be an additional \$150.00 charge for any additional cremations buried in the same plot.

Memorial Garden plots are \$400.

Lots/plots are available to Town residents or former residents.

For further information or assistance, contact the Selectmen's Office, Town Clerk's Office, or one of the Cemetery Trustees.

DEFINITION OF TERMS

"Town" shall mean the Town of Hopkinton, New Hampshire.

"Selectmen" shall mean the Board of Selectmen, Town of Hopkinton, New Hampshire.

"Trustee" shall mean the Trustees of the Hopkinton Cemetery Board of Trustees.

"Cemetery" shall mean Town of Hopkinton Cemeteries, singly or collectively.

A standard lot is 10' x 20' and consists of four 5' x 10' burial plots. A family may purchase a partial lot consisting of one, two or three contiguous plots.

A plot is 5' x 10' and restricted to one burial or four cremations.

The terms "lot", "plot" and "burial plot" shall be used interchangeably, and shall apply with like effect to one or more than one adjoining graves.

The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

The term "memorial" is anything meant to help people remember some person and shall include a monument, marker, tablet, headstone, private mausoleum, tomb, gravestone, or tombstone.

The term "marker" is any stone flush with the ground to mark a grave.

The terms "headstone", "gravestone" or "tombstone" mean any upright stone above ground level marking a specific grave or a family plot.

The term "him" also means "her", "their", etc.

THE SAFEGUARD OF CEMETERY RULES

Lot owners in all cemeteries often misunderstand the purpose and function of cemetery rules and regulations: 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."

Fortunately for the Town of Hopkinton, residents of the community fully realize that cemetery rules are for the protection of the lot owner. In keeping with our New England tradition, it is important to maintain a dignified and serene setting.

It may, therefore, at times be necessary for individuals to accept the judgment of the Cemetery Trustees in matters which concern memorials on lots/plots. The Cemetery Trustees ask the cooperation of all persons in observance of these regulations.

THE RULES AND REGULATIONS OF THE TOWN OF HOPKINTON CEMETERIES

For the mutual protection and benefit of lot owners, and each cemetery as a unit, the following Rules and Regulations have been adopted, and all owners and visitors within the cemeteries, and all lots sold, shall be subject to said Rules and Regulations, and subject, further, to such other Rules and Regulations, amendments or alterations as shall be adopted by the Cemetery Trustees from time to time; and the reference to these Rules and Regulations in the Right to Bury to a lot shall have the same force and effect as if set forth in full therein.

GENERAL SUPERVISION WITHIN CEMETERIES

All persons, vehicles and funerals within the cemeteries are subject to the control and order of the Trustees.

INTERMENTS AND DISINTERMENTS

All interments and removals must be made by the Independent Contractor designated by the Trustees. A burial permit or cremation certificate is required before interment. The Independent Contractor and Trustees shall coordinate and finalize the exact plot location of interment or removal and determine the correct data to be entered on the cemetery records.

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, city, county and state.

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

All interments must be made using a concrete vault (grave boxes and sectional liners are not permitted). It is recommended that cremains be in a concrete or metal urn or durable container that will not disintegrate and be identified by a flush marker. Infants may be interred in durable plastic casket/vault combinations.

The Trustees reserve the right to refuse interment in any plot, and to refuse to open any burial plot for any purpose, except on written application by the lot owner of record.

No interment shall be permitted in any plot not fully paid for, except by special consent of the Trustees.

The Town reserves the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar locations 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 error shall involve the interment of the remains of any person in such property, the Town reserves, and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

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 Regulations have not been complied with; and, further, said Town reserves the right, under such circumstances, to place the body in a receiving vault until the full rights of the parties have been determined. The Town shall be under no duty to recognize any protest of interment unless it be in writing and filed with the Selectmen.

Not more than one body, or remains of more than one body, shall be interred in one plot, except that four cremations may be interred in one plot. However, if a request is made by the family for the cremains to be placed on top of a burial plot, the Trustees will look into each request and make a decision based upon their findings.

A \$150.00 fee will be applied for additional cremations in one plot and if a cremation is placed on top of a burial plot.

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

DISINTERMENTS AND REMOVALS

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

A body, or cremated remains, may be removed from its original plot to a larger or better plot in the Cemetery, where there has been an exchange or purchase for that purpose. The family is responsible financially for the move and any added costs.

The utmost care will be exercised in making a removal but the Town shall assume no liability for damage to any casket, burial case or urn incurred in making the removal.

TRANSFER, ASSIGNMENT, SALE OR EXCHANGE OF LOTS

No transfer or assignment of any lot/plot, or interest therein, shall be valid without the consent of the Trustees in writing first to be had and endorsed upon such a transfer or assignment and thereafter being recorded on the records of the Trustees.

The Trustees, at their option, may exchange lots/plots of comparable size.

The Trustees, at their option, will buy back a lot or more than one plot, as long as they are adjacent. The seller will be reimbursed the monies paid at the original time of purchase.

The subdivision of lots is not allowed, and no one shall be buried in any plot not having an interest therein, except by written consent of the relatives of any record owner may be buried in said plot as provided by the laws of the State of New Hampshire.

CONTROL OF WORK WITHIN CEMETERY

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the Trustees and should they be made without their written consent, Trustees shall have the right to remove, alter or change such improvements or alterations at the expense of the lot owner, or, in any event, at any time, if in their judgment, they become unsightly to the eye.

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

DECORATION OF LOTS

The Town shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind, from the cemetery, as soon as, in the judgment of the Trustees, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standards maintained by the Town. The Town shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached. 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 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 written consent is given.

The following items are specifically prohibited, and if so placed, the Trustees reserve the right to remove same:

- a. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases and similar articles;
- b. Plants unless adjacent to a headstone, gravestone or tombstone;
- c. Plants on markers, except in single burial plots;
- d. Rose bushes, flowering shrubs or trees on any lots;
- e. Marble chips or wood chips around monuments or markers;
- f. Window boxes, pots, except for one week before and one week after Memorial Day;
- g. Urns, except on those lots that do not have monuments, in which case one urn may be placed where the headstone, gravestone or tombstone would go;
- h. Anything else which the Trustees deem to be unsightly or improper.
- i. Objects around graves need to be removed in two weeks time for safety reasons. Owners are liable if the objects are not removed and an injury results

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

The regulation regarding exclusions of miscellaneous items from gravesites is necessary in order to allow for safe and proper mowing and trimming maintenance. However, it is equally important to make allowances for special and personal items to be placed at gravesites when people wish to express their ongoing remembrances. In order to clarify and accommodate such activities, the Trustees have developed these new guidelines:

1. Living flowers are acceptable if placed in the ground in front of a

headstone and are no more than 8-10" away from a headstone or flush marker. All flowers must be watered and maintained in a fresh state by the people who place them.

2. NO plastic flowers are permitted. NO signs are permitted. NO glass containers are permitted.
3. No fertilizer or pesticides are to be used on any gravesite.
4. Memorial items such as small statuettes, coins, small stones, or other keepsakes may be placed on the foundation of a headstone or on top of a headstone...not on the ground.
5. Perpetual flame holders or plants on wire hangers must be anchored up close to the base of a headstone.
6. Bark mulch and fencing of any type are NOT permitted.
7. Shrubs or dwarf trees can no longer be planted by a headstone or any other place on the burial site.
8. Any loose items, dead plants, flowers, or other items considered unsightly or hazardous to mowers and trimmers will be removed during routine maintenance.
9. Any questions or concerns about these guidelines should be referred to the Cemetery Trustees who can be contacted through the Town Clerk's office or the Selectmen's office.

These guidelines (which may be altered from time to time) are intended to allow special memorials to be used, while at the same time to allow for safe and efficient mowing and trimming. The courtesy and consideration of all parties is appreciated.

CHANGES IN GRADING AND REPLANTING

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 of or remove or re-grade roads, drives or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate or alter or change pipe lines, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners, for cemetery purposes, or for anything necessary, or incidental or convenient thereto. The Town reserves for itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

CONDUCT OF PERSONS WITHIN THE CEMETERY

Persons within the cemetery grounds shall use only the avenues, walks, and roads, and any person injured while walking on the grass, except that be the only way to reach his plot, or while on any portion of the cemetery other than the avenues, walks, or road, shall in no way hold the Town liable for any injuries sustained.

Only the lot owner and his relatives shall be permitted on the cemetery lot. Any other person thereon shall be considered a trespasser, and the Town shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonably safe condition.

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.

No person shall be permitted to have refreshments or lunches within the cemetery.

No person shall be permitted to sit or lounge on any of the grounds, graves or memorials in the cemetery, or in any of the buildings.

Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings is prohibited.

No motorcycles, snowmobiles, off highway recreational vehicles or horses shall be admitted to the cemetery.

Dogs shall not be allowed on the cemetery grounds or in any of the buildings, except on leash.

Rubbings of headstones, gravestones or tombstones are prohibited without the prior approval of the Trustees. Permission may be granted to any individual with a compelling reason and who is properly qualified.

PROTECTION FROM LOSS OR DAMAGE

The Town shall take reasonable precautions to protect lot owners, 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, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

THE CARE OF LOTS

The Trustees agree to keep the grass on the lots properly cut; provide lime and fertilizer when, and as, needed; and in general to keep the lots in suitable and good repair and preservation. Owner agrees that all surplus income and interest, if any, accumulated from the Cemetery Maintenance Care Trust Funds, may at the discretion of the Trustees, be used for ornamenting, preserving and caring for the grounds of the cemetery in which the lot is located or any other cemetery in the Town of Hopkinton.

The term "maintenance care" shall not be construed as meaning repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots; nor does it mean the reconstruction of any marble, granite, bronze, or concrete work on any lot, or any portion or portions thereof in the cemetery, necessitated by the elements, an act of God, common enemy, thieves, vandals, 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.

The income from the Cemetery Maintenance Care Trust Funds shall be expended by the Town in such manner as will, in its judgment, be most advantageous to the cemetery, and in accordance with the purposes and provisions of the laws of the State applicable to the expenditure of such funds. The Trustees are 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 it in its sole judgment, may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery grounds or for any purpose necessary in the execution of its duties.

DEED AND RULES ARE SOLE AGREEMENTS

The deed of ownership, the Right to Bury form and these Rules and Regulations and any amendments thereto shall be the sole agreement between the Town and the lot owner. The statement of any Trustee, employee or agent, unless confirmed in writing by one of its Selectmen, shall in no way bind the Town.

MODIFICATIONS AND AMENDMENTS

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appears advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.

The Town may, and it hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or 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.

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 avenues or pathways, or from leaving material on the grounds longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and they must remove all debris and restore the ground and sod to its original condition.

Memorial dealers shall abide by all rules of the cemetery.

MEMORIALS

No memorial shall be placed in or on any lot not fully paid for, except by special consent of the Trustees.

It is recommended that all graves be marked with a memorial or marker.

No lot owner shall erect or place, or cause to be erected or placed, on any lot in the cemetery, any memorial to which the Trustees disapprove.

The maximum size of a memorial is governed by the size of the lot on which it is to be placed, and is to be determined by the Trustees.

Markers shall be flush with the ground. Markers shall be placed at the end of the grave farthest from the base of the monument, unless by permission of the Trustees.

Corner posts are required on all partial or full lots. They shall be 4"x4" and made of granite. The trustees offer 4 corner markers at a cost of \$20, but they are plain with no initial. If the buyer wants an incised and initialed corner marker they will purchase these from a Monument Co. at his/her expense and they will be put in place at the time of sale.

The Trustees shall have the right to lower all markers and to lower or remove any corner posts or curbing that are a hindrance to the care and mowing of the lots.

While the Town will exercise all possible care to protect the memorial, or other structure on any lot, and the raised lettering, carving or ornaments on such memorials, or other structure, it disclaims responsibility for any damage or injury thereto.

No coping, curbing, fencing, hedging, grave mound borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick cinders, tile, stone, marble, terracotta, sand cement, gravel or wood shall be allowed on any lot. The Trustees reserve the right to remove the same if so erected, planted or placed. If any enclosure now in place shall become dilapidated, the Cemetery Trustees are authorized to remove same.

The Trustees shall have the authority to reject any plan or design for any memorial which, in their opinion on account of size, design, inscription, kind or 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. The completed work is subject to the approval of the Trustees and, if unsatisfactory, it may be removed by the Trustees.

No private mausoleums or tombs or other structures above ground shall be built except by special permission of the Trustees after plans for same have been submitted and approved by them.

Photographing or measuring of memorials shall not be allowed except on signed order of the owner or Trustees.

MATERIALS PERMITTED

All materials, memorials, mausoleums or tombs shall be constructed of good natural stone. No artificial stone of any description is permitted.

FOUNDATIONS AND SETTINGS

No above-ground memorial can be set without a proper foundation, which shall include a four inch (4") cement apron around such memorial, approved by the Trustees. Foundations shall be built to a depth of at least three feet (3') and shall be the same dimensions as the above-ground memorial.

The Trustees reserve the right to require a larger foundation when in its opinion, the weight of the structure requires it.

MEMORIAL GARDENS

1. The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation.
2. Plot sizes are 2' x 2' and there can be two (2) cremations per plot.
3. Flush markers are New Hampshire granite designed by Perry Brothers Monument Co. and purchased by the Cemetery Trustees. They will measure 16"x8"x2".
4. Flush markers may be engraved with the deceased name, date of birth, and date of death. Any engraving needed after the initial placement of the flush marker is to be done at the expense of the family/owner. Two names may be on one marker if there are two cremations in the plot. If the person is a Veteran that information may be added to the marker. Only one marker per plot is allowed.
5. The flush markers are placed by a Cemetery Trustee.
6. The cremains must be in a container or urn if there is the possibility of future removal. We do not require a vault at this time.
7. If the cremains are not placed in an urn and the ashes are placed in the ground they must remain in that location forever.
8. The burial site is dug by an Independent contractor hired by the Trustees. Burial by the sexton is paid separately by the family.

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5. The flush markers are placed by a Cemetery Trustee.
6. The cremains must be in a container or urn if there is the possibility of future removal. We do not require a vault at this time.
7. If the cremains are not placed in an urn and the ashes are placed in the ground they must remain in that location forever.
8. The burial site is dug by an Independent contractor hired by the Trustees. Burial by the sexton is paid separately by the family.

MISCELLANEOUS

Benches are permitted, if approved by the Trustees. They must be constructed of granite or attractive concrete and securely fastened to the ground.

No memorials shall be removed from the cemetery, except on the written order of the lot owner and approved by the Trustees.

The cemeteries will be closed from November 1st until May 1st. No interments will be permitted during this time nor will the cemetery roads be plowed. Exceptions to this rule can only be made by the Board of Trustees.

The Cemetery Board meets the first Tuesday of the month from May through November at 9:00 a.m. at the Town Hall in Hopkinton Village.

Board of Cemetery Trustees

Christine Hamm-- 746-4919 (home) 479-0063 (cell)

Don Lane - 746-3956 (home) 848-3956 (cell)

Susan Lawless 715-0050 (home)

Revised: 3/2013