

John C. Shirley Memorial Cemetery

Draft Rules and By-Laws

Board of Trustees

August 2nd, 2023

There shall be three Cemetery Trustees elected by ballot to three-year staggered terms of office. RSA:289:6.

The Cemetery Trustees have the authority to establish and revise usage fees, and the rules and regulations concerning use of the cemetery, in keeping with the regulations of the State of NH. The Town Office can assist residents with all normal transactions and arrangements for use of the cemetery, or they can contact the Trustees directly, or reach them through Town Offices as required (603-859-8000). For assistance in locating a lot or installation of a grave marker, monument, or foundation, please contact the Cemetery Sexton (603-859-8000).

Weather conditions permitting, the cemetery will be open for use and burials from May to November of each year at the discretion of the Cemetery Saxton.

1. All cemetery funds shall be held by and expended under the direction of the Cemetery Trustees. It shall be their duty to supervise all such municipal cemeteries to the end that, the said funds must be expended for the purpose for which they are raised. RSA:289:7.
2. All funds acquired from the sale of cemetery lots (4ft x 10ft for full casket lots and cremation-only lots) shall be kept in the Cemetery General Trust Fund to be used for general cemetery maintenance. (9/16/1988)
3. Cost of full casket lots in Sections A, B, and C is \$600.00. Cremation-only lots, Rows 6 and 8, Lots 3 through 10 will cost \$300.00 (maximum of cremations per lot). Charge for opening a grave during working hours is \$300.00. The charge for opening a grave for a child is \$100.00. Charge for burial of cremation container is \$50.00. After-hours burials are: Full casket \$450.00, child \$250.00, and cremation \$200.00. Disinterment fee is \$600.00.
4. The fee for scattering ashes at the scattering garden is \$50.00. In order to scatter remains, a person must go to the Town Hall to pay and schedule a date and time. The Sexton or representative must be on site at the time of scattering. A Death Certificate must be presented. If you wish to have loved ones' name on the memorial, you have to contact the funeral director. You will be allowed no more than one (1) line with New Times Roman font and the size of the lettering will be one and one half inch (1-1/2") and will contain the name of the deceased and birth and death dates. The Town of New Durham accepts no responsibility for any lettering on the memorial. All scattering of ashes must be confined to the designated area.
5. Every lot owner is to receive a copy of the rules and regulations and restrictions for the John C. Shirley Memorial Cemetery.
6. The sale of cemetery lots shall be restricted to buyers who are past or present residents of New Durham or to persons who are buying the lot or lots for burial of past or present residents.
7. A person may purchase a tract of up to 12 lots total.

8. Subject to lot usage approval, burial permits may be obtained for usage of purchased lots to intern members of the buyer's or lot executor's family as outlines in RSA 290:16.
9. Re-sale of purchased lots is strictly prohibited. The owner may return the space to the Town and receive compensation in the same amount the owner paid for the lot. Re-sale by the Town of returned lots will be at the current rate.
10. All interments, including cremations, must be reported by the Town Clerk.
11. The Cemetery Sexton will be responsible for digging the vault size and recording the location of cremations and burials.
12. Every interment shall be recorded in a permanent manner using a uniform system of numbering the graves of every lot.
13. One casket and three containers of cremation remains may be buried in one full casket lot (casket must go in first), or four standard cremation containers may be buried in the same lot. The exception to four containers would be a Columbarium, with 4, 6, 9, and 12 niche units or similar designs.
14. At minimum, a 48-hour notice from funeral homes, executors, or descendants shall be required for opening graves. All graves shall be opened and closed by Town personnel.
15. A cement liner or cement vault shall be mandatory for every interment.
16. A caretaker (Sexton) shall do mowing, clipping, roadway care, general maintenance of markers, general maintenance of plantings and grass (i.e., fertilize, weeding, watering, pruning, and spraying), under the supervision of the Cemetery Trustees.
17. The Cemetery Sexton will be responsible for placement and the recording of all monuments and markers.
18. No permanent source of flame allowed (i.e., gas, kerosene, etc.).
19. With the approval of the Cemetery Sexton, the monument company shall install foundations for all monuments according to the following instructions:
 - a. Lots may have ground monuments, in-ground markers, and/or corner stones as desired.
 - b. There may be more than one monument on a lot; however, one monument may be located to serve several contiguous lots.
 - c. All monuments, markers, and corner stones shall be set to conform to the plan of the Trustees as indicated by the Sexton.
 - d. The foundation will be installed to a minimum depth of 36 inches or below frost level. The foundation will be installed to a maximum width of 36 inches.
 - e. If a base is used for the monument, it should extend eight (8) inches on each side of the monument to allow a space to hold plants off the ground. The total width of a base of a monument shall not exceed 36" on a single plot. For each grave, one potted plant or container of flowers will be allowed throughout the year. Two are allowed if the monument base extends beyond the stone to hold them. All other flowers, containers, or potted plants will be removed during mowing.
 - f. Monuments and stones shall not exceed six (6) feet in height. Contiguous lots may have longer monuments and stones, not to exceed six feet in length.
 - g. Corner stones may be placed at each corner of the lot (or lots) flush with the ground.
 - h. Individual grave markers and footstones may be set in the ground but must not project above ground level.

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

Rules March 2011: Revised Trustee and Chair designations.

Rules May 2012: Revised Trustee and Chair designations.

Rules March 2013: Revised Trustee and Chair designations.

Rules March 2014: Revised Trustee and Chair designations.

Rules September 2014: Revised resale prices and added disinterment fees.

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

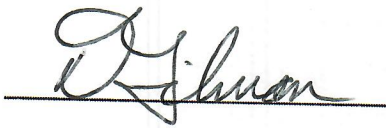
Rules August 2021: Revised the number of cremations allowed in full casket lot and also indicated that the casket needs to go in first.

Rules August 2023 Section 3: "After-hours burials are: Full casket \$450.00, child \$250.00, and cremation \$200.00". Section 19, E: Added "The total width of a base of a monument shall not exceed 36" on a single plot."

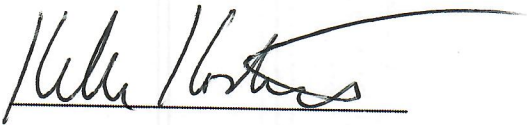
- i. It may be necessary to have monuments, markers, or corner stones reset if they are installed prior to opening the grave, or if the grave must be reopened.
 - j. Maintenance of cemetery is done under the authority of the Cemetery Trustees, and supervised by the Sexton.
20. The owner will repair any damaged stone at once.

Respectfully Submitted:

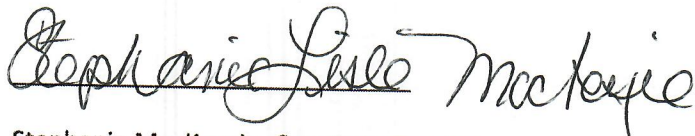
Cemetery Trustees



Doug Gilman, Chairman, Cemetery Trustee



Kelly Kostick, Cemetery Trustee



Stephanie MacKensie, Cemetery Trustee

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

Revision History:

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

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