

## FOREST GLADE CEMETERY

## CHAPTER 17

Section 17.1 The public cemetery known as the Forest Glade Cemetery and the receiving tomb therein shall be under the general management of a board of five trustees, who shall be legal residents of the City of Somersworth. The trustees shall be appointed by the Mayor and City Council and each shall serve for a term of five years. The present trustees shall serve during the full term of five years from the date of their respective appointment. Beginning on the first Tuesday of January, 1966, and annually thereafter, the Mayor and City Council shall appoint one member of the board of trustees of the Forest Glade Cemetery for a term of five years. Vacancies on said board shall be filled by the Mayor and City Council for the unexpired term. No trustee shall receive any pay for his/her services as trustee.

Section 17.2 The board of trustees shall elect one of its members to act as chairman and one of its members to act as clerk. The board may elect one member to act in both capacities. The member chosen as clerk shall receive an annual salary of six hundred dollars.

Section 17.3 The cemetery shall be laid out by the trustees in divisions, lots, avenues and paths. The first division shall be used by the inhabitants of the City as a public burying ground, under the direction of the board. It shall not be fenced into lots, and no one shall have any exclusive right therein, except those as are usually enjoyed in public burying grounds; all questions concerning which shall be settled by the trustees. The other divisions shall be laid out in lots of such size, as the trustees may consider most consistent with the character of the ground and good taste. Strips and gores may be left with the growth thereon, and reserved for ornament. The division shall be laid out from time to time as lots may be wanted, and particularly delineated on the plans, on which the lots and paths shall be numbered, and the avenues designated by appropriate names, and no lot in any division shall be sold or occupied until the division is laid out, surveyed and planned as aforesaid.

Section 17.4 The lots may be sold by the trustees according to their discretion to purchasers who shall be known as proprietors, but at not less than three hundred and fifty dollars each (a portion of which will go to Perpetual Care), and they shall give the City's deed for the same, signed by the chairman and clerk, to the proprietor, his/her heirs and assigns, to hold upon the following conditions are complied with to wit: the lot not be used for any other

purpose than as a place of burial for the dead; and no trees within the lot shall be cut down or destroyed without the consent of the trustees; the trustees at the time of selling any lot shall impose such restrictions and conditions as to fencing and the occupation and improvement of the lot as they may consider proper, and may also impose such other restrictions and conditions as they may deem necessary, all of which shall be inserted in the deed of the purchaser. The proprietor shall have no right to erect any tomb on his/her lot unless said right is granted in the original deed from the City. The chairman and clerk of the board of trustees of said cemetery for the time being are hereby authorized to sign, seal and deliver the City's deed of lots in said cemetery, agreeably to these ordinances, and on the terms and for the purpose therein named. (Amended 8/14/1995.)

Section 17.5 The trustees are authorized to adopt and enforce such regulations as may be required in the use of the cemetery and receiving tomb, not inconsistent with law, not with the rights of proprietors and citizens in occupying the same, and may appropriate as much of the money arising from the sale of lots and growth, and other income as they may deem necessary, to laying out the lots and preparing them for sale, making avenues and paths, keeping fences in repair, and to other incidental expenses, but all the income received, from whatever source, shall be paid into the City treasury and all bills contracted for on account of said cemetery shall be examined and approved for payment by the Director of Public Works. The City Treasurer, upon receipt of the payment request, shall pay such claims from the funds in his/her hands accredited to Forest Glade Cemetery. (Amended 8/14/1995.)

Section 17.6 The clerk of the board shall keep a record of all the deeds of lots in a book for that purpose, and shall also note every sale on the plan. He/she shall also keep a record of all proceedings of the board. (Amended 8/14/1995.)

Section 17.7 The Sexton shall keep a record of all interments in the cemetery in such form and containing such facts as the trustees may prescribe, and such record will be kept at the Public Works Facility in a fireproof cabinet, and all such records heretofore kept shall be so left and preserved. ,

(Amended 8/14/1995.. )

Section 17.8 It shall be the duty of the board of trustees to maintain, improve and operate the said cemetery.

The said board is hereby authorized to purchase supplies and equipment as may be required to maintain, improve and operate said cemetery from funds received under the terms of this ordinance or duly appropriated by the

City of Somersworth for the use of the cemetery. (Amended 8/14/1995.)

Section 17.9 The Trustees of the Cemetery may establish a Cemetery Care Fund for the purpose of the general care of, capital improvements to, maintenance and expansion of the cemetery. The Trustees may accept as a contribution to the Cemetery Care Fund any donations or legacies (Board of Trustees must approve legacies) made to the City for purposes of insuring proper care and attention to any grave or lot in the cemetery. The Cemetery Trustees shall pay over all such monies received to the Trustees of Trust Funds or City Treasurer as agent who shall deposit the same in the Fund and keep an account of the fund as a cemetery trust fund. No such contribution shall be treated as a separate trust fund. The Trustees of Trust Funds or City Treasurer shall invest the Fund according to law and may secure professional banking assistance in the performance of their duties. The Trustees of Trust Funds may withdraw from the Fund such amounts from the income earned as may be necessary to provide proper care and attention to all graves or lots for which contributions have been received and to effect the general care of, capital improvements to, maintenance and expansion of the cemetery, at such times as the Cemetery Trustees deem necessary and reasonable, but no more frequently than quarterly. Any income not expended may be added to the principal on an annual basis, in the discretion of the Trustees of Trust Funds. Should income be insufficient in any year for the purposes of the Fund, the Trustees of Trust Funds may withdraw such amounts of principal as may be required, but in no event shall the principal be reduced below the aggregate amount of contributions made to the Fund. The Cemetery Trustees shall not accept any contributions to the Fund unless the amount of each such contribution shall, in the Trustees' opinion, be sufficient to produce at least the income required to insure proper care and attention to the grave or lot to which the contribution relates, but no separate accounting of such contribution shall be made. (Passed 5/5/1986.) (Amended 5/4/1987.)

Section 17.10 It is the stated intention of the City Council of the City of Somersworth in enacting this Chapter revision that the chapter shall be auxiliary to the powers vested in the Cemetery Trustees by virtue of the charter of the City of Somersworth and the Administrative Code and further to protect the property of the citizens of Somersworth.

Section 17.11 Firearms restricted. No firearms of any kind will be allowed in the cemetery, except at a military funeral and on Memorial or Veterans Day.

Section 17.12 Certain vehicles restricted. No motorcycles, go-carts, minibikes, snowmobiles, and all terrain vehicles will be allowed in the cemetery. (Amended 5/4/1987.)

Section 17.13 Speed Limit. The speed limit in Forest Glade Cemetery shall not exceed ten (10) miles per hour.

Section 17.14 Noisy conduct. No person shall be noisy or disorderly, camp or otherwise use the Cemetery for sleeping accommodations, within the limits of Forest Glade Cemetery or otherwise so conduct themselves as to desecrate the place or, being requested by a cemetery official, shall refuse or neglect to leave the premises or discontinue the disturbance.

Section 17.15 Damage to flowers, monuments or structures. No person shall gather flowers, either wild or cultivated, within the limits of Forest Glade Cemetery or write upon, deface or injure in any way any monument, fence or any other structure.

Section 17.15A Trespass. No person shall trespass on the Cemetery after sunset or before sunrise. (Passed 5/4/1987.)

Section 17.15B Animals. No animals will be allowed in the Cemetery unless on a leash and in complete control of the owner. (Passed 5/4/1987.) (Amended 8/14/1995.)

Section 17.16 Report of Violations. It shall be the duty of the Sexton of the cemetery and/or trustees to report any of the above violations to the Police Department, who shall then prosecute any such offense as defined in this ordinance.

(Amended 8/14/1995.)

Section 17.17 Violations and penalties. Any person violating the terms of this ordinance - Section 17.11 - 17.15 shall be fined not less than fifty dollars (\$50.00) nor more than one hundred (\$100.00), except in cases of vandalism and destruction of monuments, windows, fencing, etc. In these cases, persons apprehended will be liable to pay for the extent of the damages. In the case of minors, (under age 18), the parent(s) having custody or control of the minor will be held responsible for the financial cost of repairs. (Amended 5/4/1987.)

Section 17.18 In any case where a provision of this ordinance is found to be in conflict with a provision of any regulation or code of the City of Somersworth existing at the time of the adoption of this ordinance, the provisions which establish the higher standard for the protection of the property of the citizens of Somersworth shall prevail.

Section 17.19 If any section, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

Sections 17.10 through 17.19 passed April 1, 1985.