

ARTICLE 17

CEMETERY and BURIAL SITE ORDINANCE
(Adopted March 12, 1991)

- I. No person, without the written authorization of the owner of a burial plot, or the lineal descendent of the deceased, if such owner or lineal descendant is known, or the written authorization of the Town of Epping, if the owner or lineal descendent is unknown, shall:
- (a). Purposely or knowingly destroy, mutilate, injure or remove any tomb, monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, curb, or plot delineator or other enclosure for the burial of the dead.
 - (b). Purposely or knowingly disturb the contents of any tomb or grave in any cemetery or burial ground.
- II. The Town of Epping shall not grant approval for the removal or disturbance of a tomb, monument, gravestone, marker, or plot delineator without first giving thirty (30) days notice, together with a report of the full circumstances, that such approval has been requested. The Town of Epping shall maintain a record of the date, circumstances, and disposition of the request for removal or disturbance.

III. **UNLAWFUL POSSESSION OR SALE OF GRAVESTONES AND GRAVESITE ITEMS (RSA 635):**

No person shall possess or sell, offer for sale or attempt to sell, or transfer, or dispose of any monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, plot delineator, or curb, knowing or having reasonable cause to know that it has been unlawfully removed from a cemetery or burial ground.

IV. **LOCATION OF BURIAL SITE (RSA 289:3):**

Burials on private property, unless in an existing burial ground, shall comply with all Town of Epping zoning ordinances and shall require site plan approval from the Town of Epping Planning Board. Such burial sites shall comply with the following:

- (a). All burial sites shall be not less than fifty (50) feet from the right of way of any class of state highway and not less than 35 feet from the right of way of any class of town road or private way. *(Adopted March 21, 1995).*
- (b). All burial sites shall be not less than one hundred (100) feet from an existing dwelling house, schoolhouse, or school lot, store or other place of business without the consent of the owner of the same. *(Adopted March 21, 1995).*
- (c). All burial site(s) shall be not less than thirty-five (35) feet from any existing septic system, *to include, but not limited to* septic tank, leachfield, trenches and drywells etc.
- (d). All burial site(s) shall be not less than fifty (50) feet from any existing or known source of water.

(e). All burial site(s) shall be recorded in the deed to the property and carried in such deed upon transfer of said property to another person, company, or corporation etc. All sites shall be recorded on Town of Epping Tax Maps.

(f). The Epping Planning Board may require additional information, make additional restrictions where deemed necessary, in order to preserve and safeguard against any violation(s) of this, and other ordinances and/or regulations of the Town of Epping.

(g). All burial site(s), after being declared “abandoned” by the Epping Board of Selectmen, may be maintained by the Town of Epping at its discretion. The town shall have access onto said site(s) for the sole purpose of repair and maintenance of any and all burial site(s) (see Section VII).

V. **SUBSURFACE EXCAVATION AND/OR DEVELOPMENT:**

(a). No excavation or development shall be conducted within thirty-five (35) feet of any known or proposed burial site, whether or not such burial site was properly recorded in the deed to the property.

(b). Any proposed subdivision or site plan containing a burial site or cemetery shall separate said site from the remainder of the subdivision or site plan by means of a fence or stone wall. This fence shall be placed not less than twenty-five (25) feet from any grave, monument or tomb.

(c). All existing or planned burial site(s) or cemetery(s) shall be shown on any new subdivision or site plans as separate lot(s), which may be deeded to the Town of Epping, and as such, shall be under the care of, and responsibility of the Town of Epping, at its discretion. Access for maintenance shall also be shown on the subdivision or site plan(s).

VI. **CEMETERY RECORDS** - The Town of Epping or other body charged with the responsibility of operation and administration of any cemetery, shall keep a record of every burial in any cemetery under their control, showing the date of burial and the name of the person buried, when these particulars can be obtained, and the lot, plot, or part of such plot or lot, in which the burial was made.

Such records shall also be kept of every private burial site within the Town of Epping. In cases where cremation is used it shall be so stated on any or all records.

A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of \$0.50 (50 cents). The fee shall be for the use of the Town of Epping.

VII. **DECLARING A PRIVATE FAMILY BURIAL SITE ABANDONED** - Whenever a private family burial site within the boundaries of the town has been neglected for a period of twenty (20) years, the town may declare it abandoned for the purposes of maintenance or restoration.

(a). **TO DECLARE A CEMETERY ABANDONED** - The town shall place an advertisement in at least one (1) newspaper having general distribution in the town and surrounding area. The advertisement will state the intent of the town, identifying the cemetery by name (if known), and by names and dates of the oldest stones in the cemetery, with a request for any direct descendant to contact the Selectmen’s office. If the cemetery contains no stones with legible inscriptions, the site may be identified by a detailed description of its location.

(b). Not less than sixty (60) days nor more than ninety (90) days after the notice of intent has been published it will be read at a regularly scheduled meeting of the

Board of Selectmen.

(c). If any descendants are located and grant permission, or if no descendants are located, then the town may declare the cemetery abandoned by a majority vote by those Selectmen present and voting.

Any cemetery declared abandoned under the provisions of this ordinance shall be under the care of the town through its Board of Cemetery Trustees.