

## **MADBURY MEMORIAL PARK**

The following Rules and Regulations were accepted by the Madbury Board of Selectmen on November 1, 1993. The Selectmen shall be the governing body of the Madbury Memorial Park (Park). The Cemetery Trustees (Trustees), who are elected by the town, shall be governed by these by-laws, rules and regulations and the amendments thereof. Any additional information concerning the Madbury Memorial Park is available at the Madbury Town Office, 13 Town Hall Road, Madbury NH 03823, (603) 742-5131.

### **SECTION 1: PURPOSE AND INTENT**

For the mutual protection of lot owners and the Park as a whole, the following rules and regulations are hereby established for the Park. All persons visiting the Park, which includes the Cemetery and Memorial Garden, will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this Park as a peaceful and attractive area as well as a reverent symbol of respect for the deceased.

### **SECTION 2: GENERAL RULES**

The Park will be closed from 8:00 PM to 8:00 AM unless otherwise arranged with the Trustees.

The only vehicles allowed in the Park are those there for cemetery-related reasons. No motorcycles, bicycles, minibikes, snowmobiles, all-terrain vehicles or other recreation vehicles will be allowed in the Park. No trucks or heavy vehicles will be permitted in the Park except with the permission of the Trustees.

No children are allowed in the Park unless accompanied by adults.

No dogs or horses will be permitted in the Park at any time.

Those walking through the Park must use paths, alleys, and avenues for this purpose. No person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot. The Park expressly disclaims responsibility for loss or damage to property, or injury sustained by any person.

It is forbidden to disturb anything including monuments, plants or flowers, or to carry away anything from any lot, except with the permission of the lot owners. Refer to RSA 635.

With exception of Military Escorts, the carrying or discharge of firearms within the Park is prohibited. The carrying or discharge of other weapons, such as bows and arrows, air or pellet guns, slingshots, or the hurling of rocks or stones, is also prohibited within the Park.

**SECTION 3: TITLE TO PARK PROPERTY AND BURIAL LOTS**

Title in and to the land and premises set apart as a cemetery and known as Madbury Town Cemetery is now and shall at all times be vested in the Town of Madbury, notwithstanding any lot license heretofore or hereafter granted, and notwithstanding any other provisions of these laws.

The Town of Madbury may issue a Burial Lot License to any person for burial of self, family, relatives or friends, to be used and occupied as a cemetery lot and for no other use or purpose whatever. The Town reserves the right to limit the use of the Park to residents and residents' families only.

No interment shall be permitted in any lot until satisfactory financial arrangements have been made for said lot. This includes ensuring that funds have cleared if paid by personal check.

No monument or marker shall be erected on any lot until full payment of the charge for the lot has been made.

All purchases of Burial Lot Licenses are made through the Trustees. The license-holder of the lot upon which no burial has been made or monument erected may return the same to the Town of Madbury, and receive thereof the amount paid for said license.

The transfer of a lot license by the holder may be made to any person, provided such transfer is approved by the Trustees and is recorded in the books of the Park and the Town of Madbury, and consent of the Town must be endorsed on said license or transfer. The Town shall fix a charge for all transfers of ownership of lot licenses.

In the event of multiple holders of the lot license, removal of any holders requires a notarized release from the holder being removed from the lot license.

Purchases made during the winter for winter burial may be limited in selection and are at the discretion of the Trustees.

**SECTION 4: CARE OF LOTS**

Perpetual care is provided for all lots and includes the cutting of grass and maintenance of the grounds. It is intended that the general preservation of the lots and grounds shall remain and be reasonably cared for as a cemetery grounds forever.

All perpetual care funds held by the Town of Madbury will be invested by the Town of Madbury as provided by law to be expended only as provided by the Trust. In no way shall the management obligate itself to expend, for such lot care, a sum in excess of the income from each perpetual care fund. In no case shall it mean the maintenance, repair, or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work.

## **SECTION 5: INTERMENTS**

Arrangements for interments must be made a minimum of twenty-four hours in advance with the Trustees. The Park will be open for interments from 8:00 AM to 3:00 PM.

Directions for interment must be given and satisfactory financial arrangements made with the Trustees prior to interment. Fees for interment are given upon request by calling the Trustees. These fees include opening and closing of grave, and related maintenance charges. The Park shall not be responsible for errors in information, instructions or directions concerning location of a lot.

Allowance of winter interments or disinterments will be determined by the Trustees. Winter interments or disinterments may be delayed due to frost or snow.

All graves must be lined with a vault or box of permanent material.

The person giving the order for the grave will be expected to sign an order of interment before burial. No interment can be made unless accompanied by a proper Burial-Transit Permit.

No interment of two or more bodies shall be made in one grave, except in the case of mother and child, or two infants buried in one casket simultaneously. Further variations may be made in the case of cremation with no more than four family cremations in one grave, subject to the regulations for markers and monuments.

No disinterments or removal of the remains of any body will be permitted except (a) with the written consent of the lot owner or a member of the family and (b) with the permit required by the laws of the State of New Hampshire. A seven day notice is required for disinterment or removal.

The Cemetery is for human burials only.

## **SECTION 6: MONUMENTS**

The Trustees have no desire to interfere with the individual tastes of the lot owners in the selection and erection of monuments. However, the right is reserved to forbid or remove any monument deemed objectionable by the Trustees.

No monument may be erected upon any lot until the person is in possession of his Burial Lot License. Only one marker per grave or cremains and one monument per licensed lot is allowed. All grave markers shall be set level with the surface of the turf, neither extending above nor set below such turf. Only one monument extending above the ground and placed in the designated area of the lot will be permitted.

All monuments are required to have a foundation. Arrangements must be made through the Trustees two weeks in advance of the day the stone work is to be set. Foundations for monuments shall be 4 inches longer and 4 inches wider than the monument to rest on it. Monument foundations shall not extend above the turf and be of sufficient depth to support monument and prevent shifting due to frost. Foundations must be paid for when ordered.

Placement of markers is subject to the approval of the Trustees.

No monument or marker shall be constructed of any material other than cut marble, granite, natural stone, or real bronze. A monument or marker shall not exceed a base size, from side to side, of 60% of the width of the licensed lot.

All monuments must provide a space for placing of flowers and urns. No flowers or urns will be placed directly on the ground.

Any work done by a monument company is the financial responsibility of the lot owner. Work must meet standards as directed by the Trustees. On all stone work the turf must be thoroughly protected from damage.

No curbing, corner stones, fencing, or enclosures of any kind are allowed

#### **SECTION 7: TREES, PLANTS, SHRUBS & FLOWERS**

All planting of trees and shrubs must have the approval of the Trustees. The planting of trees, flowering plants and shrubs are limited to designated areas within the Park. No permanent planting will be allowed on individual lots. Any pre-approved planting of trees and shrubs will be under the direction of the Trustees.

Flowers, wreaths, baskets, etc., left on lots will be removed by Park workers after they fade or become unsightly. All flowers and urns must be placed on the base of the monument. No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on lots. True floral containers, urns and baskets are recommended. No artificial adornments shall be planted or placed on lots. No boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items will be permitted upon the lots.

The Park will not be responsible for loss or damages to urns, floral pieces, baskets, or frames.

The intent of the Park is to create an attractive expanse of park grounds planted with appropriate shrubs and trees. Authorities will undertake to maintain, as may be practical, the planting of trees and shrubs to preserve the Park Landscape features.

**SECTION 8: ENFORCEMENT**

The Trustees are hereby empowered to enforce the foregoing Rules and Regulations and to exclude from the Park any persons violating such rules and regulations. They shall have charge of the grounds and buildings within the Park and shall have control of all persons visiting the Park.

Fines and penalties for violations of Park Rules and Regulations may be assessed by the Madbury Board of Selectmen. In cases of vandalism or destruction, persons apprehended will be liable to pay for the extent of the damages.

**SECTION 9: FEES AND CHARGES**

All fees and charges are subject to change at the discretion of the Trustees.

Sale of Graves including perpetual care \$ ~~300.00~~  
Increased to \$500  
as of 1/1/2019

**Interment Prices:**

Burial Monday through Friday \$ Call for information  
Weekends and Holidays and  
after 3:00 PM

Cremains/Ashes Monday through Friday \$ Call for information  
Weekends and Holidays and  
after 3:00 PM

**SECTION 10: MEMORIAL GARDEN AREA**

This portion of the Park is established for the memory of those not accommodated by the Cemetery, as a quiet, peaceful garden for families and friends of Madbury residents.

All rules and regulations of the Cemetery area apply to the Memorial Garden as well.

The Memorial Garden may serve as a cremation casting site or as a Memorial Service area. No burials shall take place within the Garden.


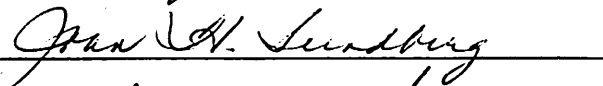
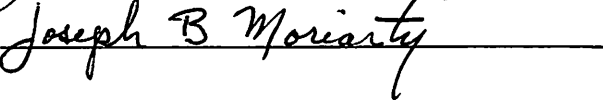
Plaques may be placed on the memorial stone/stones as approved by the Trustees. Plaque sizes will be regulated to an appropriate size. No other monuments or markers will be allowed within the Memorial Garden without the approval of the Trustees.

Fees for plaque mounting and service will be established periodically by the Trustees.

The Forgoing Rules, Regulations and Fees are subject to amendments as may be necessary by the Trustees. Reasonable public notification will be given.

Presented to the Board of Selectmen by the Madbury Cemetery Committee:  
Noreen Gaetjens, Roderic Hutton, William Leslie

Accepted and approved by the Madbury Board of Selectmen:

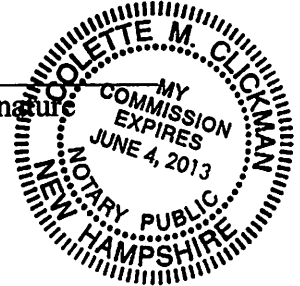
  
  


October 4, 2010

State of New Hampshire  
County of Strafford

On this 4th day of October, 2010 the Selectmen of the Town of Madbury, NH, appeared and signed before me the attached Rules and Regulations.

  
Notary Public, Signature



Revised 10/4/2010  
Approved 11/1/1993