

CITY OF CLAREMONT
IN THE YEAR TWO THOUSAND AND SIXTEEN
SUBSTITUTE ORDINANCE #550
“CEMETERIES”

The City of Claremont Ordains:

Pursuant to RSA 47:17, Article III, Chapter 16, Cemeteries, of the Claremont City Code is hereby amended as follows.

Section 1 Sec. 16-78. - Conduct in Cemeteries

Amend Section 16-78 by revising introductory language, subsections (4), (8) and (11) and adding a new subsection (12), as follows:

No person shall after October 12, 2016:

- (4) Use barbeques or fires of any kind, or consume alcoholic beverages in a cemetery, or bring the same upon the premises. A cemetery is not a park or playground.
- (8) No dogs or other domestic animal shall be allowed on cemetery grounds unless leashed, under the control of the owner or custodian and quiet. The owner or custodian of such animal shall be responsible for the removal and proper disposal of any animal waste as required in Section 4-34 of this Code and further shall be liable for any destruction to any landscaping, monument or marker, whether natural or otherwise, caused by such animal.
- (11) Be within the cemetery at any time other than between the hours of 7 a.m. and 9 p.m. except cemetery employees, police officers, or by authorization of the superintendent.
- (12) No privately owned drone or similar aerial device shall be permitted in the air space over municipal cemeteries.

Section 2. Sec. 16-79. - Traffic Regulations

Amend Section 16-79 by revising subsection (a) by adding ATV's to prohibited vehicles to read as follows:

- (a) No person shall operate or cause to operate any vehicle, including motor bikes, within a cemetery except on roads designed for that purpose and no vehicle or motor bike shall be driven at a speed in excess of fifteen (15) miles per hour upon any roads within municipal cemeteries. Nor shall any off-road vehicles (including scooters, go-carts, ATV's or snowmobiles) be allowed within any cemetery.

Section 3. Sec. 16-80. - Establishment of Cemeteries

Amend Section 16-80, by revising subsection (d)(3) and adding a new subsection (f), as follows:

- (d)(3) Single 1-grave lot, 3'6" x 12' or 42 sq. ft.
 - (a) Single grave lot sections shall be established within cemetery areas for those persons desiring single graves.
 - (b) Each single grave will accommodate no more than one (1) full casket plus four (4) cremation urns, or, if no full casket burial, up to six (6) cremation urns will be permitted.
 - (c) A portion of Section X in Mt. View Cemetery will be set aside for the burial of indigent persons, which may be marked; however, no monuments shall be permitted. All such burials shall be cremation burials.

- (f) Grave liners or vaults made of cement or material of equal permanence are required for all burials, including cremation burials.

Section 4. Sec. 16-81. - Purchase of Lots.

Amend subsections (b), (c) and (d) by deleting references to the city treasurer and city manager and replacing with applicable references to Public Works as follows:

- (b) *Purchase procedure.* Lots in the laid-out cemeteries may be purchased from the cemetery superintendent. Payment for lots purchased shall be evidenced by a deed prepared by the Public Works Director or designee and signed by the cemetery superintendent. Each deed shall state the name of the purchaser, purchase price, name of cemetery, number of the lot and section in which the lot is located and shall contain a provision which prohibits resale of the lot without the written consent of the city. Such consent may be given by the superintendent of cemeteries or the Public Works Director.

- (c) *Records of cemeteries and purchase of lots.* The keeping of records of the cemeteries of the city shall be the responsibility of the cemetery superintendent. All maps showing laid-out sections of each cemetery, records of lot ownership and burials shall be kept by the cemetery superintendent. Copies of the deeds conveyed for lot purchases shall be recorded by the Department of Public Works in a book provided for this purpose.

- (d) *Transfer of lots.* Lots previously sold may be resold to a new owner by a deed which contains the following statement:

"The City of Claremont hereby consents to this conveyance.

"CITY OF CLAREMONT

"By: _____"

After receiving his deed, the new owner shall present the deed to the Department of Public Works who shall register the change in ownership in the records of the

cemeteries. No person shall be recognized as an owner, or part owner, unless the change of ownership is so recorded.

Section 5. Sec. 16-82. - Cemetery Maintenance

Insert introductory language, as follows:

Effective October 12, 2016, the following shall apply:

Amend subsections (a) by adding the following new sentence at the end of the subsection:

The City shall have no liability and is not responsible for items lost or stolen from graves or any damage to plantings caused by maintenance, plowing, mowing, weather, or the opening or closing of a grave.

Insert a new subsection (c) to read as follows and re-designate subsequent subsections:

(c) *Plantings*. No planting may extend beyond an eighteen (18) inch strip along the sides and front of any grave marker, headstone or monument. Private use of pesticides and fertilizers is prohibited. The City is not responsible or liable for the care, maintenance or other upkeep of such plantings.

Amend the re-designated subsection (e) to read as follows:

(e) *Curbs and fencing*. No “curbs,” “fences,” “shrines,” “structures” or “buildings” shall be permitted on or around any individual lot or group of lots. Notwithstanding the above, landscaping borders are permitted to a maximum height of twelve (12) inches above grade so long as such landscaping border does not extend beyond the eighteen (18) inch strip referenced in subsection (c).

Amend the re-designated subsection (f), *Monuments*, to add the following new sentence after "cemetery department upon request:"

Any foundation installed by other than the cemetery department or monument companies will be removed.

Amend the re-designated subsection (f), *Monuments*, to add the following at the end of the subsection:

Only one (1) aboveground upright marker, headstone or monument is permitted per owner's lot (grave or group of graves). All memorials, regardless of the nature of the upright marker, headstone or monument, shall be placed in a line that is even with all other memorials in that row, thereby forming a straight line.

Amend the re-designated subsection (g), *Beautification*, to read as follows:

Plants, flowers, vases, urns, potted plants or small personal items may be placed upon any cemetery lot within the eighteen (18) inch strip referenced in subsection (c), subject to the approval of the Director of Public Works or the cemetery superintendent.

Insert a new subsection (h) after the re-designated subsection (g) as follows:

(h) *Benches*. Benches are permitted in place of an upright marker, headstone or monument. One stone bench, 18” high x 36” long x 24” wide will be permitted in place of an upright marker, headstone or monument. Any item not in compliance with these regulations and existing on a lot or gravesite prior to October 12, 2016 may not be replaced once removed without the express prior approval of the Director of Public Works or the cemetery superintendent.

Insert new subsections (j) and (k) after the re-designated subsection (i) as follows:

(j) *Approval required*. Any item not expressly designated in this Article for placement on a lot or gravesite is prohibited unless authorized by the Director of Public Works or the cemetery superintendent, such authorization to be made on a case-by-case basis.

(k) *Violations*. Any item placed on a lot or gravesite in violation of this Article may be removed by the Department of Public Works, without notice.

Section 6. Sec. 16-83. - Burials

Amend subsection (c) to delete the last three sentences so that it reads as follows:

(c) *Winter burials*. The cemetery department will prepare graves for burial during the winter months, weather and other circumstances permitting.

Amend subsection (e) by deleting the reference to the city manager and replacing with the public works director, to read as follows:

(e) *Burials on Sunday or legal holidays*. Because of the problems inherent with Sunday or legal holiday work, no burials shall be permitted on such days, except where extenuating circumstances exist in any particular case, and then shall be allowed only at the discretion of both the cemetery superintendent and the Public Works Director subject to the fees which are on file in the city clerk's office.

Section 7. Sec. 16-84. - Care of Lots

Amend subsections (b) and (c) by deleting references to the city treasurer and replacing them with applicable references to Public Works to read as follows:

(b) *Purchase of perpetual care*. Perpetual care trust funds for the care and maintenance of lots shall be purchased from the Public Works Director or designee 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 prerequisite to burial*. Owners of cemetery lots purchased without perpetual care will be required to obtain perpetual care service before a grave opening will be performed on their lots. Such owners may secure perpetual care service by applying to 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 established in the schedule of rates which are on file in the city clerk's office.

Section 8. Validity

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 9. Effective Date

This Ordinance shall take effect and be enforced immediately upon passage.

Introduced and passed on first reading _____, 2016

Adopted by the Claremont City Council on _____, 2016

Victor Bergeron

Keith Raymond

Nicholas Koloski

Bruce Temple

Scott Pope

John Simonds

Allen Damren

Carolyn Towle

Mayor Charlene Lovett

Attest: _____
Clerk to the Council