

**By-Laws**  
**Rules & Regulations**  
**for the Operation and Administration**  
**of the Public Cemeteries**  
**within the Town of Pelham, NH**

**Preamble**

Acting under the provisions of NH RSA 289.6, the Pelham Cemetery Trustees, consisting of 5 elected officials, hereby establish the following by-laws for the operation and administration of the following 6 public cemeteries located within the boundaries of the Town of Pelham, NH:

Gibson Cemetery - Active

North Pelham Cemetery - Active

Atwood Cemetery - Inactive

Center Cemetery - Inactive

Gumpas Cemetery - Inactive

Lyon Cemetery – Inactive

These By-laws once authorized will supersede and replace all preceding versions.

Pelham Cemetery Board of Trustees

Drafted 15 May 2025

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**DEFINITIONS**

**Burial Ground:** Private Cemetery not open to the public.

**Burial Space:** A general term of reference encompassing the terms lot or niche.

**Columbarium:** An above-ground structure composed of built-in niche spaces for the storage of cremation urns.

**Director:** An individual assigned by the Trustees to oversee everyday administrative duties including burial space sales, burial space site assignment, interment arrangements through funeral directors, records keeping, and approval of all burial space memorials.

**Family:** Members of an immediate family and any individual related by blood, marriage, or civil union to members of the immediate family.

**Groundskeeper:** An individual assigned by the Trustees to oversee cemetery outdoor operations at all cemetery sites by these By-laws.

**Interment:** The permanent disposition of the remains (body) or cremains (ashes) of a deceased person by burial in the earth.

**Headstone:** An upright or slanted stone or tablet installed at the head of a lot or lots to mark one or more interments.

**Lot:** A specific area within the cemetery for which rights to inter human remains have been purchased.

**Niche:** A specific area within the columbarium for which rights to place human cremains (ashes) have been purchased.

**Owner:** Any person or persons owning or possessing the privilege, license, or right of interment in any burial space, as determined under RSA 290:24.

**Marker:** A stone or bronze tablet, the entire upper surface of which is even with the adjacent surface of the ground, which serves to identify individual interments by its placement at the foot of a lot. In special circumstances, an oversized flat marker may be used as a headstone to mark no more than (2) adjoining lots.

**Memorial:** A general term of reference encompassing the terms marker or headstone.

**Secretary:** Administrative assistant in the Cemetery office.

**Trustees:** Town Cemetery Trustees elected or assigned under NH RSA 289.

## **ARTICLE I: OPERATION & ADMINISTRATION**

Operation and administration of the cemeteries identified above will be vested in the Cemetery Trustees.

## **ARTICLE II: INTERMENT REGULATIONS**

1. Burial space sales are limited to residents of Pelham, NH.
2. Burial spaces will be sold in numerical order, unless otherwise approved by the Director.
3. New interments are permitted only in Gibson or North Pelham Cemeteries.
4. No interment shall be allowed until a Certificate of Interment has been issued and all payments have been received.
5. Interments will only be allowed in areas plotted and approved by the Trustees for interments.
6. Memorials will not be permitted on any burial space until payment for the burial space has been paid in full.
7. Owner's rights applicable to purchased burial spaces cannot be conveyed to another individual without the prior written consent of the Trustees. Owners wishing to permit the interment of individuals other than family in their burial space must provide a notarized written request and receive the prior approval of the Trustees.
  - a. Only persons in possession of a duly executed deed who are able to demonstrate that they are the rightful owner of such deed shall be considered the owner of a cemetery lot.
  - b. **Descent of Title:** The laws of the State of New Hampshire govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of a lot owner, the heir(s) or devisee(s) of such person file with the Director full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills or probate documents are normally sufficient.
8. Whenever a burial space or spaces in any cemetery subject to the provisions of RSA 289:18 have remained unused for 50 years, and the owner has not improved such space or spaces with a monument, gravestone, or other permanent appurtenance to be placed on the burial space, the Cemetery Trustees having jurisdiction over such cemetery may institute proceedings for the termination and forfeiture of the rights and interests of such owner. All purchase contracts for burial spaces executed after August 7, 1994, shall include a notice that this procedure may be invoked in the future.
  - a. Whenever the Cemetery Trustees determine that the conditions stated in Article II, Section 8 have been met, they may send a notice to the owner of intent to terminate and forfeit the owner's rights. This notice will be sent by certified mail with return receipt requested to the owner's last known address.
  - b. Upon receipt, the owner may notify the Trustees of intent to use the space, in which case this procedure shall be canceled, or the owner may return the space to the cemetery and receive compensation for the original purchase price less any portion specified for perpetual care.
  - c. If no response is received within 60 days, the Trustees may advertise in a paper of local distribution for information regarding the present whereabouts of the owner. If information is received, the notification process shall be repeated using the new address information. If no information is received, the original purchase contract may be voided, and the space sold to a new owner. Any owner contacting the cemetery management after the space has been resold shall be reimbursed the amount he originally paid, including the portion set aside for perpetual care.

## **ARTICLE III: LOT MARKERS**

1. Corner markers are permitted on any lot but must be set flush within the lot.
2. All flat lot markers and/or footstones must be set flush with the ground.

**ARTICLE IV: MAINTENANCE OF TOWN CEMETERY**

1. Maintenance includes cutting and trimming the grass at reasonable intervals, raking and cleaning grounds, pruning shrubs and trees that may be placed within the cemetery by the town, and removal of dead flowers, trash, glass ornaments, vases, shepherd hooks, flags, and/or any other article placed outside of allowed areas when deemed necessary by the cemetery personnel.
2. Maintenance does not include the repair, maintenance or replacement of any memorial, marker, or structure of any kind erected upon burial spaces; planting of flowers or plants; the repair or reconstruction of any marble, granite, bronze, concrete, or any other work on any section of the burial space, damage to which may have been caused by nature's elements, acts of God, thieves, vandals, explosions, unavoidable accidents, riots or by any order of military or civil authority, whether damages are direct or collateral.

**ARTICLE V: RECORDS**

1. A copy of these By-laws and any subsequent amendments shall be maintained by the Trustees at the Walter Kosik Maintenance Facility Building Office for public review with a copy of such provided to each purchaser of a burial space.
2. Maps showing the areas of Gibson and North Pelham Cemeteries and their divisions into sections, as well as a master plan of each section showing the divisions of each section with lot numbers, shall be maintained by the Director and Trustees.
3. A Lot Index, recording the sections, number and name of each burial space owner, shall be maintained by the Director and Trustees.
4. Except in those instances where interment records predate existing file systems, a card identification system containing the name and other pertinent information for each individual interred in town cemeteries shall be maintained both manually and electronically using the existing on-line database and shall be maintained by the Director and Trustees.

**ARTICLE VI: FUNERALS AND INTERMENTS**

1. Arrangements for interments must be made at least forty-eight (48) hours in advance through the Cemetery Director.
2. The published fee for interments and the opening and closing of any burial space will be provided to each burial space purchaser.
3. Concrete burial liners will be required for all standard burials and a suitable cremation vault for cremation burials.
4. Cremation vessels intended for interment in the columbarium will be within the size limitation of the columbarium and will not require a concrete burial liner.
5. All individuals requesting interments must provide all pertinent interment data required by the Trustees, as well as a burial permit as required under the laws of the State of New Hampshire.
6. All funerals upon entrance to a town cemetery are under the direction of the Director and/or groundskeeper.
7. Interments within the circumferential area of the Veteran's Memorial Circle are limited to cremations only of all veterans. Burials will be in the next available grave at that time only (no exceptions).
8. Interments for lots are limited to one body per lot, except for a mother and her infant or of two (2) infants enclosed in one casket.
9. Disinterment or removal of remains will not be permitted except:
  - a. With written consent of the burial space owner or a family member and
  - b. A permit as required by the laws of the State of New Hampshire
10. The Cemetery Director has the authority to accept or reject any Sunday or Holiday funerals.

11. The Trustees and/or the Director will not be responsible for any mistake resulting from verbal communication. All communications, purchases, and directives must be in writing. In the event a non-written request is acted upon and results in any action that requires correction, an equitable charge for correction of such may be imposed.

## **ARTICLE VII: COLUMBARIUM REGULATIONS**

1. The urn or container used to hold the cremains must be no larger than 11" h x 8" w x 5.5" d or less. There will be a limit of two (2) urns per niche.
2. Cemetery employees reserve the right to remove any personal items at their discretion two (2) days after funeral.
3. Only granite VA issued veteran markers will be allowed in the columbarium area.
4. Ossuary interments must be in an ossuary approved bag.

## **ARTICLE VIII: MEMORIAL REGULATIONS**

1. No memorial is to be erected in any Pelham cemetery without the prior written approval of the Cemetery Director or the Trustees. The Trustees and/or the Cemetery Director reserve the right to reject or replace any memorial found to be objectionable or inconsistent with existing cemetery standards.
2. No memorials are to be placed on a burial space until such time payment for same has been made in full.
3. Lot Headstone Requirements:

Size of Lot	Headstone		
	Base Length	Base Width	Height
12 Lot 20' X 20'	7' 0"	18"	4'
6 Lot 20' X 10'	7' 0"	18"	4'
4 Lot 14' X 10'	7' 0"	18"	4'
Double Lot 7' X 10'	5' 0"	18"	4'
Double Lot 6' X 10'	5' 0"	18"	4'
Single Lot 36" x 10'	2'0"	18"	4'
Single Lot 42" X 10'	2' 0"	18"	4'

4. Only one (1) memorial per burial space will be authorized unless otherwise approved in writing by the Cemetery Director or Trustees.
5. Memorials must be installed by a monument company with insurance cert on file at time of installation.

## **ARTICLE IX: FOUNDATIONS AND FOOTINGS**

1. All foundations and footings shall be at least four feet (4') below ground level.
2. Any foundation or footing installed for a memorial shall be the responsibility of the vendor, be installed under the direction and coordination of the Cemetery Director or groundskeeper with all associated costs being the responsibility of the vendor or the lot owner.

## **ARTICLE X: SHRUBS AND TREES**

1. Shrubs, trees, or bushes are not permitted on any lot.
2. Replacement of existing trees, shrubs or bushes are not permitted except for perpetual care.
3. Except for those trees, shrubs or bushes planted by the town, the Trustees shall not be responsible for the replacement of any shrub, tree or bush planted on a lot.

**ARTICLE XI: GIFTS OR DONATIONS**

The Trustees have the right to accept or reject any gift or donation to the cemetery.

**ARTICLE XII: PERPETUAL CARE**

Perpetual Care maintenance is limited to raking, mowing, and seeding lots when necessary. In no case is the Town responsible to maintain, repair, or replace any memorial, tomb, or mausoleum erected or placed upon a lot, or perform any special or unusual work in the cemetery.

**ARTICLE XIII: GENERAL RULES**

1. Cemetery grounds are open to the public daily from sunrise to sunset unless gates are locked.
2. Trustees and Cemetery personnel will perform their assigned work in a professional manner in accordance with town standards and demonstrate cooperation and courtesy in dealing with service suppliers and the general public. Remuneration or gifts from suppliers or the general public to the Trustees or Cemetery personnel are not permitted.
3. Parking will not be permitted on any grass area. Parking for any reason other than a funeral service is not permitted within burial site range rows.
4. Driving over or parking on any lot is strictly prohibited.
5. Seats, bird houses or feeders, ironwork, boxes, toys, ornaments, vases, fences, all glass objects, crushed stone or similar articles are not permitted on burial spaces.
6. The Cemetery Director and groundskeeper reserve the right to remove any article from a burial space that violates any provision of these By-laws.
7. Eternal lights are permitted provided they are positioned directly next to a headstone. If no headstone exists on the intended lot, the eternal light shall be placed in line with other headstones in that range of lots.
8. American flags are permitted with holders from Memorial Day through Christmas. When only one (1) veteran is interred in a lot the flag is to be placed to the left of the headstone.
9. Cemetery personnel have the authority to remove all floral designs, flowers, weeds, trees, faded or torn flags, glass objects, vases, shrubs or herbage of any kind from the town cemeteries as soon as, in the judgment of the Cemetery Director or groundskeeper, they become unsightly, dangerous, detrimental or diseased, when they do not conform to the standards maintained by the cemetery, or they are placed outside the permitted area of (16") in front of the headstone.
10. Coping, hedges, fences, railings, or any other type of landscaping items are not permitted within the boundaries of any lot.
11. Mounds over lots are prohibited.
12. Outside contractors are not allowed to conduct any operations within town cemeteries without the consent and cooperation of the Director, groundskeeper, or cemetery personnel.
13. Activities that are inconsistent with the dignity and purpose of cemeteries are strictly forbidden. Such activities shall include, but not be limited to running, jogging, exercising, recreational activities, sports, bicycling, motorcycling, and recreational vehicle, ATV riding or off highway vehicle operation.
14. Dogs, pets and horses are not permitted within cemetery grounds.
15. Through traffic from or to Gibson through Center Cemeteries is prohibited.
16. Gravestone rubbing is prohibited.
17. Potted or cut flowers may be placed on lots between May 1 and October 1. Winter arrangements of natural materials may be placed on lots between November 1 and March 31. Artificial flower arrangements are permitted but must not extend more than sixteen inches (16") from the front of any headstone, with nothing to the sides. No flowers or winter arrangements are allowed behind a headstone, except in those cases of twelve

(12) and six (6) lots that have lots behind the headstone. If no headstone exists on the lot, a one (1) foot by two (2) foot section for flowers or winter arrangements is allowed in line with the headstones of other lots of the range.

18. The Trustees shall not be liable or responsible for any damage done to memorials, trees, shrubs, or plants that occurs during normal daily cemetery activities, except for damage arising from negligence of Cemetery personnel. The Trustees are not responsible for personal injuries or property damage except that which is a result of Cemetery personnel's negligence.
19. All property or personal items left unattended at a town cemetery are left exclusively at the sole risk of the owner.

#### **ARTICLE XIV: OTHER BURIALS AND REMAINS**

1. Pet or other animal burials are not permitted in town cemeteries.
2. Ashes may not be spread in any town cemetery.

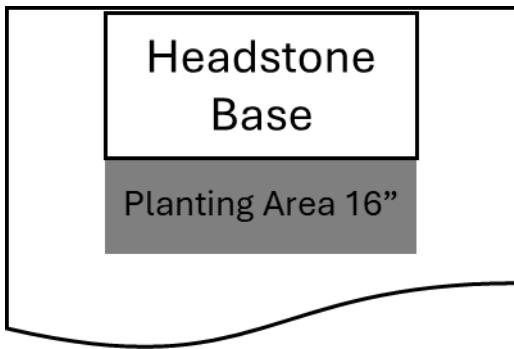
#### **ARTICLE XV: RIGHTS**

1. The Trustees reserve the right to change, repeal, or adopt additional rules, regulations, or by-laws at any time without notice.

## **ARTICLE XVI: NOTICE TO LOT OWNERS**

Spring Cleanup begins on April 15. Please remove any flowers, faded artificial flowers, baskets, wreaths and the like. Items remaining after this date will be removed by the cemetery personnel and may be picked up behind the maintenance garage until April 30.

1. The cemetery director has the authority to remove any items that are inappropriate, unsightly or prohibited. Any questions concerning appropriate items may be discussed with the cemetery director at 603-635-6974 or in-person during office hours.
2. The diagram below shows the planting area where allowed items may be placed.



3. The following items are prohibited from monuments:
  - a. Wind chimes
  - b. Bird feeders
  - c. Balloons
  - d. Borders around monuments that are not set flush in the ground or exceed the 16" planting area
  - e. Crushed stone
  - f. Glass items
  - g. Any items that are unsightly or deemed inappropriate by the cemetery director.