

Adopted 1/15/15

The Cemeteries of the Town of North Haven

RULES AND REGULATIONS

GENERAL INFORMATION

The regulations of The North Haven Cemeteries are contained herein, repealing all regulations previously adopted. These regulations are subject to change without notice. The North Haven Cemeteries include the Ancient Cemetery located on the Town Green, also known as the Old Center Cemetery, the Center Cemetery located on Elm Street, and also known as the New Center Cemetery, and the Montowese Cemetery located on Quinnipiac Avenue. The Ancient Cemetery, or Old Center Cemetery, is no longer operational for new burials.

The regulations and rules adopted herein are the result of a study of modern cemetery requirements and general experience, which has shown that the enforcement of uniform regulations and rules is necessary to secure peace and good will within the cemetery, to maintain uniform and well appearing grounds and to protect the interest of the lot owners. All persons are therefore asked to obey the regulations and to report any infractions of these regulations and rules by others to law enforcement.

The Commissioners of the North Haven Cemetery Commission realize that the strict enforcement of a regulation may impose an unnecessary hardship upon a lot owner. The Commissioners, therefore, reserve the right, at their option, to temporarily suspend or modify any regulation. Such temporary suspension or modification shall not be construed as affecting the general application or enforcement of such regulation.

All lot owners shall have the privilege of consulting with the Commissioners at all times. Advice and assistance will be given gladly and without charge and often will be found of value in the purchase of Memorials and other improvements.

All rules and regulations are subject to enforcement pursuant to all applicable provisions and penalties of federal and state law.

RECORDS

The records showing lot owners and interments in the Center Cemetery and the Montowese Cemetery are maintained in accordance with modern cemetery management. The Ancient Cemetery is exempted from the records requirements since it predates modern cemetery requirements.

LOT OWNERS

The term "Lot Owner" shall mean the owner of the burial privilege and the right of use in any burial lot, or part of a lot, purchased from the Town of North Haven for consideration, as shown by a deed or by recognized descent, or devised from the original holder of such deed.

CEMETERY LOTS

Lots in the Center and Montowese Cemeteries are classified as non-taxable, non-assessable real estate. A deed is issued to the owners of a lot, signed by the First Selectman of the Town of North Haven, and recorded in the North Haven cemetery records. The Ancient Cemetery is closed to further interments. Records for the Ancient Cemetery are maintained by the Historical Society of North Haven.

Titles to lots shall, hereinafter, be given to one person only, as titles to more than one person for the same lot cause misunderstanding and divided responsibility, with the exception that titles to lots purchased by married couples shall list both married persons as owners. In the event of the death of the original owner(s) of a lot, ownership shall pass to the oldest surviving child or heir. Where there are two or more persons interested as owners of a lot, as existed originally, no division lines within the same will be recognized by the Cemetery Commission, with each owner having equal rights of interment in the lot so long as there shall be room in the lot. However, the approval of all lot owners shall be given before a grave is opened.

Lot owners should arrange for the future disposition of their lots by will or otherwise, in order that the title to the lot will be clear when use of the lot is required. No interment will be permitted in any lot where the applicant does not have clear title to the lot.

The prices of lots include a provision for perpetual care. The prices vary according to lot location or lot size. Lots may be purchased pursuant to Commission-approved payment arrangements and terms, but interments shall not be made in any lot where the price of the lot has not been paid in full.

No lots or interment space therein may be sold privately by lot owners. This regulation is important for ensuring that the cemetery records, including lot ownership records, may remain accurate, thus avoiding future confusion.

No manner or form of advertisement will be allowed on any lot.

No fencing, railing, hedging or other manner of separating or enclosing a lot shall be permitted. No ropes or chains may be attached to any tree, monument or other object.

The right to alter or change the walks, streets, avenues or unsold lots is reserved to the Town of North Haven only.

The grade of all lots is established when the ground is prepared for sale and no change will be permitted.

PERPETUAL CARE AGREEMENTS

Perpetual care means the filling, turfing, seeding, mowing, trimming, raking and cleaning of the lots and graves as required at reasonable intervals, and other work as may be necessary to keep the lots and graves in good condition. In addition, perpetual care includes the repair and maintenance of the buildings, roads, walks, hedges, shrubs, fences, and other property of the respective Cemetery.

Perpetual care is required, and is provided in the purchase of the cemetery lot.

The Town of North Haven does not agree to repair or replace any monumental structure, marker, or other equipment properly erected upon the lot or the graves therein. Monuments of historical significance (as determined by the Cemetery Commission in conjunction with the Historical Society) are an exception.

INTERMENTS

All locations for interments shall be in accordance with the plan adopted by the Cemetery Commission.

No interment shall be permitted in any lot in the Cemetery unless the applicant has clear title to the lot, free from any indebtedness to the Town of North Haven.

All interments shall be restricted to members of the immediate family of the owner. Where the interment of any other person is desired, the owner or his representative shall file a written request for permission with the Cemetery Commission; such permission shall not be for remuneration.

All graves shall be prepared by a Contractor hired by the Town of North Haven. The charges for preparing the graves for a funeral shall be determined by the Cemetery Commission and shall include the opening and closing of the grave and the costs associated with the use of the funeral equipment.

Funerals, while within the grounds, shall be under the control of the Superintendent or his assignee.

No interment or disinterment in the Cemetery shall be made without a proper burial certificate or permit for interment or disinterment.

Funerals shall be permitted in the Cemeteries of the Town of North Haven on Sunday or legal holidays at an adjusted rate, except in case of death from contagious disease when immediate interment is ordered by the Board of Health.

No interment of any body other than that of a human being shall be permitted.

Where the Funeral Director specifies the location for a grave in a lot, no change of location after interment shall be made, except at the expense of the lot owner. The Town of North Haven cannot be held responsible, assumes no responsibility for, and is not responsible, for any mistake occurring as a result of incorrect and improper instructions as to the location of the graves in the lot.

All interments shall be made in accordance with any applicable laws of the United States of America and Connecticut.

The interment of two bodies in one grave shall not be allowed, except in the following situations: interment of mother and infant; interment of twin children; or interment of two children buried at the same time. The interment of four containers of cremains or the cremated remains of the body of one deceased person, per plot is permitted. One full burial and one container of cremains per plot is also permitted.

No interment in any lot shall be made without an outside case of cement.

Graves shall not be reopened for inspection except for official investigation, such as a criminal investigation conducted by or in conjunction with the North Haven Police Department. Where opening is required, satisfactory evidence of ownership shall be furnished.

Disinterment may only be made upon receipt of written consent from the Town of North Haven and written consent from the owner or owners of a lot. The Funeral Director must obtain the necessary disinterment permits from the Town of North Haven prior to any disinterment. Disinterment must be made by Contractor as hired by the Town of North Haven.

Funeral designs and floral pieces shall be removed as soon as they become unsightly, within the sole discretion of the Cemetery Commission or the Superintendent or authorized designee of the Superintendent.

The Cemetery Commissioners disclaims responsibility for damage, including damage resulting from settlement or subsidence, to a lot or to a grave when the event of an opening an adjacent lot or grave makes it impracticable to protect the grave or lot from damage.

LOT REGULATIONS

Due to the possibility of injury to Contractors or Town Employees, the use of glass, cans, bottles, or artifacts in any form is expressly prohibited, except as defined expressly herein.

Artificial displays, flowers or grave coverings may be placed in front of a Memorial from November 1 to March 15, but are to be removed at any time they become unsightly, as noted above.

Grave coverings of suitable evergreen materials are allowed during the winter months. An example of an acceptable grave covering is a pillow of evergreen materials, constructed on a substantial frame, which lies flat on the ground.

After March 15 of each year, all displays must be removed. The Cemetery Commission assumes no obligation for any display, or any material used in a display.

The planting of flowers, vines, trees or shrubs is not permitted except upon approval by the Superintendent. The Superintendent shall remove any plan where the planting has been made without prior approval, or when the appearance is, or has become, unsightly. The cost of removing any such planting or display, as well as the cost of restoring the lot or grave therein to the same condition as at the time of internment, shall be charged to the lot owner(s). The planting of trees or shrubs requires prior approval by the Cemetery Commission, Superintendent, or authorized designee of the Superintendent.

Permitted plantings shall include annuals and perennials, and shall only be planted within the area in front of the upright monument, no more than 10 inches from the monument. Permitted plantings shall be no wider than the base of the monument. Permitted plantings shall be no higher than the top of the monument.

No planting is permitted around flush markers.

No cutting of turf is permitted.

No fertilization of any lot, or of any plants on any lot, is permitted.

If any tree, shrub, plant or vine, shall, in the opinion of the *Superintendent*, become, by means of its roots, branches, or general appearance, detrimental to the adjacent lots, streets or walks, the Superintendent shall have the right to remove the tree, shrub or plant, or parts thereof as he considers necessary.

No garden stakes or hanging baskets are permitted.

American flags no larger than 11 inches by 17 inches shall be permitted next to any grave or on any lot. American flags found damaged or touching the ground will be removed and disposed of in an appropriate manner.

All flowers, ornaments, and decorations placed on lots (except Winter grave coverings) will be subject to removal after two (2) weeks, unless otherwise specified, explicitly, herein.

All monuments, headstone, footstones, markers, or other memorial deemed to be objectionable or injurious shall be subject to removal by the Cemetery Commission Superintendent or his or her staff.

Gardening implements and tools must not be left on lots; if so found, they shall be removed by the Superintendent or his/her assistants. The Town of North Haven, the Cemetery Commission and the Superintendent or his or her assistants shall not be, and are not, responsible for lost, misplaced or stolen gardening implements and tools left in any Cemetery.

MONUMENTAL STRUCTURES AND MARKERS

Monumental structures and markers may be erected subject to the following rules:

All monumental structures must be of certified granite or certified marble with granite base where permitted. No ornaments higher than the monument proper will be permitted. Statues, where permitted, must be recessed in the die and flush with the face of the die. A Memorial base for two capacity lots shall not exceed 48" in length and overall height shall not exceed 39". A person or company seeking to erect a monument on a lot must first submit a written request to the Cemetery Commission, at least ten business days before construction is intended to begin, and may only begin removal once written authorization has been received. Any damage caused by the erection of the monument shall be charged to the person or company erecting the monument. The right to reject any monumental structure not considered suitable is reserved to the Cemetery Commission.

A monument shall be defined as any monumental structure erected upon a lot and exceeding 12 inches in height.

A marker, also called a footstone or headstone, shall be defined as not exceeding 2 feet in length; not less than 4 inches nor more than 1 foot in thickness; and 12 inches in height/ A marker shall be constructed of approved material and indicating the definite location of a grave.

No stone work shall be permitted in any lot in the Cemetery unless the Applicant has clear title to the lot, free from all indebtedness to the Town of North Haven. A foundation order with the proposed design, size, and material of the monument or marker shall be submitted to the Town of North Haven in writing, signed by the dealer and lot owner, for approval before erection.

Only one monument, which must be of approved design, material and workmanship, shall be erected upon a lot.

The location of the monument and the markers shall be in accordance with the plan adopted by the Cemetery Commission.

All monumental structures and markers must rest upon a foundation which shall be the same size as the lower base of the monumental structure or marker.

All foundations shall be built by the Contractor as hired by the Town of North Haven. The cost for the foundation shall be charged at the current price in effect at the time.

A person or company seeking to remove a monument must first submit a written request to the Cemetery Commission, and may only begin removal once written authorization has been received. Any damage caused by the removal of a monument shall be charged to the person or company removing the monument.

No advertisement in any form shall be allowed on monumental structure or markers. All Contractors and their employees, while in the Cemetery or on Cemetery grounds, shall be subject to the supervision and control of the Superintendent.

Contractors and their employees are reminded that the Cemetery is sacredly devoted to the dead and that a strict observance of the solemnity and respect to be accorded such a place is required.

GENERAL REGULATIONS

Lot owners and visitors to the Cemetery are reminded that the Cemetery is sacredly devoted to the dead and that a strict observance of the solemnity and respect to be accorded such a place is required.

The removal of any tree, shrub or other plant, whether cultivated or growing wild, is expressly prohibited, except by the Superintendent or an authorized designee of the Superintendent. The breaking, injuring, defacing or marking of any tree, shrub or other plant is expressly prohibited. Any person violating such rule or regulation may be subjected to civil or criminal penalties.

The breaking, injuring, defacing or marking of any memorial, monument, headstone, footstone or marker is expressly prohibited. Any person violating such rule or regulation may be subjected to civil or criminal penalties.

No children shall be permitted on the Cemetery grounds unless accompanied by an adult who shall be responsible for their conduct.

The following provisions are expressly prohibited: skiing, snowmobiling, sledding, and riding motor bikes.

Persons with firearms shall not be allowed in the Cemetery, except military companies attending funerals or North Haven Police.

All vehicles, while on Cemetery grounds must not leave the avenues or streets, must not drive, rest or park on any non-paved part of the grounds, apart from established roadways, and are restricted to a speed of five miles per hour. Persons driving vehicles must obey all posted traffic and driving signs. Turning the direction of a vehicle around within the cemetery is prohibited, unless directed otherwise. Any damage to Cemetery grounds shall be charged to the driver of the vehicle that caused the damage.

Heavy trucking shall not be permitted on Cemetery grounds, when, in the opinion of the Superintendent, injury to the grounds will result. Prior approval from the Superintendent must be requested in writing, and obtained, before any heavy trucks are permitted on Cemetery grounds.

The use of the Cemetery as a thoroughfare is strictly prohibited.

The right of admittance to the Cemetery grounds may be restricted. Any person loitering or disturbing the quiet and good order of the Cemetery property shall be compelled to leave the grounds.

Parties and picnics on Cemetery grounds are expressly prohibited. No alcoholic beverages are permitted on Cemetery grounds.

The Cemetery is closed from dusk to sunrise. Entry to and exit from Cemetery grounds is permitted only at marked and regularly established entrances and exits.

No pets shall be permitted on the Cemetery grounds.

All employees, whether of the Contractor or the Town of North Haven, must suspend work, if in the immediate vicinity of an interment, until the conclusion of the service.

All work and improvements on the Cemetery grounds shall be subject to the control and under the direction of the Superintendent. Any work done in violation of this rule shall be removed by the Superintendent at the expense of the lot owner. Any person failing to conform to this regulation shall be excluded from Cemetery grounds.

The throwing of rubbish or littering on Cemetery grounds is strictly prohibited. Receptacles are provided at convenient locations for the deposit of weeds, decayed flowers, and other rubbish. Any resulting expense incurred from the removal of rubbish or litter may be charged to the lot owner, at the discretion of the Superintendent or the Cemetery Commission.

The Town of North Haven will take all reasonable precautions to protect all private property of lot and grave owners, properly in the Cemetery, from loss or damage, but it explicitly disclaims all responsibility for loss or damage from causes beyond its reasonable control, such as the acts of thieves, vandals, rioters, and all Acts of God. No responsibility for the protection of any private property is assumed or should be implied.

To contact a member of the Cemetery Commission, please call the Finance Department at

203-239-5321, during regular business hours from 8:30 a.m. until 5:00 p.m. Monday through Friday. In the event of an emergency, please call the North Haven Police Department.