

DIOCESE OF MANCHESTER  
**Cemetery**  
Rules & Regulations



# Table of Contents

<b>Bishop Libasci’s Message .....</b>	<b>3</b>
<b>Preamble .....</b>	<b>5</b>
<b>Mission Statement .....</b>	<b>6</b>
<b>Articles</b>	
Article I: Purpose of Cemeteries.....	7
Article II: Admission to Cemetery Properties.....	7
Article III: Ceremonies.....	7
Article IV: Arrangements for Internment/Entombment/Inurnment.....	8
Article V: Internment/Entombment/Inurnment Procedures .....	8
Article VI: Disinterment Procedures .....	9
Article VII: Right to Correct Errors.....	10
Article VIII: Information for Holders of Interment Rights .....	11
Article XI: Heirship .....	11
Article X: Multiple Interments/Inurnments .....	13
Article XI: Right to Replat .....	13
Article XII: Easements.....	14
Article XIII: Service Charges.....	14
Article XIV: Use of Cemetery.....	14
Article XV: Conduct in the Cemetery.....	16
Article XVI: Grading, Landscaping and Improvements.....	17
Article XVII: Cemetery Hours.....	17
Article XVIII: Outside Contractors.....	17
Article XIX: Employees .....	18
Article XX: Loss or Damage.....	18
Article XXI: Care .....	19
Article XXII: Mausoleums .....	19
Article XXIII: Columbaria.....	20
Article XXIV: Receiving Vaults .....	21
Article XXV: Green Burials.....	22
Article XXVI: Memorials and Rules for Memorial Work .....	22
Article XXVII: Additional Information.....	22
<b>Definitions of Terms.....</b>	<b>26</b>



## OFFICE OF THE BISHOP DIOCESE OF MANCHESTER



Dear Brothers and Sisters in Christ:

Since the Sacred Body of our Crucified Savior was reverently laid in the tomb awaiting its glorious Resurrection, the Church has been most solicitous to surround the burial of those who hope to rise with

Christ with an atmosphere of deep Christian faith and profound reverence. In the Mass and committal prayers, the Church gives voice to her belief in the Christian doctrines of the Resurrection of the Body, the communion of Saints, and Life Everlasting, but as a further seal and symbol of that faith, she sets apart and solemnly blesses the place in which the bodies of her faithful departed await the day of Resurrection.

The Roman Catholic Church in New Hampshire has set aside Roman Catholic Cemeteries located throughout the State of New Hampshire as sacred ground, the resting places of the faithful when they die. Roman Catholic Cemeteries are more than burial grounds. They are places of worship, prayer, and meditation, monuments to our faith and witness to life everlasting. They are places where individuals come not only to mourn their deceased family and friends but to find hope and peace.

In the earliest days, Mother Church found it necessary to establish rules and regulations which would protect these sacred places and the relics laid therein. She could not and would not allow anything within the holy precincts which would desecrate them, lessen their beauty, or bring dishonor on the dead.

For the foregoing reasons, the following Cemetery Rules and Regulations are adopted for all Roman Catholic cemeteries within the Diocese of Manchester. These rules and regulations apply to all lots, all those who hold a lot, crypt or tomb, and all visitors to the cemeteries. These rules and regulations may be amended, revised, or supplemented as changing conditions dictate.

Throughout all of our Christian history, the Church has encouraged its people to honor the dead in deed and memory. We invite you to come and pray for the faithful and to help make the Roman Catholic Cemeteries in the Diocese of Manchester dignified places of Christian burial and prayer.

Yours in the All-Holy Trinity  
And the Mother of God,

A handwritten signature in black ink, reading "Peter A. Libasci". The signature is written in a cursive style with a small cross at the beginning.

Most Reverend Peter A. Libasci  
Bishop of Manchester

# Preamble

These rules and regulations are established as part of the Church's commitment to respect the dignity of every human person and preserve and beautify the sacred resting places of the faithful departed. They are intended not as restraining, but rather as defining an orderly plan of operation, care, and maintenance, and are designed to ensure compliance with the practices, rituals, and procedures of the Roman Catholic Church, the civil laws of the state and federal government, the Diocese of Manchester Office for Worship *Guidelines for Christian Funerals, Cremation & Burial*,<sup>1</sup> and the *1983 Code of Canon Law*. If a conflict arises between these rules and regulations and civil or canon law, civil or canon law applies.<sup>2</sup>

These rules and regulations and any amendments, alterations, and additions adopted by cemetery management or the Bishop of Manchester shall apply to all lots, all those people who hold a license for a lot, crypt, or tomb, and all visitors to the Roman Catholic cemeteries. These rules and regulations do not cover every situation that may arise. In all matters not specifically covered by these rules and regulations, cemetery management reserves the right to establish rules and procedures and use its judgment to make decisions, and such rules, procedures, and determinations shall be binding upon the lot or crypt holder, visitor, and all parties concerned.

Due to ever-changing conditions, cemetery management reserves the right to change, modify, and rescind these rules and regulations and to change all service charges. These changes, modifications, and rescissions automatically apply to all licenses for burial, whether the licenses were issued prior or subsequent to their adoption.

Questions regarding any of the rules and regulations contained in this document should be directed to cemetery management.

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<sup>1</sup> The *Guidelines for Christian Funerals, Cremation & Burial* can be found online at: <http://www.catholicnh.org/assets/Documents/Parish/Guidelines-FuneralsCremationBurials.pdf>

<sup>2</sup> NH law defines a "cemetery" as a "cemetery owned, managed, or controlled by any municipality within this state or owned and managed by any nonprofit cemetery corporation chartered by the state." RSA 289:1. Cemeteries, mausoleums, and columbaria owned, managed, or controlled by religious institutions are considered to be "burial grounds." *Id.* Thus, some NH laws applicable to municipal cemeteries may not be applicable to Roman Catholic cemeteries.

# Mission Statement

The Roman Catholic cemeteries within the Diocese of Manchester carry out the sacred duty of providing a dignified Christian burial for all of our beloved faithful.

We dedicate ourselves to the reverential function of burying the dead and ensuring the respectful care for the grounds in which their mortal remains rest.

We are committed to comforting the sorrowful and promoting a spirit of Christian compassion and counsel through liturgical celebrations and other opportunities for traditional Roman Catholic prayer in the cemetery.

We confirm our responsibility for stewardship of the resources of our Cemeteries, and our fulfillment of the Church's mission under the direction of the Bishop of Manchester.

We proclaim through our words and actions, the sacredness of the human body, our belief in the Resurrection, and our hope in Our Lord's promise of eternal life.

# Articles

## Article 1: Purpose of Cemeteries

Cemeteries are intended for the interment of Catholics who have the right to Christian burial according to the rites, rules and disciplines of the Roman Catholic Church and the regulations of the Diocese of Manchester, NH. Cemeteries are designated for the interment, entombment and inurnment of properly prepared human remains. In addition to practicing Catholics, those who have not been active in the Catholic faith or those who have joined another Christian faith may be buried in a Roman Catholic Cemetery. Non-Catholic spouses and family members of Catholics may be buried in a Roman Catholic cemetery. Management, in its sole discretion, shall apply the rules and norms of the Roman Catholic Church in determining whether or not a non-Catholic may be buried in a Roman Catholic cemetery.

## Article II: Admission to Cemetery Properties

Cemetery management, in its sole discretion, reserves the right to refuse admission to any Cemetery and to refuse the use of any of the Cemetery's facilities at any time to any person or persons, as the rules, judgment and tradition may dictate. All roads, entrances, and land within the confines of the Cemetery are private property, and entrance is limited to persons authorized by management. At management's discretion, the cemetery may be closed for inclement weather and/or if there are unsafe conditions.

## Article III: Ceremonies

Only those services and ceremonies which are consistent with the teachings and liturgy of the Roman Catholic Church and the rules and guidelines of the Diocese of Manchester, NH, including, but not limited to, the Office for Worship *Guidelines for Christian Funerals, Cremation & Burial*, may be conducted or celebrated within the cemetery. No organization, except those approved by management, will be permitted to conduct services or ceremonies in the cemetery. Arrangements for all ceremonies, including but not limited to Committal Services, Veteran Observances, and celebrations of the Eucharist must be made with and approved in advance by cemetery management.

## **Article IV: Arrangements for Interment/Entombment/Inurnment**

- Persons arranging for interments, entombments or inurnments should visit the Cemetery where management will aid them in effecting the necessary arrangements.
- Making arrangements relative to the opening of a burial space requires notice several days in advance. Management shall have the right to request that those wishing to arrange for an interment, entombment or inurnment, call the Cemetery office in ample time so the Cemetery may complete arrangements relative to the opening of the burial space. If a Funeral Director or other Agent is representing the lot holder, the arrangements made with management are binding on said lot holder.
- Management shall not be responsible for any order given by telephone or any mistake occurring from the lack of proper instructions as to the size of the casket or as to the particular grave or crypt location where interment, entombment, or inurnment is to be made. Management reserves the right charge a reasonable fee whenever additional labor costs result from such errors.
- Management shall in no way be liable for any delay in the interment, entombment or inurnment of the human remains where a protest has been made, or where the rules and regulations have not been complied with, or where the rules and regulations shall forbid interment, entombment or inurnment. Further, management reserves the right, under such circumstances, to place the human remains in a receiving vault until full rights have been determined. Any protest shall be in writing and filed with the Cemetery office.

## **Article V: Interment/Entombment/Inurnment Procedures**

- All funerals shall be under the exclusive charge and sole direction of cemetery management while they take place within the cemetery grounds.



- A burial permit for each funeral from the local, county, or state authority having jurisdiction of the matter must be presented to management before the interment, entombment or inurnment is completed. Management is not responsible for obtaining the permit, for the accuracy of the data contained in said permit, or for determining the identity of the person to be interred, entombed or inurned.
- A casket may not be opened at any time within the cemetery without the express permission (and in the presence) of management. Management reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without an order from a court or other duly constituted civil authority having jurisdiction.
- The interment of cremated remains shall be permitted only in accordance with the provisions of Canon Law and diocesan guidelines, including the *Guidelines for Christian Funerals, Cremation & Burials*. Cremated remains must be placed in a sealed urn or container before burial.
- Management reserves the right to designate the hour and manner in which interments, entombments and inurnments will or will not be permitted.
- All interments, entombments and inurnments are subject to fees as set forth in the price guidelines fixed by management.
- All interments, entombments and inurnments must comply with all applicable local, county, and state laws and regulations.
- Only cemetery personnel and equipment, or those authorized by management, shall be used in performing interment, entombment or inurnment services.
- Cemetery management or personnel shall not be held responsible for damages or injuries resulting from defects in burial containers when they set or seal said units or maintain the same.

## **Article VI: Disinterment Procedures**

- No disinterment or removal shall be allowed except with the permission of:
  - Cemetery management.

- The written authorization of the crypt or lot holder(s).
- The nearest of kin and the blood heir(s) of the deceased.
- All documents shall be executed according to proper legal procedures.
- Management reserves the right to designate the hour and manner in which disinterments will or will not be permitted.
- All disinterments are subject to fees as set forth by management.
- All disinterments must comply with all applicable local, county and state laws and regulations.
- Only cemetery personnel and equipment, or those authorized by management, shall be used in performing disinterments and removals.
- Management shall exercise due care in making a disinterment and removal, but shall assume no liability for the damage to any casket, outer burial container, or memorial incurred in making the disinterment and removal.

## **Article VII: Right to Correct Errors**

Cemetery management strives at all times to be accurate in describing and transferring rights and in conducting interments, disinterments, removals, and the placement of memorialization. However, recognizing that even with the best intentions, mistakes may be made, management reserves, and shall have, the right to correct any errors that may be made by it in making interments, disinterments, or removals, or in the description or transfer of any rights.

Every effort will be made to contact the lot holder(s) or heir(s) at their last known address as recorded in the cemetery files thirty (30) days prior to any correction being made. In the event that contact cannot be made prior to a correction being made, management will within thirty (30) days following the correction notify the lot holder(s) or heir(s) at their last known address as recorded in the cemetery files about the correction made.

In correcting any error, management may substitute a lot of equal value and similar location or may refund money paid on account of said purchase. Management shall also reserve the right to remove and re-inter the remains in the substituted lot.

## **Article VIII: Information for Holders of Interment Rights**

- Management reserves the right to specify the terms of purchase of all interment rights in lots, mausoleum crypts, niches and the manner in which said rights shall be held or exercised.
- Should the lot or crypt holder fail to carry out the terms of the purchase agreement, after due notice, management may declare said agreement canceled and all rights of the purchaser in and to the lot or mausoleum crypt/niche forfeited. In the event of such default for lots, management reserves, and shall have, the right immediately or at any time thereafter, without notice, at its discretion, to remove to single graves, to be chosen by management, each of the remains then interred in said lot. Management shall also have the right to remove any memorial on said lot.
- All grave interments shall be made in an approved outer container constructed in accordance with specifications determined by management. In the case of cremations, the remains must be placed in a non-biodegradable container or urn.
- Digging around the perimeter of a memorial is prohibited and management is not responsible for damage to memorials when there is evidence of such digging.
- The use of a lot is for the lot holder or lot holder's relatives for interment only, and the right of interment granted therein is not transferable, for sale or for profit. The interment rights in an unoccupied portion of a lot may only be resold to the Cemetery at the price originally paid less a service fee. Management is under no obligation to purchase a lot offered for sale by a lot holder.
- It shall be the duty of the lot holder to notify management of any change in his/her mailing address. Notice sent to a lot holder at the last address in management's records shall be considered sufficient legal notification.

## Article IX: Heirship

- In the event of the death of a lot holder, any and all rights of the lot holder shall pass to the lot holder's family in the following manner:
  - The spouse of the owner of any lot containing more than one interment space has a vested right of interment of his/her remains in the lot , which right will terminate upon remarriage, unless the purchase agreement was in the name of both parties.
  - If the lot holder shall have filed written instructions with management, said instructions will be followed by management so long as they are definite, reasonable, and practical, and provide for the vested right of interment of the surviving spouse.
  - If subsequent to providing instructions to management, the lot holder leaves different instructions in his/her duly probated will, the instructions in the will control so long as they do not conflict with these Rules and Regulations or the vested rights of the surviving spouse.
  - In the absence of valid and sufficient instructions filed by the lot holder or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto under the intestate laws of the State of New Hampshire.
  - In a conveyance to two or more persons as joint tenants, each tenant has a vested right of interment in the lot conveyed. Upon the death of a joint tenant, the rights to the lot held in joint tenancy immediately vests in the surviving joint tenant or tenants, subject to the vested right of interment of the remains of the deceased joint tenant and the surviving spouse of the deceased joint tenant. If interment rights of a lot cannot be agreed upon, the rights shall be determined by the Probate Court in a proceeding commenced at the expense of the lot holders.
  - A notarized affidavit by a person having knowledge of the facts setting forth the fact of the death of the holder and the name of the person or persons entitled to the use of the lot shall serve as sufficient authorization to management to permit the use of the unoccupied portion of the lot; and said documentation shall absolve management from any liability with respect to such use.

- The intent of a grave reservation is for the interment of the person designated. In the event it is not used for this purpose, the use and control of the grave shall revert to the owners or their heirs. Each heir shares equally and jointly in the burial rights in the grave or lot as long as a vacant grave remains. Written authorization for interment or entombment shall be obtained from all surviving heirs. An heir may release or designate his/her right at any time, but only with the permission of other heirs.
- The spouse of an heir or any non-heir may not be interred in the grave, lot or crypt except upon the written authorization of all heirs. If one heir withholds his/her permission, the burial may not be allowed by management.
- All heirs must give permission for burial to each other and for any non-heir burial. Previous burial designation will be scrutinized for proper authorization by management.

## **Article X: Multiple Interments/Inurnments**

Management reserves the right to permit or authorize the interment of more than one human remains in one grave or crypt. A corresponding fee will be required, as determined by management as part of the stated cemetery charges. Where multiple interments or inurnments are permitted on a burial site, when the grave is occupied, permission must also be sought from the next of kin of the deceased. Written permission from the next of kin of the deceased must be on file in the cemetery office before a multiple interment or inurnment can be made.

In the event that two persons wish to occupy the same grave, prior to one being deceased, permission must be sought from management in advance of a burial. This allows for proper placement of casket and urn.

Memorials for multiple interments must be made according to the cemetery guidelines.

## **Article XI: Right to Replat**

Management has the right, subject to applicable laws, to modify grave arrangements when in their judgment this becomes necessary. Replatting includes the following activities:

- Re-survey, enlarge, diminish, replat, alter in shape or size, or otherwise change all or any portion of the cemetery.
- Lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, or drives, so long as access to and from any lot is afforded to the lot holder.

## **Article XII: Easements**

Management, their agents and employees shall have easements and perpetual rights of way over and through all of said cemetery premises for landscaping and for the purpose of installing, maintaining and operating pipe lines, conduits or drains for sprinklers, drainage, electric or communication lines.

No easement or right of interment is granted to any lot holder in any road, drive, alleyway, or walkway within the cemetery. However, so long as management devotes to use a road, drive, alleyway or walkway, lot holders shall have a license to the use thereof for access purposes.

## **Article XIII: Service Charges**

Management shall have a right to fix a charge and time of payment for each interment, disinterment, removal, lot, crypt, niche transferred or released, and for the performance of any other service rendered by management; and all work in connection with such service shall be subject to the determination and supervision of said management.

Any indebtedness due for work performed on a lot, crypt, or niche must be paid before an interment, inurnment or entombment may be made, or before any memorial may be erected.

## Article XIV: Use of Cemetery

Roman Catholic cemeteries are holy places. These sacred grounds are blessed by the church and dedicated as a place of prayer and dignity for our faithful departed. Quiet reverence and respect for other people visiting the resting sites of their loved ones should be maintained at all times.

- Visitors – Visitors within the cemetery shall use only the roads drives and walkways, unless it is necessary to walk on the grass to gain access to one's lot. Management expressly disclaims liability for any injuries sustained by anyone violating this rule.
- Trespassers – Only the lot holder and his/her relatives or friends shall be permitted on a lot in the cemetery. Any other person thereon shall be considered a trespasser, and management shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonable safe condition.
- Children – Children under fifteen (15) years of age are not permitted within the cemetery unless accompanied by a supervising adult.
- Animals – Animals are not allowed in the cemetery or in any buildings in the cemetery. (Exception: Specially trained service animals used by persons with physical impairments are allowed).
- Lawns – Lawns shall not be disturbed for any purpose except under the supervision of management.
- Lot Borders - No coping, curbing, fencing, hedging, borders, or enclosures of any kind shall be allowed around the lot. Management reserves the right to remove same, without notice, if installed.
- Ornaments and Flower Vases – Management reserves the right to regulate the method of decorations of lots so that uniform beauty is maintained. The use of statues, boxes, shells, coins, gourds, toys, metal designs, ornaments, vases, votive candles, glass, plastic, concrete, vigil lights, Christmas decorations, crockery jars and containers, wood or metal cases, potted plants, balloons, pinwheels, lawn ornaments, bric-a-brac of any description, etc. shall not be permitted on any lot and any such articles shall be removed by management. Memorial Day floral arrangements and/or decorations must be placed on the base of the monument or placed on an extension to

that base. Memorial Day floral arrangements and/or decorations may be placed seven (7) days before the federal holiday and removed from the cemetery by June 10.

- Water Usage – The use of water spigots is restricted for the watering of plants and flowers.
- Motor Vehicles – Automobiles, funeral cars and other vehicles must be kept under control of licensed drivers at all times. At no time shall such vehicles drive through the gates or within the cemetery at a speed in excess of the posted limit. Vehicles may not park or come to a full stop before an open grave unless such vehicles are in attendance at the funeral.
- Bicycles and Motorcycles – Management reserves the right to refuse admission to any person entering the cemetery on these or any types of moving apparatus.
- Commercial Vehicles – Management shall admit commercial vehicles based upon proper authorization and approval of scheduled service activity.

## **Article XV: Conduct in the Cemetery**

Any conduct which interferes with the rights of others or which (in management's opinion) detracts from the operation of the cemetery is prohibited.

- General – Loitering, playing, boisterous demonstrations or gatherings in the cemetery not approved in advance by management are prohibited.
- Rubbish – The improper disposal of rubbish on roads, driveways, paths, walks, or any part of the grounds or in buildings is prohibited.
- Picnicking – Picnicking or partaking of any refreshments by visitors within the cemetery is prohibited.
- Flowers and Shrubs – No one shall pick any flower or break any branches or remove, injure or cut any tree, plant or shrub without specific permission of management.



- Soliciting – No one shall be permitted to sell flowers, plants or any other items whatsoever within the cemetery.
- Signs and Advertising – No signs, notices, or advertising of any kind shall be allowed within the cemetery except those placed by management.
- Firearms – Discharging firearms within the cemetery is prohibited except by military escort accompanying a veteran’s funeral.
- Improper Assemblages – Management reserves the right to forbid and prevent assemblages which it deems improper.

## **Article XVI: Grading, Landscaping and Improvements**

- Management shall have exclusive right to do all landscaping, maintenance, planting, trimming and improvement work upon the lots or within the cemetery.
- Any work of any nature to be done on a lot must be approved in advance by management. Management reserves the right to remove, alter or change such improvements or alterations at the expense of the lot holder should they be made without its written consent.
- Management reserves the right to use legally approved chemical applications to beautify the cemetery property.

## **Article XVII: Cemetery Hours**

Management shall set the cemetery’s hours of operation as well as those hours kept by the cemetery office.

## **Article XVIII: Outside Contractors**

- Lot, crypt, niche holders may have certain work done in accordance with these Rules and Regulations at their own expense and with management’s advance written approval. Any work to be done must be paid for in advance with evidence of such payment provided to management prior to the commencement of such work.

- Any outside worker/contractor performing work in the cemetery must provide proof of insurance with liability coverage of at least \$1,000,000 and property coverage of at least \$100,000 per occurrence. A copy of a current certificate of insurance must be submitted to the cemetery office and approved by management prior to any work being performed.
- Contractors must comply with, and be governed by, all laws, ordinances, these Rules and Regulations applying to the premises, and the work thereon, and shall pay for all necessary permits.
- Contractors are prohibited from using cemetery equipment and materials.
- Contractors must notify management when they are on the premises.

## **Article XIX: Employees**

- Cemetery employees shall do all work performed in the cemetery, with the exception of work performed by outside contractors that is specifically authorized by management.
- Cemetery employees are not permitted to do any unauthorized work for grave or lot holders except upon the specific instructions of management.
- No cemetery employee is allowed to receive any compensation or gratuity, directly or indirectly from grave or lot holders, for any work performed.
- The statement of any employee of the cemetery shall not be binding upon management except as such statement coincides with the document conveying the right of interment, and with these Rules and Regulations.

## **Article XX: Loss or Damage**

Management disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, terrorism, riots, order of any military or civil authority, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, or any other similar cause, whether the damage be direct or collateral. In the event it becomes necessary to construct or repair any section of a lot, including graves, crypts, or any portions thereof, or any mausoleum which has

been damaged by such causes, management shall give lot holder(s) or heir(s) at their last known address as recorded in the cemetery files thirty (30) days advance notice of the necessity for such repair. In the event the lot holder(s) or heir(s) fail to repair the damage within a reasonable time, management may direct that the repairs be made and charge the expense against the lot holder(s) or heir(s) of record.

Management disclaims all responsibility for damage of any kind that may occur to memorials in the normal course of cemetery operations, performed with reasonable care and caution.

## **Article XXI: Care**

- The cemeteries operated within the Diocese of Manchester, NH will provide care and maintenance necessitated by natural growth and ordinary wear, including cutting of lawns, and the cleaning and maintenance of roadways, walks and buildings, provided there are sufficient funds for these purposes.
- The cemeteries will have no obligation to maintain, repair, or replace any memorial placed or erected upon any lot; nor plant, cut, water or care for any privately planted tree or shrub; nor plant flowers or ornamental plants; nor do any special or unusual work in the cemetery; nor reconstruct any granite, bronze, or concrete work on any section of the lot, crypt, or niche; nor repair items damaged by any cause beyond management's reasonable control.

## **Article XXII: Mausoleums**

- Mausoleums or tombs, either wholly or partially above ground, shall be constructed only in lots designated for them. Plans, specifications, material and location in the lot of such mausoleum or tomb shall be subject to the approval of management. Management reserves the right to require an endowment for future maintenance of mausoleums or tombs be deposited with it, said endowment to be of a size specified by management.
- When interment is made in a private mausoleum, the crypt shall be properly sealed, subject to approval of management. The entombment must be made in an approved casket which complies with the regulations of the controlling Department of Health.

- No walkways, patios, or other appurtenant structure shall be permitted on the ground surrounding a mausoleum. No additions or changes shall be allowed after the specifications and foundation plans for a mausoleum have been submitted and approved.
- Community mausoleum entombment must be made in an approved casket which complies with the regulations of the controlling Department of Health.
- Management reserves the right to issue under separate cover detailed regulations concerning the use of community mausoleums. Such regulations may include, but are not limited to: the decoration of crypts; the size, quantity, type and placement of lettering on crypts; and the use or non-use of flowers, vigil lights, etc.
- Management reserves the right to remove from a crypt front any item affixed to the crypt front without notice. Any stains or marks caused by these items will be removed at the expense of the crypt owner.

## **Article XXIII: Columbaria**

- A columbarium provides a permanent structure containing niches or other suitable spaces for the memorialization of cremated remains.
- All cremated remains must be encased in an urn or other appropriate container approved by management in order to be inurned in a columbarium space. Said durable container must be sealed and leak-proof. Management shall not be responsible or liable for any defects in the urn or container.
- The capacity of each niche or columbarium space shall be designated on the plans in the cemetery office. All urns must be sized accordingly to the stated dimensions and space capacity.
- If the columbarium is destroyed or damaged for any reason, management shall have the right to place any cremations inurned therein either (1) temporarily in a receiving vault pending restoration of the niche and upon restoration re-inurned therein, or (2) permanently in a like space elsewhere in the cemetery. In the event first above mentioned, all prior rights and obligations existing at the time of damage shall continue in full force and effect; in the second event above mentioned, appropriate inurnment rights

shall be provided in the new space in lieu of inurnment rights in the destroyed or damaged columbarium.

- Niche front panels may not be removed or disturbed in any manner except by approval and by management.
- No ornamentation, structural change, or addition shall be made on or about any individual niche or the columbarium structure in whole. Management reserves the right to remove any such ornamentation or correct any such alteration at the holder's expense without being deemed guilty of any manner of trespass.

## **Article XXIV: Receiving Vaults**

- Receiving Vaults in the cemetery shall be used for temporary entombments subject to certain rules and regulations. They are available only when final interment is to follow in a Roman Catholic cemetery.
- No remains shall be placed in a Receiving Vault which present a health or safety risk or if contradictory to the local Board of Health's Rules and Regulations.
- Management reserves the right, without notice, to remove from a Receiving Vault at once and inter any remains when same are not in a state of good preservation, or when the condition of the body renders its interment necessary.
- Receiving Vaults are for temporary use only and subject to a rental fee, and under no circumstances shall a body be considered as interred or entombed by reason of its being placed therein.
- Management shall determine the amount of deposit, handling charges and rental rates to be charged.
- Remains shall be removed from the Receiving Vault within a reasonable time, unless management consents to a longer period.
- Upon failure of payment, or to make suitable arrangements for the final interment of the remains within a reasonable time, management may remove the remains from the Receiving Vault and cause same to be interred

in any grave it may select after first having given seven (7) days' notice by deposit of a letter in the United States Post Office with postage thereon duly prepaid to the person making the placement at the address stated on the cemetery records, and shall apply the deposit on the expenses it incurs. In the event of such failure or default, management is empowered to act as duly appointed agent in obtaining any and all interment or health permits necessary for said removal and interment. As long as the remains are with said management, the cemetery shall be coupled with an interest and this power shall be irrevocable.

- Management shall exercise due care in making a removal, but shall assume no responsibility for damage to any casket or burial case incurred in making the removal.
- Management reserves the right to issue at any time under separate cover detailed regulations and instructions pertaining to Receiving Vaults in the cemetery, or to incorporate specific provisions in any Receiving Vault Agreement; and such regulations, instructions, and provisions are hereby made part of these Rules and Regulations.

## **Article XXV: Green Burials**

Green Burials are an evolving concept and a way of caring for the dead with minimal environmental impact without compromising the rites and practices of the Catholic Church. The practice of Green Burials has many interpretations and many definitions. Management reserves the right to incorporate Green Burial space into their cemetery. Consultation with cemetery management will determine if and how Green Burials can be accommodated.

## **Article XXVI: Memorials and Rules for Memorial Work**

Management's primary responsibility for monuments and markers is the establishment of regulations concerning type of memorial, quality, placement, and content. The memorial is intended to memorialize the person interred or entombed in the grave or crypt. Memorials should reflect the deceased's belief in the resurrection as well as being a long lasting memorial to the deceased.

- It is presumed by management that any person, designated by owner(s) or heir(s) for use of a grave site for burial, has the right of memorialization

implied by said designation. All memorial work, or placement or removal of any memorial, shall be on the written order of said owner(s) or heir(s).

- Management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in the cemetery. In general, if symbolism is used it must be Christian. All memorials are subject to the approval of management prior to placement.
- Management also reserves the right to issue a separate set of specific regulations pertaining to memorials, inscriptions, monuments, or markers to be placed in the cemetery. Said additional regulations, and all amendments thereto, are hereby made a part of these Rules and Regulations.
- All balances owed to the cemetery must be paid in full prior to memorialization.
- A detailed plan and design of all memorials must be submitted to management for final approval prior to a permit being issued. A form requesting approval and/or request for a foundation may be obtained at the cemetery office.
- Upon completion, if the memorial does not conform to the approval plan and design, it will be the sole responsibility of the dealer to correct any errors or deficiencies in workmanship and material.
- The location and position in which a memorial is to be placed or erected on a lot shall be entirely subject to the approval, and shall be under the supervision of management.
- No memorial extending above the surface of the ground shall be erected on lots designated by management as flush marker lots.
- Management reserves the right to set the times when memorials may be delivered to the cemetery.
- Independent monument dealers or contractors who build memorial foundations are required to comply with specifications and directions established by management.

- Non-cemetery employees, in placing or erecting monuments and other structures, or bringing in materials in regard to such work, shall operate as independent contractors, but such work must conform to the regulations of management.
- Non-cemetery employees, in placing or erecting monuments, building foundations or other structures, are prohibited from scattering their material over adjoining lots, or from blocking roads or walks, or from leaving their material on the grounds longer than is absolutely necessary, or from attaching ropes to trees or shrubs. When any heavy material is to be moved over lawns, planks must be laid to prevent injury and damage.
- All excess materials not used in the building of foundations or the placing of the memorial or marker should be removed from the cemetery grounds by the contractor. A charge for clean up of a grave site may be sent to the contractor if the cemetery grounds are not left in good order.
- Damage done to lots, walks, drives, trees, shrubs, or other property by non-cemetery employees, independent contractors, or their agents may be repaired by management; cost of such repairs shall be borne by the independent contractor or the person or entity that retained the independent contractor.
- Management reserves the right to stop all work of any nature when, in its opinion, proper preparations thereof have not been made; or when work is being done in such a manner as to endanger life or property; or when work is not being executed according to specification; or when any reasonable request on the part of management is disregarded; or when any person employed on the work violates any rule of these Rules and Regulations.
- While management will exercise all possible care to protect raised lettering, carving, ornaments on any memorial or other structure, on any lots, it disclaims responsibility for damage or injury thereto.
- Management reserves, and shall have, the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial in the cemetery.
- Should any memorial, mausoleum, or tomb become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, management shall have the right, after thirty (30) days' notice to the lot holder of record,



whether to correct the condition or to remove the same, in either case at the expense of the lot holder.

- Soliciting memorial sales or memorial work within the cemetery is not permitted. Also not permitted, is the display of any contractor's name on monuments or markers.

## **Article XXVII: Additional Information**

- These Rules and Regulations are not considered to be all inclusive and are subject to change. They cover general areas and are supplemented by other operational instructions, the Order of Christian Funerals, existing civil and canon laws, and other instruments published by the Diocese of Manchester, NH.
- The cemetery through its management reserves the right, without notice, to make temporary exception, suspensions, or modifications of any of the Rules and Regulations, when, in its judgment, the same appears advisable; and such temporary exception, suspension, or modification shall in no way be considered as affecting the general application of such rules and regulations.
- In all matters not specifically covered by the Rules and Regulations, management reserves the right to do anything which in its judgment is deemed reasonable in the premises, and such determination shall be binding upon the lot holder(s) and all parties concerned. These rules and regulations are binding regardless of any and all changes in the lot holder(s).
- The cemetery through its management reserves the right at any time and from time to time to change, amend, alter, repeal, rescind, or add to these Rules and Regulations or any part thereof, or to adopt any new rule or regulation with respect to the cemetery or anything pertaining thereto. These Rules and Regulations are binding regardless of any and all changes in the individual lot holder(s).
- In the event necessity requires, management may take appropriate steps to correct any obnoxious or improper condition.

# Definition of Terms

## **Burial Permit**

A form issued by a local municipal or state authorized official verifying that a death certificate has been filed and giving permission to transport and make final disposition of the remains of a dead human body. A permit is also required for a disinterment.

## **Burial Right**

See “Interment Right”.

## **Burial Vault**

A concrete, steel, or other rigid container approved by management, placed in the open grave prior to the casket. After the casket is lowered in to the vault, the vault lid is closed. The primary purpose of the burial vault is to maintain cemetery topography by preventing the long-term sinking of the grave. It is sometimes referred to as a “Case” or “Grave Liner”.

## **Cemetery**

A tract of land designated or intended for the interment of human remains. In Canon Law the term “cemetery” encompasses one or a combination of more than one of the following: (1) a burial ground for earth interments; (2) a mausoleum for crypt entombments; and (3) a columbarium for the deposit of cremated remains. According to NH RSA 289:1, cemeteries, mausoleums, and columbaria owned, managed, or controlled by religious institutions are considered to be “burial grounds.” *Id.* Thus, some NH laws applicable to municipal cemeteries may not be applicable to Roman Catholic cemeteries.

## **Columbarium**

A structure used for the permanent placement of urns containing cremated human remains in individual niches. Columbaria may be located either indoors or outdoors.

## **Contractor**

Any person, firm, or corporation performing work on cemetery grounds other than an employee of the cemetery or the lot holder of record. Sometimes referred to as “Independent Contractor”.

**Cremated Human Remains**

The bone fragments of a deceased human body which remain after the cremation process is complete.

**Cremation Garden Section**

An interment section dedicated solely to the interment of cremated remains; may include both in-ground burial and columbaria structures.

**Crypt**

A burial space in a mausoleum used for the entombment of human remains.

**Disentombment**

The removal of the remains from a crypt or mausoleum for the purpose of burial or entombment in another location.

**Disinterment**

The removal of the remains from a below ground grave for the purpose of burial in another location.

**Entombment**

The placement of a body in a crypt either above or below ground.

**Grave**

A designated space of ground in a cemetery used, or intended to be used, for the interment of human remains.

**Grave Accessories**

Supplemental and/or ancillary items, such as vases, flag holders, etc., placed on or near the memorial whose primary purpose is to embellish or decorate the memorial. Grave accessories are regulated by cemetery management.

**Grave Decoration**

Artificial or live flowers, wreaths or other ornamentation or embellishments on a grave. Grave decorations are regulated by the cemetery management.

**Green Burials**

A way of caring for the dead with minimal environmental impact without compromising the rites and practices of the Catholic Church.

**Independent Contractor**

A person or firm who performs interment services for the cemetery or lot holder of record under an express or implied agreement and who is not subject to the other's control, or right to control, the manner or means of performing services.

**Interment**

The burial of a human body in a ground burial location, entombment in a mausoleum, or placement of cremated remains in a niche (inurnment). Generally the term also includes all administrative, clerical, legal, and mechanical services performed by the cemetery in conjunction with the opening of an interment space and closing of the interment space after the remains have been placed in the space.

**Interment Rights**

A license sold by the cemetery authorizing the use of a specific grave(s), crypt(s) or niche(s) for the interment of human remains. The cemetery sells only the right to use the designated space for interment purposes. Ownership of the physical grave, crypt, or niche remains with the cemetery. Also referred to as "Burial Rights; Entombment Rights; or Inurnment Rights".

**Interment Rights Holder**

The recorded holder of interment or entombment rights either by purchase, inheritance or transfer. May also be referred to as "Lot Holder of Record".

**Inurnment**

The interment of the container holding the cremated remains of a deceased human being in a grave, crypt or niche.

**Inurnment Rights**

An easement or license sold by the cemetery for designated space, either in ground or niche, for the burial of cremated human remains. The cemetery sells the rights for inurnment of human remains only. See also "Interment Rights".

**Lot**

A term that refers to more than one adjacent grave space. A lot can contain any number of these graves (2, 3, 4 or more) usually registered to the same lot holder(s) of record and memorialized with a common memorial.

**Lot Holder of Record**

The recorded owner of interment rights, entombment rights or inurnment rights either by purchase or who hold by way of inheritance or transfer.

**Maps**

A plan of the cemetery showing the total number of interment spaces (graves); maintained in individual section designations' listing spaces previously reserved, cross referenced to owner of the specific interment rights and individual interred if occupied, and spaces available for sale. May also refer to structure plans for individual crypt and niche layouts.

**Management**

The person or persons duly appointed by the Bishop of Manchester or pastor of the parish for the purpose of conducting and administering Catholic cemeteries within the Diocese of Manchester.

**Marker**

A stone or bronze memorial flush with the ground indicating the name of the deceased and date of birth and death.

**Mausoleum**

A structure where the deceased are entombed. A community mausoleum is a free standing structure intended for many families, while a private mausoleum is generally sold for the use of a single family.

**Memorial**

A general term which includes such items commonly known as monuments, markers, tombstones, tablets, headstones, footstones or niche plates. A commemorative item, structure or tablet used to physically mark the place where an interment has been or will be made. A memorial's style, size and installation are regulated by cemetery management.

**Monument**

A memorial constructed so as to sit on a concrete foundation in an upright position.

**Niche**

A small opening in a mausoleum, garden crypt or stand-alone columbarium in which an urn or other container of cremated human remains is entombed.

**Perpetual Care**

The term generally refers to the continued maintenance and care of lots, roads, buildings and features in the cemetery. This includes, but is not limited to such tasks as road maintenance; water line and drain repair; replacement of machinery, tools, and equipment; compensation and benefits for employees performing such work; insurance premiums; and the costs of maintaining necessary records of activity.

**Pre-Need**

The advance planning and payment of a grave, lot, crypt, niche and other goods and services attendant to same, thus providing time and opportunity to study fully and thoughtfully the burial space, services and merchandise available.

**Receiving Vault**

A building where the remains of a deceased person are placed until the time of actual interment; usually when inclement weather prevents burial at the present time. If a receiving vault is used, an agreement should be written up between the concerned parties, the cemetery and the family of the deceased.

**Rules and Regulations**

Rules adopted by a cemetery to govern uses, care, control, and management as well as other restrictions deemed necessary by the Diocese of Manchester for protection and safety of the cemetery and its visitors.

**Urn**

A decorative container made of metal, wood, stone or other simulated man-made material designed to hold cremated human remains. Urns can be placed in a columbarium, mausoleum crypt or niche, or buried.

**Vault**

Any container or enclosure made of concrete, steel, or other material approved by management which is placed in a grave around a casket to prevent the collapse of the grave and/or to protect the casket or for burial of an urn. A vault may have an inner liner to enhance appearance and sealing ability. Sometimes used synonymously to mean grave liner or outer container.





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