

Chapter 46
CEMETERIES

§ 46-1. Declaration of policy.

The City Council of the City of Lebanon hereby ordains that the following rules and regulations are hereby established to constitute an ordinance for the proper operation and use of municipal cemeteries in the City of Lebanon. The City Council recognizes that the municipal cemeteries are sacred grounds reserved as a final resting place for the people of the City and desires to have the cemeteries maintained in the best possible manner and firmly believes that these rules and regulations are necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemeteries.

§ 46-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City Council of the City of Lebanon, upon its own motion, or upon recommendation of the City Manager for good cause shown, may modify, suspend, repeal, or amend the provisions of this chapter in whole or in part thereof. It is the intent of the City Council that if this chapter is held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining sections or parts thereof.

§ 46-3. General regulations.

The following shall be the general rules and regulations for use of municipal cemeteries. No person shall:

- A. Enter a cemetery except through an established gate or entranceway.
- B. Deposit rubbish or debris on cemetery grounds, except in receptacles provided.
- C. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
- D. Use the cemeteries as picnic grounds, or the consumption of any liquor or beverages, in accordance with RSA 175:I, XIII, and Article I, Consumption in Certain Places, of Chapter 14 of the Code of the City of Lebanon in a cemetery, or bring the same upon the premises.
- E. Use any form of advertising on cemetery premises.
- F. Discharge firearms in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by

recognized military organizations or associations of the United States or other organizations as authorized.

- G. In any way injure or deface any monument, stone, fence or other structure, or property within any cemetery.
- H. Allow any unleashed dogs in any City cemetery.
- I. Horses or horseback riding within or through cemeteries expressly prohibited except when authorized by the Director of Public Works for a burial ceremony.
- J. In accordance with Chapter 18, Animals, § 18-12, an owner or person having custody of any dog or other animal shall not permit said dog or other animal to defecate in any cemetery unless said defecation is removed immediately and properly disposed of in a container for trash or litter or similar manner. Any person having control over a dog or any other animal, whether or not the owner, and has knowledge that such dog or other animal is defecating on cemetery grounds, and does not remove and properly dispose of the defecation in a container of trash or litter or similar manner, shall be in violation of this chapter. **[Added 5-18-2011 by Ord. No. 2011-2]**

§ 46-4. Traffic regulations.

- A. No person shall operate or cause to operate any vehicle within a cemetery except for cemetery business and only on roads designed for that purpose, and no vehicle shall be driven at a speed in excess of 10 miles per hour upon any roads within municipal cemeteries except as authorized by the Department of Public Works.
- B. No person shall enter any cemetery with a loaded truck, except the City maintenance crews, unless permission has been received from the Department of Public Works.
- C. No person shall unload any stone, dirt or other material in any cemetery, except the City maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission and consent of the Department of Public Works.
- D. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the City of Lebanon and State of New Hampshire applicable to motor vehicle operation.
- E. No person shall operate a OHRV in any cemetery.

§ 46-5. Establishment of cemeteries.

- A. The City Council of the City of Lebanon shall have the final authority for the establishment of cemeteries within the corporate limits of the City

of Lebanon, and shall as the need arises set aside new ground areas for this purpose.

- B. Existing cemeteries. The following named existing cemeteries shall be deemed to have been established as municipal cemeteries:
- (1) Glenwood/Mt. Calvary Cemetery.
 - (2) Valley/Sacred Heart Cemetery.
 - (3) School Street Cemetery (Village Cemetery).
 - (4) West Lebanon Cemetery.
 - (5) Old Pine Tree Cemetery.
 - (6) Mascoma Cemetery.
 - (7) Cole Cemetery.
 - (8) Upper Valley Jewish Community Cemetery.
- C. Platting of cemeteries. Before any new land is opened for cemetery use and the sale of lots, the City Manager shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots; such platting to be done by a registered surveyor, and results thereof to be recorded with the Grafton County Registry of Deeds.
- D. Planning Board to review. The preliminary plan and layout of new cemetery land areas shall be submitted to the Planning Board for review and approval. Upon approval, the Planning Board shall advise the City Council of its approval with recommendation for adoption.
- E. Lot size established. Lot sizes for municipal cemeteries are hereby established as follows:
- (1) Each single grave: four feet by 11 feet or 44 square feet.
 - (2) Each infant grave: 24 inches by 44 inches or 1,056 square inches.
 - (3) Each cremation lot: 24 inches by 24 inches (applies to Sacred Heart and West Lebanon Cemeteries only).
- F. Indigent plots. Single grave lot sections shall be established within cemetery areas for the use of the City for the burial of indigent persons.
- G. Cremations. In the case of cremation interment, the following guidelines shall apply:
- (1) Minimum purchase is one grave space. Maximum number of cremation-type interments shall be six per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed).

- (2) For Sacred Heart and West Lebanon Cemeteries only, a single cremation lot may be purchased in an area designed and laid out for cremation burials.

§ 46-6. Purchase of lots.

- A. Condition of lot purchases. Lots purchased in the laid out sections of cemeteries of the City of Lebanon shall be conveyed by special deed for burial purposes only, and shall be subject at all times to the provisions of the City Charter, City ordinances, and applicable state laws. For the purposes of this chapter, an owner is defined as the person(s) named on the deed or when the person(s) named on the deed is deceased, the legatee(s) as provided by the decedent's will or the decedent's heirs as determined by statute.
- B. Purchase procedure.
 - (1) Lots in the laid out cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the Department of Public Works. Such purchases shall be evidenced by a deed prepared by the Department of Public Works and signed by the City Manager and recorded by the City Clerk. Such deed shall state the name of the purchaser, purchase price, and amount paid, name of cemetery, lot number(s), grave number(s), and section in which located. Prospective purchasers with the immediate need for a grave space may, for the purchase of that single grave, pay for it within a period of 12 months subject to approval by the City Manager or designated representative. In the event that a prospective purchaser may wish to buy more than one grave, or to purchase graves in a pre-need situation, full payment is expected before such ownership is evidenced. In lieu of the above procedures, the procedures in the following Subsection B(2) may be used.
 - (2) Funeral homes/directors may act on behalf of a purchaser for the selection and purchase of lot(s) required for immediate need. The funeral home/director will be responsible for the payment of all fees outlined in this chapter on behalf of the purchaser. The Department of Public Works will send the funeral home/director a monthly statement containing unpaid fees. The statement is payable in full within 30 days. Failure to pay the billing statement in full by the 30th day from the date of the billing statement shall result in termination of delayed payment privileges until payment is received. After 30 days, interest shall be paid on the amount due at the rate of 12% annually.
- C. Records of cemeteries and purchase of lots. The keeping of records for the cemeteries of the City of Lebanon shall be the responsibility of the Department of Public Works. All maps showing laid out sections of each cemetery, records of lot ownership and burials shall be kept by

the Department of Public Works. Copies of the deeds conveyed for lot purchases shall be recorded by the City Clerk in a book provided for this purpose.

- D. Transfer of lots/graves. No transfer or assignment of a lot or individual graves shall be made by any owner without the express approval of the City Manager, and all transfers shall be made upon an approved form through the Department of Public Works and recorded by the City Clerk in the cemetery records. A fee of \$10 shall be paid to the Department of Public Works for such deed transfers.
- E. Charge of lots. The following prices are established as the purchase prices for cemetery lots:
 - (1) Each full grave: \$250.
 - (2) Each infant grave: \$75.
 - (3) Each cremation grave: \$75 (applies to Sacred Heart and West Lebanon Cemeteries only in the areas specifically laid out for cremation burials).

§ 46-7. Cemetery maintenance.

- A. Responsibility of the City. The general maintenance of the cemeteries and grounds, designed to improve and maintain their appearance and condition, shall be the responsibility of the City. It shall include such items as the upkeep of drives, buildings, fences, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Cemeteries will be cleared of all flowers, artificial or natural, on April 1 and October 1, for a period of one month, each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to those dates.
- B. Planting trees, shrubs and flowers prohibited. No trees, flowers or shrubs shall be permanently planted in any lot in any municipal cemetery by any person or persons unless a long-term care agreement is executed and approved by the City Manager. Existing trees or shrubs may be removed by the Department of Public Works if detrimental to the cemetery, adjoining lots, or inconvenient to the care and maintenance of lots. In the case of lots with long-term care agreements, trees or shrubs may be removed by the Department of Public Works when the conditions of the agreement are not being met. All natural flowers and plants shall be potted in containers readily movable for maintenance operations unless a long term care agreement is executed and approved by the City Manager. Any plants that have died may be removed and disposed of by the Department of Public Works.
- C. Grading and care of lots. All grading of lots shall be done by the Department of Public Works upon request of the owner, and no person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. No person shall

discharge any chemical or organic fertilizer, herbicide or other substance on any lot without prior authorization by the Department of Public Works.

- D. Curbing and fencing. No curbs or fences shall be permitted around any individual lot or group of lots unless a long term care agreement is executed and approved by the City Manager.
- E. Monuments and markers. All municipal cemeteries shall be permitted to have monuments, markers and cornerstones of such dimension and material as shall be approved by the Department of Public Works and shall be the total responsibility of the lot owner. All reference to "monuments and markers" is to mean monumentation of a permanent nature that protrudes above the lawn surface. All such monumentation requires a concrete foundation (refer to Subsection F of this section). The intent of this section is to allow only one aboveground monument per owners lot (grave or group of graves) unless additional monuments are approved by the Director of Public Works. All cornerstones, grass markers, and markers shall be set flush with the lawn surface so that no part shall protrude above the surface of the ground. In areas designated for cremation only burials, only a single grass marker not to exceed 18 inches by 18 inches set flush with the lawn so that no part shall protrude above the surface of the ground is permitted. In the event that the preceding rules are not observed, the Department of Public Works shall notify the lot owner, in writing, concerning the deficiency and advise a date corrective action must be taken, after which time the marker in violation may be removed pending correct placement. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave.
- F. Monument foundation and marker setting.
- (1) Foundations for monuments shall be constructed of concrete by the Department of Public Works upon request or by a monument company with the approval of the Department of Public Works. Those requesting foundations shall make the request in writing stating the location on the lot and size of foundation desired, both of which are subject to Subsection E.
- (2) The charge for foundations for monuments shall be:
- (a) For those up to 15 cubic feet: \$100.
 - (b) For those up to 30 cubic feet: \$150.
 - (c) For every cubic foot over 30 cubic feet: \$5.
 - (d) The charge for setting cornerstones: \$10 each.
 - (e) The charge for setting grass markers: \$25 each.

§ 46-8. Burials.

- A. Condition for burial. No burial shall take place without first obtaining a burial permit from the Town or City Clerk where the death occurred by the person making arrangements for a burial, and all conditions of laws and ordinances having been complied with, including the payment of any back charges, security of perpetual care, or purchase of any lot(s).
- B. Preparation of grave. The preparation of graves and laying out of grave side ceremonial material shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works. The availability of City provided grave side ceremonial dress is limited and shall be provided on a first-come first-served basis.
- C. Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary internment shall be in the cemetery tomb.
- D. Burial rates. The City of Lebanon burial rates shall be as follows:
- (1) Weekday (prior to 3:00 p.m.) full burials: \$250.
 - (2) Weekday (after 3:00 p.m.) full burials: \$250 plus \$100 per hour for each hour or part of an hour past 3:00 p.m.
 - (3) Weekend or holiday burials: \$550.
 - (4) Weekday (prior to 3:00 p.m.) cremation burials: \$75.
 - (5) Weekday (after 3:00 p.m.) cremation burials: \$75 plus \$100 per hour for each hour or part of an hour past 3:00 p.m.
 - (6) Weekend or holiday cremation burials: \$250.
 - (7) Openings for infant burials shall be the same as those listed for cremations.
- E. Burials on legal holidays. Burials will be allowed on all days of the year with the exception of New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as recognized and posted by the City of Lebanon unless approved by the Director of Public Works.
- F. City not responsible. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing. Orders from funeral directors shall be constructed as orders from owners.
- G. Outside burials. In matters pertaining to burials coming into the City from outside agencies, unless the exact lot and grave location is

ordered with sufficient identification to the satisfaction of the Department of Public Works, the remains will be entombed awaiting arrangements.

- H. Permanent outside containers. In all interments, cremation or full, the remains shall be enclosed in a permanent outside container and which shall be installed under the supervision of the Department of Public Works personnel. The owner of the lot or his agent shall provide the container. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- I. Entombments. No entombment shall take place without notification of the Department of Public Works. Entombment will be made in the City tomb until such time that burial is arranged. The charge for entombment in the City tomb is \$250. Such charge may be suspended for pending in-town burials.

§ 46-9. Care of lots.

- A. Perpetual care required. All cemetery lots sold after August 1, 1966, shall require a perpetual care trust fund reserved in the name of the lot owner for the maintenance and care of such lots.
- B. Purchase of perpetual care. Perpetual care trust funds for the care and maintenance of lots shall be purchased through the Department of Public Works from the trustees of trust funds and such funds shall be held in trust, the income thereof to be used by the City for perpetual care services, in accordance with the City Charter and applicable state laws.
- C. Perpetual care - previous owners. Owners of cemetery lots purchased prior to August 1, 1966, shall secure perpetual care service by applying to the trustees of trust funds through the Department of Public Works for the acceptance of a sum sufficient to provide the income necessary for the care and maintenance of the lot, as hereinafter established in the schedule of rates for perpetual care.
- D. Ordinary care. No burials shall be permitted on old ordinary care accounts until such time as arrangements for perpetual care are made. Such arrangements to include securance of perpetual care and the sum total of all back charges due.
- E. Definition of care and maintenance. The care and maintenance of lots shall include the mowing and trimming of grass at reasonable intervals, the raking and cleaning of lots, and the grading and seeding of lots. Perpetual care shall not cover the maintenance or repair of any monuments, stones, markers or walls, nor the planting or care of flowers or shrubs.
- F. Rates for care and maintenance. The following rates are hereby established for the purchase of perpetual care:

- (1) Each full grave: \$250.
 - (2) Each infant grave: \$75.
 - (3) Each cremation grave: \$75 (applies to Sacred Heart and West Lebanon Cemeteries only in areas specifically laid out for cremation burials).
- G. Burial of indigents. In the case of single grave lots for the burial of indigents, the City will provide space and maintenance of a section for such. However, no aboveground monumentation will be allowed until such lot has been paid for and perpetual care secured.

§ 46-10. Protection of cemeteries.

- A. All access to cemeteries shall be closed from 10:00 p.m. to 6:00 a.m.
- B. All vehicles and/or people in any City cemetery contrary to this chapter shall comply with the order of a police officer to leave the cemetery.

§ 46-11. Violations and penalties.

Unless otherwise provided by state law pertaining to cemeteries or burial of the dead, the penalty for violation of any provision of this chapter shall not exceed \$1,000 as provided in RSA 47:17, and the City will request that the court order restitution.