

TOWN OF FREEDOM

33 Old Portland Road • P.O. Box 227 • Freedom, NH 03836
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BY-LAWS FOR THE TRUSTEES OF CEMETERIES

SECTION 1. AUTHORITY AND ADOPTION

In accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 289, as amended, the Freedom Cemetery Trustees were elected by ballot at the annual Town Meeting held on March 13, 1999 (Article I of the 1999 Town Warrant).

SECTION 2. PURPOSE AND INTENT

These regulations are established in accordance with RSA 289, as amended, for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Freedom. All cemeteries and burial sites shall include the neglected burial grounds that were declared abandoned by the Freedom Board of Selectmen under RSA 289:19-21. The intent of these regulations is not only to comply with the statutory responsibilities of being trustees of the cemeteries, it is also to provide a peaceful and dignified resting place for the deceased.

SECTION 3. POWERS AND DUTIES

The responsibilities of the cemetery trustees that are detailed in the state statutes will serve as the bylaw that the cemetery trustees are directed to adopt as directed in RSA 289:7, as amended.

SECTION 4. CONTACT INFORMATION

All business pertaining to cemeteries shall be processed through the Cemetery Trustees, Town of Freedom, 33 Old Portland Road, PO Box 227, Freedom, N. H. 03836. Direct contact can be made to the Cemetery Trustees as listed in the Town records or through the regular business hours of the Board of Selectmen's Office.

SECTION 5. CEMETERY HOURS

Cemeteries shall normally be open during daylight hours. No person or persons not an employee or trustee of these cemeteries shall enter these cemeteries after sundown for any purpose. Cemeteries are not maintained for vehicle access during winter months, typically December 1 to April 1.

SECTION 6. GENERAL RULES & CEMETERY CONDUCT

- A. Vehicles are prohibited within the boundaries of cemeteries except for cemetery business approved by the cemetery trustees.
- B. No workers will be permitted to do any work in the cemeteries without the permission of the Cemetery Trustees.
- C. Any object placed on a grave that is offensive, improper, or detrimental to the general appearance of the cemetery will be removed without notice.

- D. The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to the cemeteries.
- E. No person shall gather flowers, either wild or cultivated, on the premises; or remove, cut, break, or mark any tree, shrub or plant; or mark upon, deface, or injure any memorial or any other structure on the grounds.
- F. Children under fifteen (15) years of age shall not be permitted within the cemeteries unless accompanied by an adult.
- G. Domesticated animals (pets) and agricultural animals are not permitted on cemetery grounds at any time unless as part of the burial ceremony and by the approval of the Trustees
- H. Horses, recreational bicycles, motor driven dirt bikes, and off-road vehicles are prohibited in the cemeteries unless as part of the burial ceremony and by the approval of the Trustees.
- I. All hunting within the cemeteries is prohibited.
- J. Firearms shall not be discharged in cemeteries, except for salutes at military funerals, Memorial Day ceremonies, or by direction of the Cemetery Trustees.
- K. No alcoholic beverages are to be consumed on cemetery grounds.
- L. Any person intoxicated, disorderly, or disturbing the quiet and good order shall be asked to leave the cemetery. If said person does not leave, the Freedom Police will be summoned.
- M. No signs or notices or advertisements of any kind shall be allowed in the cemeteries unless placed by the Trustees or their designee.
- N. Approaching the bereaved and soliciting memorial business, bedding of flowers or plants, or the sale of any commodity or service is prohibited within the confines of the cemeteries.
- O. Gravestone rubbing is prohibited except by special permission of the Board of Selectmen. A written request to conduct such rubbing shall be made in writing to the Board of Selectmen.

SECTION 7. LOT SALES

SECTION 8. INTERMENTS/DISINTERMENTS

- A. When an interment is requested, the applicant must provide a signed interment order, proof of ownership and/or proof of right of burial.
- B. In the instance of a preexisting lot for which the town has insufficient burial records, no interment shall be allowed unless the applicant also provides proof that available burial space exists. In the instance where ground sensing radar is utilized it shall be at the expense of the applicant. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the cemetery trustees may, in their discretion, authorize it opened in such location in the lot as they deem best and proper, so as not to delay the funeral; and the town shall not be liable in

damages for any error so made. The cemetery trustees and the town shall not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.

- C. The cemetery will be open for interments only upon appointment with the cemetery trustees. A minimum notice of 24 hours shall be given for an interment. The cemetery trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.
- D. All interments, including cremains, shall be done under the supervision of a cemetery trustee or by their designee.
- E. The funeral director, next of kin or designated agent shall present all burial documents upon arrival in the cemetery.
- F. Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or their assistants or on an order signed by a court of competent jurisdiction.
- G. The cemetery trustees do not provide services for interment, disinterment, ceremonial activities, or marker or foundation installation, repair or maintenance. All burial services shall be provided by the funeral director, next of kin or designated agent.
- H. Once opened, the funeral director, next of kin or designated agent and contractor shall be liable to see that graves are adequately covered/secured until the burial.
- I. Once an interment has been made, graves will be allowed opened only by cemetery trustees in their sole and exclusive judgment that such opening is proper, necessary, and duly authorized or when directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the cemetery trustees. In the case of cremains, disinterment requires proof of ownership of the cremains and a signed statement from the owner. In all cases, the responsibility of the cemetery trustees shall be limited to authorizing the opening. The opening of the grave and the actual disinterment must be made by the person authorized to do so.
- J. The cemetery trustees and the town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the regulations have not been complied with; and further, said trustees reserve the right, under such circumstances, to place the body in a receiving vault until the full rights of the parties have been determined. The cemetery trustees shall be under no duty to recognize any protests of interment unless they are in writing and filed with the cemetery trustees.
- K. Removal, by the heirs, of a body or cremated remains so that the plot may be sold, or removal contrary to express or implied wish of the original plot owner, is forbidden.
- L. Green burials are allowed with an inverted sealed concrete vault or non-perishable material over the body.

SECTION 9. CREMATIONS

SECTION 10. NEGLECTED/ABANDONED BURIAL GROUNDS

- A. Burial Grounds declared abandoned by the Town of Freedom and becoming Municipal Cemeteries under NH RSA 289:19, 20 & 21 shall be managed by the Cemetery Trustees.
- B. Burial Grounds declared abandoned shall be closed/inactive to interment except it be for Natural Lineal Descendants and under the guidance and with the permission of the Trustees under the following guidelines:
 - a. It is required that it is demonstrated that the individual to be interred is a Natural Lineal Descendants and the place of interment is part of group of graves sites owned by that family in the cemetery as a family plot.
 - b. It is required that there is a vacant grave site in the family plot for the Natural Lineal Descendant and there be a deed or other evidence of the same and that no remains exist in the chosen location. A grave site where there is no marker is not proof of an unoccupied interment site as there are many graves in these cemeteries that are unmarked.
 - c. Grave markers shall be of slate, marble or granite and shall be of a design in kind/likeness of those in the cemetery where the interment is to take place.
- C. Maintenance of cemeteries shall be the responsibility of the Town of Freedom however those from the Public or Natural Lineal Descendants wishing to perform maintenance may do so under the permission, supervision and direction of the Trustees.
- D. All aspects of SECTION 8. INTERMENTS/DISINTERMENTS shall be followed.

SECTION 11. MARKERS

SECTION 12. LOT PLANTINGS, LANDSCAPING, AND DECORATIONS

SECTION 13. CORRECTION OF ERRORS

SECTION 14. WAIVERS

The cemetery trustees reserve the right, for cause shown, to make special exceptions and/or waive any portion of these regulations.

SECTION 15. SEVERABILITY

If any provision of these regulations is held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

SECTION 16. ADOPTION

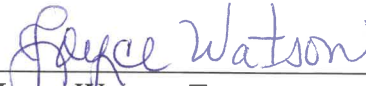
These regulations shall take effect immediately and may be amended as necessary upon a majority vote of the cemetery trustees at a meeting duly posted.

Adopted this 8 day of April, 2022.

Cemetery Trustees:



Alan G. Fall, Trustee
(Term ending 2023)



Joyce Watson, Trustee
(Term ending 2024)



Frederick Watson, Trustee
(Term ending 2025)