

BYLAWS OF THE TOWN OF BRISTOL, NH TOWN CEMETERIES

Article 1 – Declaration of Policy:

The Cemetery Trustees declare the following by-laws be established to govern the proper operation and use of the Town cemeteries of Bristol. The Town desires to have its cemeteries maintained in the best economically possible manner and firmly believes that these policies are necessary for the protection and proper conduct and good order of the cemeteries.

Article 2 – Application of the Rules and Regulations:

The Cemetery Trustees upon majority vote and for good cause shown, may modify, suspend, repeal, or amend the provisions of these by-laws in whole or in part. It is the intent of the Cemetery Trustees, that if any provisions of these by-laws are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or the remaining provisions or parts thereof.

Article 3 - General Regulations:

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

1. Enter a cemetery except through an established gate or entrance way.
2. Allow flowers (artificial or natural) and wreaths to be placed on a cemetery lot, without written permission from the Cemetery Trustees.
3. Pick or mutilate any flowers, (either wild or domestic), disturb any tree, shrub, or other plant material other than on a lot owned by that person. Or, with the express permission of the lot owner.
4. Use any of the cemeteries as a picnic ground, nor consume any alcoholic beverages in or around the cemeteries. The only exception would be for religious requirements.
5. Use any form of advertising on cemetery premises.
6. 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 of America.

Article 3 – General Regulations (Continued):

7. Damage or deface any monument, stone, fence or other structure or property within any cemetery.
8. Allow any domestic animal to run at large within any of the cemeteries.
9. Allow any child under the age of ten (10) years in any cemetery unless accompanied by an adult.
10. Ride horseback within or through any cemetery, except in conjunction with burial services.
11. Make gravestone rubbings in any municipal cemetery or burial ground without first obtaining the written permission of the Cemetery Trustees.
12. Allow illumination devices, to include candles, in any of the cemeteries.
13. Access any of the Town cemeteries from dusk to dawn, unless authorized by the Cemetery Trustees.

Article 4 - Traffic Requirements:

No person shall:

1. Enter a cemetery with a loaded truck, unless permission has been received from the Cemetery Trustees.
2. Operate any motorized vehicle, to include but no limited to: cars, trucks, snowmobiles, all-terrain vehicles (ATV's), motorcycles, go-carts, bicycles, etc. within the boundaries of any cemetery. The only exceptions are lawn mowers, either walk behind or riding, used by authorized maintenance personnel.

Any person authorized to operate a vehicle within any cemetery boundaries shall be subject to all traffic laws of the State of New Hampshire and the Town of Bristol applicable to motor vehicle operation.

The cemeteries will be closed to all vehicular and foot traffic during the winter season.

Article 5 - Establishment of Cemeteries:

All cemeteries and burial grounds shall be laid out in accordance with the requirements set forth by RSA 289:3, Para's I, II, III and IV. **Source.** 1994, 318:2, eff. Aug. 7, 1994.

Article 6 - Existing Cemeteries:

The following named existing cemeteries shall be deemed to have been established as municipal cemeteries at their present location:

1. Heath Cemetery (Off of Route 104)
2. Keyser Cemetery (Off of Keezer Road)
3. Sanborn Cemetery (Off of Peaked Hill Road)
4. Sleeper Cemetery (Near Round Top)
5. Sleeper Cemetery #2 (Near Akerman Road and Newfound Lake)
6. Worthen Cemetery (Off of Route 104)

Due to the fact that the cemeteries owned by the Town of Bristol are small, headstones are missing and locations of individual bodies are unknown. The Cemetery Trustees may refer all requests for burial in the Town of Bristol to the Bristol Cemetery Association DBA Homeland Cemetery.

If someone requests to be buried in one of the six (6) Town owned cemeteries, it shall be the responsibility of the requestor to have a survey of the cemetery done with ground penetrating radar, at their own expense, to show a possible location for interment. The Trustees may grant permission on a case by case basis.

Article 7 – Plotting of cemeteries:

All lots in one section must be first conveyed prior to the conveyance of any lot in any undeveloped section.

Article 8 – Lot size established:

Unless otherwise expressly designated, standard lot size for municipal cemeteries are hereby established as being 42 inches by 12 feet.

In the case of cremation interment, the following guidelines shall apply:

1. Minimum conveyance is one (1) lot.
2. Maximum number of cremation internments shall be three (3) per lot.

Article 8 – Lot size established (Continued):

3. When a standard size lot has a combination of cremations and casket / vault burials, the standard size lot will be subject to a maximum of one (1) casket / vault and one (1) cremation remains.

Article 9 - Purchase and Conveyance of Lots:

1. *Conditions of Lot Purchases* – Lots purchased in the lot sections of cemeteries of the Town of Bristol shall be conveyed by a special deed for human burial purposes only and shall be subject, at all times, to the provision of these Cemetery by-laws along with any articles or agreements or applicable State laws.
2. *Purchase Procedure* – Lots in the cemeteries of the Town of Bristol shall be selected and purchased from and with the consent of and subject to the control of the Cemetery Trustees. Payments for lots purchased shall be made to the Town of Bristol. Such purchase shall be evidenced by a deed prepared by the Cemetery Trustees. Such deed shall be presumptive evidence of the right to be buried only and shall give the following information:
 - a. Name of the purchaser
 - b. Purchase price
 - c. Amount paid
 - d. Name of the cemetery
 - e. Lot number and section in which located

Article 10 - Records:

The keeping of the records of the cemeteries of the Town of Bristol shall be the responsibility of the Cemetery Trustees. All maps showing laid out sections of each cemetery and the records of lot ownership and burials therein shall be kept by the Cemetery Trustees. Copies of all deeds conveyed for lot purchase shall be recorded by the Town of Bristol in a book provided for this purpose, which shall be subject to the control of the Cemetery Trustees. The Trustees shall also keep a record of every burial in any cemetery under the Town's control, showing the date of the burial and the name of the person buried, when these particulars can be obtained, and the lot or part thereof, in which the burial was made. A copy of such record, duly certified, shall be furnished to any person on request and payment of a fee so determined by the Cemetery Trustees. **This fee shall be \$10.00.**

Article 11 - Transfer of Lots:

No transfer, assignment, or other conveyance of any lot shall be made by any owner without the express written approval of the Cemetery Trustees, and all transfers shall be recorded in the cemetery records provided herein. To transfer, a lot owner must resell the lot back to the Town for the price paid. The new lot owner must pay the listed price at the time of transfer.

The following prices are hereby established for cemetery lots to include perpetual care automatically and defined herein:

1. Any lot purchased by an individual non-resident of the Town of Bristol, at the time of purchase, will be assessed a 50% surcharge over and above the price of the lot.
2. \$960.00 for one (1) standard size lot (which is a statewide cost).

Article 12 - Perpetual care is defined as:

The general upkeep of lots to include mowing, trimming, seeding where necessary, and repairing sunken graves.

Article 13 - Cemetery Maintenance:

The general maintenance of the cemeteries and grounds shall be the responsibility of the Cemetery Trustees. The Trustees shall determine what acts are necessary to improve and maintain the appearance and condition of the cemeteries within their jurisdiction. Without limiting the generality of the foregoing, the Cemetery Trustees, shall address such items as the upkeep of the drives, buildings, fences, spring and fall clean-up, raking of leaves and the general periodic mowing of grass.

1. *Planting of Trees and Shrubs* – No trees or shrubs shall be planted in any lot in any of the Town of Bristol cemeteries by any person or persons without the express approval of the Cemetery Trustees. Existing trees or shrubs may be removed by the Cemetery Trustees if deemed in the best interest of the cemetery, infringes on abutting lots, or if inconvenient to the care and maintenance of lot(s).
2. *Grading* – 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

Article 13 - Cemetery Maintenance (Continued):

substance on any lot without prior authorization from the Cemetery Trustees.

3. *Curbs and Fencing* – No curbs or fences or other similar barriers shall be permitted around any individual or group of lots without prior written authorization from the Cemetery Trustees.
4. *Monuments and Markers* – Monuments and markers will be at the discretion of the Cemetery Trustees, must be installed under the supervision of the Cemetery Trustees, and will be allowed if:
 - a. Monuments are limited to a maximum dimension of 24 inches wide, three (3) feet high, and one (1) foot thick.
 - b. Footstones will be flat with the ground.
 - c. All cornerstones will be flat with the ground to mark the lot boundaries in all sections.
5. *Monument Foundation* – Foundations for the monuments shall be constructed of concrete, and shall be at least three (3) feet in depth. Those requesting foundations shall make the request in writing, in person, or by phone to the Cemetery Trustees, who will instruct the installer where the foundation will be placed in the lot.

Article 14 – Burials:

1. *Conditions for Burials* – No burial shall take place without a burial permit. Any family member may bring human remains into this state for burial. The burial of human remains shall be under the direction of a licensed funeral director, or a family member. Burial placement will be under the supervision of the Cemetery Trustees. Burials will not take place on holidays or weekends.
2. *Cremations* – Cremated remains may be brought to a cemetery for burial by any person, with the prior consent together with a crematory certificate from the respective crematory identifying the remains. Burial will be under the supervision of the Cemetery Trustees.
3. *Preparation of Grave* – The preparation of graves and laying out of graveside ceremonial material shall be the responsibility of the funeral director. Any individual party or family may request such preparation dispensed for a particular service.

Article 14 – Burials (Continued):

4. *Burial Rates – the following are estimated costs and are subject to change:*
 - a. \$500.00 for each vault & casket burial
 - b. \$300.00 for each baby burial
 - c. \$150.00 for cremation remains in a vault
 - d. \$100.00 for each cremation burial
5. *Outside Burials –* In matters pertaining to burials requested by outside agencies, the body will be entombed pending proper and specific arrangements unless the exact lot and grave location is ordered with sufficient identification to the satisfaction of the Cemetery Trustees.
6. *Burial Vaults:*
 - a. *For Non-Cremated Remains –* Vaults will be of suitable construction and will be placed in the grave by the vault company that the funeral director has hired under the supervision of the Cemetery Trustees.
 - b. *For Cremated Remains –* Vaults will be under the supervision of the Cemetery Trustees.

Article 15 – Cemetery Winter Rules:

The cemeteries in the Town of Bristol will be closed from November 15 through May 1, weather permitting.

Article 16 – Hold Harmless:

Neither the Town of Bristol, the Cemetery Trustees, or the Select Board or their agents, shall be responsible for errors in location of graves and lots resulting from improper instruction from persons making arrangements. In all cases, orders for grave opening shall be communicated to the Cemetery Trustees who shall keep records thereof.

The Cemetery Trustees, their agents, and the Town of Bristol, shall not be responsible for any damages that may occur as a result of the respective funeral director leaving the cemetery prior to the vault cover being placed.

Article 17 – Control:

Any cemetery laid out by an individual or corporation and located within the limits herein before named, in which all lots have been sold and for the care of which

Article 17 – Control (Continued):

trust funds are held by the Town, shall be under the control of the Cemetery Trustees.

Article 18 - Discontinuance (RSA 289:15):

Whenever there is a public necessity for the discontinuance of any municipal cemetery and the removal of the remains of persons buried in such cemetery, the cemetery may be discontinued by a $\frac{3}{4}$ vote of the legal voters present and voting at any Town meeting held for the purpose, or by $\frac{3}{4}$ of each board of the City Council or Town selectmen present and voting. **Source.** 1994, 318.2, eff Aug 7, 1994

Article 19 - Reinternment (RSA 289:16):

The governing body may, at the expense of the municipality, disinter all the remains of persons buried in such cemetery and reinter the same in the unoccupied part of another cemetery within the municipality, such reinternment to be in the place designated by the nearest surviving relatives of the deceased persons or, in the absence of such surviving relative, by the Cemetery Trustees. Such removal and reinternment shall be done prudently and with proper care and attention. **Source.** 1994, 318.2, eff Aug 7, 1994

Article 20 – General

Use of Trust Funds (RSA 289:9): Cemetery corporations and the Trustees of the Trust Funds of municipalities may take and hold funds in trust and may apply the income of the trust to the improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances. **Source.** 1994, 318.2, eff. Aug 7, 1994

Article 21 - Cemetery Trustees Powers and Duties (RSA 289:7):

IAW 289:7 see Powers and Duties that are outlined in, I. (a) (b) (c) (d) and (e) as well as numeral II. **Source.** 1994, 318:2. 1995, 62.3, eff July 8, 1995

All Cemetery Trustees in the State shall:

1. Adopt by-laws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

Article 21 - Cemetery Trustees Powers and Duties (RSA 289:7):

2. Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality.
3. Expend all moneys raised and appropriated by the municipality for cemetery purposes.
4. Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality, such trust funds shall be held in the custody and under management of the Trustees of Trust Funds, pursuant to RSA 289:7.

Article 22 - Penalties:

The Town may enforce the by-laws with penalties not exceeding \$1,000.00 for each offense.

Article 23 - Changes of By-laws:

These by-laws may be changed or amended as the Cemetery Trustees see fit, by a majority vote of the Trustees in whole at any regular meeting.

The by-laws changed or amended on August 8, 2019 at our regular meeting and signed this 30 day of August, 2019.



Richard A. LaFlamme

Chairman



Tom Keegan



Ron Preble

Bristol Cemetery Trustees, Town of Bristol, NH