

Chapter 194. CEMETERIES

[HISTORY: Adopted by the Town Council of the Town of Newington 1-25-1977 (Ch. 4 1/2 of the 1974 Code). Amendments noted where applicable.]

§ 194-1. Purpose.

The purpose of this chapter shall be to regulate activities and conduct within Town cemeteries, to provide for basic procedures under which said cemeteries should be operated, to delegate the responsibility for the proper operation and maintenance of Town cemeteries so that the good order and efficient operation of Town cemeteries may be assured.

§ 194-2. Applicability.

Unless otherwise specifically provided herein, the provisions of this chapter shall apply to the so-called Center Cemetery located on Cedar Street; to the so-called Church Street Cemetery located at the intersection of Church Street and Kelsey Street; and to the so-called West Meadow Cemetery located to the west of Willard Avenue in the vicinity of Cedar Street; and such other public cemeteries as the Town may establish in the future.

§ 194-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SEXTON

The duly appointed Sexton of Cemeteries, or his/her designated agent.

§ 194-4. Administration and maintenance.

[Amended 9-12-1989]

The administration of all Town cemeteries shall be the responsibility of the Town Manager who shall appoint the Sexton of Cemeteries for the Town. The Sexton shall be responsible to the Town Manager for the proper administration of this chapter, the management of Town cemeteries generally and the proper operation and maintenance of the cemeteries.

§ 194-5. Fees and charges.

It is the intent of the Town Council that Town-owned cemeteries shall, to the extent possible, be financially self-sustaining with respect to operation and self-amortizing with respect to land cost investment. To this end, the Town Manager shall establish, and from time to time amend, a list of fees and charges pertaining to the sale of gravesites and the performance of services by the Town pertaining to the cemeteries, provided that notification of the establishment of or amendment to said list of fees and charges shall be filed with the Town Clerk and with each member of the Town Council at least 60 days prior to its effective date. If the list of fees and charges or amendments thereto which the Town Manager intends to make effective are unacceptable to the Town Council, the Town Council may, by resolution, direct that they be changed. If the Council does not take action within the sixty-day period provided for herein, said list of fees and charges or amendment to said list of fees and charges, as the case may be, will automatically become effective at the expiration of the sixty-day period.

§ 194-6. Cemetery Fund.

A.

There is hereby created a Cemetery Fund. There shall be paid into the Cemetery Fund all proceeds from the sale of gravesites and service fees and charges resulting from cemetery operations. There shall also be paid into such fund amounts which the Town Council may, from time to time, authorize to be transferred thereto from the general fund.

B.

The Town Council may cause transfers to be made from the Cemetery Fund to the general fund of the Town to defray the cost of cemetery operations and/or debt reduction costs attributable to cemetery development, provided that such transfers to the general fund shall be authorized only by means of annual budget appropriations of the Cemetery Fund or consistent with special appropriations authorized in accordance with § C-807 of the Town Charter.

[Amended 6-10-2008 by Ord. No. 0709-1]

C.

An annual budget for the Cemetery Fund shall be prepared and approved in the same manner as that provided by the Charter for the general fund of the Town. Appropriations shall be made and expenditures executed in the same manner and with the same restrictions prescribed by the Charter for the general fund. Any unappropriated, unexpended, or unencumbered funds which may remain shall lapse to the balance of said fund at the close of each fiscal year and shall not, therefore, be lapsed to the balance of the general fund. The Town Treasurer and the Director of Finance shall exercise control and administration of the Cemetery Fund in accordance with their duties under the Town Charter.

§ 194-7. Hours of operation.

[Amended 9-12-1989]

The cemeteries shall be open each day from sunrise until sunset. All persons shall leave the grounds of the cemeteries at or before closing time. No person shall be in the cemeteries between sunset and sunrise, unless expressly authorized by the Sexton. The right of admittance to cemeteries is reserved. The Sexton may temporarily close a cemetery or alter the open hours in case of an emergency or to protect the public health and safety or preserve the privacy of burial.

§ 194-8. Rules of conduct.

[Amended 9-12-1989]

The Sexton may cause any person violating the restrictions below to be ejected from a cemetery or to be arrested for being in violation of this chapter. No person shall:

A.

Disrespect the solemnity of a cemetery by boisterous or unruly behavior.

B.

Willfully disfigure, mark, deface, injure or tamper with or displace or remove any building, memorial monument, tablet, turf, fence, paving, waterline or other utility or parts and appurtenances thereof, signs, notices, placards, whether temporary or permanent, property boundary markers, stakes, posts, equipment or other facilities, either real or personal, within a cemetery.

C.

Dig for the purpose of removal from such a cemetery any sand, soil, rocks, stones, trees, shrubs, or plants by any means or method without the express consent of the Sexton.

D.

Willfully damage, cut, carve, transplant or remove any tree or plant or injure the bark of any tree, nor shall any person pick the flowers or seeds of a plant or dig in or otherwise disturb lawn areas or walk upon planted areas which are designated as being prohibited to foot travel.

E.

Hold picnics or parties in a cemetery.

F.

Enter the grounds of a cemetery except through the established and designated entrances, loiter near or intrude upon any funeral services, or stand about an open grave unless a member of a funeral party.

G.

Bear firearms within a cemetery except as may be expressly permitted by the Sexton and except law enforcement officers.

H.

Allow a dog to be in a cemetery except while enclosed in a vehicle.

I.

Be in a cemetery if he/she is under 12 years of age and is not attended by a supervising adult.

J.

Enter an area posted as "closed to the public," nor shall any person use or abet the use of any area in violation of posted notices.

K.

Solicit alms or contributions for any purpose, whether public or private.

L.

Be under the influence of intoxicating liquor or drugs while in the cemetery.

M.

Ride, lead or allow a horse within a cemetery except as may be expressly permitted by the Sexton.

N.

Expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing on Town-owned grounds adjacent to a cemetery.

O.

Announce, advertise, or call the public's attention in any way to any article or service for sale or hire.

P.

Paste, glue, tack, or otherwise post any sign, placard, or advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever in a cemetery or on any public lands or highways adjacent to a cemetery.

Q.

Ride a bicycle except on established roads. Bicyclists shall at all times operate their machines with reasonable regard for the safety of others and shall observe the accepted rules of the road for motorized vehicles.

R.

Willfully litter a cemetery or allow materials to be scattered or blown about a cemetery so as to cause litter.

S.

Photograph or record a committal service except with the permission of and under the direction of the Sexton.

§ 194-9. Traffic and parking within cemeteries.

No person while in a cemetery shall:

A.

Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles.

B.

Fail to obey all police officers and cemetery employees when such persons are duly authorized to direct traffic in a cemetery and on the highway, streets or roads immediately adjacent thereto.

C.

Fail to obey all traffic signs indicating speed, direction, caution, stopping or parking.

D.

Drive or ride a vehicle at a rate of speed exceeding 15 miles per hour, or exceeding a lower speed limit as posted by the authority of the Sexton.

E.

Drive any vehicle on any area except established roads and parking areas.

F.

Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and/or with the instructions of any authorized attendant who may be present.

G.

Leave a vehicle standing or parked anywhere in a cemetery after the official closing time.

H.

Double-park any vehicle on any roadway or driveway unless directed to do so by a cemetery attendant, nor shall any person otherwise park any vehicle so as to block any roadway or driveway.

I.

Operate a vehicle which causes excessive noise due to a defective or deficient muffler, tailpipe or other equipment.

J.

Operate snowmobiles, minibikes, trail bikes, or other all-terrain-type, off-the-road, recreational vehicles.

K.

Willfully drive his/her vehicle or the wheels thereof on any lawns or gardens or borders thereof. Any damage inadvertently caused by the operation of vehicles shall be the responsibility of the vehicle operator to repair or be responsible for the cost of repair.

L.

Drive a vehicle so as to impede a funeral procession. The driver of any vehicle, upon meeting a funeral procession, shall clear the vehicle from the path of said procession and come to a standstill until said procession passes.

§ 194-10. Gravesites.

[Amended 9-12-1989]

A.

For the purpose of this chapter, the word "gravesite" shall also mean "lot" or "plot."

B.

The Sexton shall have authority to sell gravesites. Gravesites shall only be sold to persons having residence within the Town of Newington for a period of six months or more, or to persons who formerly had residence within the Town of Newington of at least six months' duration. Gravesites containing two or more plots shall not be broken up into smaller gravesites if smaller gravesites are available. No burial shall be permitted unless the grave to be used is paid in full prior to or at the time of interment. Full payment for the purchase of gravesites shall be rendered within 30 days of the time of sale. No credit or installments shall be allowed. All lots must be paid in full before any monument or markers are placed on the lot. Lots will be reserved for a prospective purchaser for a period no longer than 10 days. Upon payment in full of the purchase price, a deed will be executed and delivered to the purchaser for each gravesite sold. Each such deed shall be subject to the terms of this chapter and such other rules and regulations as may be adopted for the management of the cemetery. Any deed shall grant to the purchaser only the right to use the lot for burial purposes for himself/herself, his/her family, his/her heirs and devisees and such friends (provided such friends have been Newington residents) as may be buried therein without profit, gain, emolument, or advantage to the purchaser or owner of the lot.

C.

All gravesites which are sold shall be furnished perpetual care by the Town of Newington, which shall include the regular mowing of grass, trimming of grass, and the raising and grading of sunken graves. Prices charged for gravesites shall reflect the assumption of perpetual care expenses by the Town. Perpetual care shall not include maintenance, repair or replacement of monuments or markers.

D.

In the event of any transfer or sale of a burial lot by the purchaser or owner, the Town of Newington shall have the first right to purchase the lot at the same price at which the Town originally sold the lot to the owner. Any sale or transfer of any lot which has not been first offered to the Town in accordance with the above shall be void. Furthermore, no sale or transfer of a lot by any purchaser or owner or heir will be allowed or be valid except upon the prior written notice to and consent of the Sexton and upon receipt of the original deed. The Sexton shall impose a reasonable charge for effecting any proper transfer of a lot.

E.

When a deed is issued for a gravesite, it shall convey only the right of burial therein, and it shall be the duty of the Sexton to enter thereon and prohibit, remove, or modify an object or adornment or work done in violation of this chapter or rules and regulations established pursuant thereto which may be judged objectionable or injurious to the cemetery. The Town of Newington shall reserve the right to develop and improve the cemetery from time to time in accordance with the judgment of the Sexton.

F.

No fence, hedge, railing or coping not existing on the effective date of this amendment shall be allowed to enclose a lot. All boundaries between lots shall be uniform and shall be as provided by the Sexton.

§ 194-11. Interments.

[Amended 9-12-1989]

A.

No body except that of a human being may be interred in any cemetery. All graves shall be opened and closed under the supervision of the Sexton. No interment or disinterment shall be allowed without the consent of the Sexton. Interments or disinterments shall be made only by Town personnel unless the Sexton shall authorize otherwise. All funeral processions shall be entirely under the control of the Sexton upon entering any cemetery. Notice of at least 24 hours shall be given to the Sexton in advance of any desired grave opening, except for circumstances dictated by religious tenets or by extraordinary circumstances. No grave shall be opened or interment or disinterment made on a legal holiday unless required for public health reasons and ordered by the Sexton. Funerals and/or graveside/chapel service shall be concluded no later than 3:30 p.m., unless the Sexton expressly permits otherwise in consideration of special hardship.

B.

All interment charges and any arrears for purchase or work done on the lot shall be paid on or before the day of burial.

C.

When an interment is to be made, the location of such interment shall be designated by the lot owner, legal representative or funeral director. Locations given over the telephone should be confirmed in writing prior to interment, otherwise location will be made at lot owner's risk. The Town will assume no responsibility for errors in locations. 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 Sexton may, at his discretion, open it in such location in the lot as he deems best and proper, so as not to delay the funeral, and the Town shall not be liable in damages for any change so made.

D.

Assignment of grave spaces by any purchaser, owner or heir will only be valid when recorded in the Town cemetery records.

E.

The Town reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals. In the event such error shall involve the interment of the remains of any person, the Town reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location. In the event of an error in the description, transfer or conveyance of any interment property, the Town reserves and shall have the right to cancel such conveyance or substitute and convey in lieu thereof other interment property of equal value and similar location so far as practicable or as may be selected by the Town. Nothing will be allowed to be taped, adhered to, or in any way placed on the gravestone. All such items shall be removed by the Town of Newington cemetery personnel and the expense for removal shall be charged to the owner of the gravesite.

[Amended 2-23-2010⁽¹⁾]

[1]:

Editor's Note: This ordinance also provided for an effective date of 3-17-2010.

F.

Agreement to make a disinterment must be signed by the owner of the lot from which the removal is to be made and by the next of kin of the decedent. When such agreement is filed with the Town, and the cost of removal is paid, a permit must then be presented to the Sexton, at which time arrangements may be completed for the removal. Disinterment fees include opening of the grave only.

G.

The Town will exercise care in making a disinterment, but the Town assumes no liability for damage to any casket or vault in making the removal unless the disinterment was necessitated by an error in placement made by the Town.

H.

For all double-depth burials, any funeral or related service in the cemetery shall be held with the casket on firm ground in the vicinity of the grave, the specific location to be determined by the Sexton. The casket shall be lowered into the grave only after the ceremony is over.

[Added 2-23-2010⁽²⁾]

[2]:

Editor's Note: This ordinance also provided for an effective date of 3-17-2010.

§ 194-12. Memorials.

[Amended 6-28-1977; 9-12-1989]

A.

No monument or other memorial may be brought into a cemetery until a sketch or a blueprint showing the design, material, finish, size and inscription thereon is first submitted to the Sexton for approval.

B.

Workpersons engaged in the erection of memorials, monuments, markers and vaults of any description shall be subject to the control of the Sexton. Any workperson failing to conform to the directions of the Sexton shall not be allowed to continue his/her work.

C.

Notice of the intent to set a monument shall be given at least one day in advance of the work.

D.

The building of monument foundations shall only be in accordance with the specifications for same as promulgated by the Sexton.

E.

The erection or installation of monuments or memorial markers shall not take place on Saturdays, Sundays or holidays.

F.

The lower base of all monuments must be dressed to a true level on the bottom so as to bear evenly at all points upon the foundation without the use of chips, sprawls, or underpinnings. A bed of cement must be spread evenly over the top of a foundation and the base lowered into it.

G.

Upright monuments shall only be allowed in those areas of a cemetery designated therefor by the Sexton. No chains or ropes may be attached to trees or other objects for the installation of monuments.

H.

All monument foundations shall be installed clear of graves and shall be constructed to a depth equaling that of a single-depth grave, except where a concrete vault is used and a marker foundation may be constructed at the end of same. Bridging or constructing any foundation for a monument over a grave is prohibited. The provision and installation of all markers and monuments and the bases and foundations therefor shall be at the cost and expense of the gravesite owner.

I.

The following provisions shall apply to the West Meadow Cemetery only:

(1)

Upright monuments in Section D may be of variable heights not to exceed four feet in height. No monument shall be wider than 36 inches at its widest point when placed on a gravesite containing less than three contiguous plots.

[Amended 6-10-2008 by Ord. No. 0709-1]

(2)

No memorial, whether upright monument or flush marker, shall be less than four inches in thickness at its narrowest dimension, nor more than a maximum of 14 inches. Upright monuments in the nonveterans' section added in 2009, known as Section F, may be of variable heights, not to exceed 48 inches in height, including the base. No monument shall be wider than 36 inches at its widest point, when placed on a single-grave monument lot. No monument shall be wider than 54 inches at its widest point when placed on a double-grave monument lot.

[Amended 2-23-2010¹⁴]

[1]:

Editor's Note: This ordinance also provided for an effective date of 3-17-2010.

(3)

Upright monuments shall be made only of granite. Memorial flush markers shall be made only of granite or bronze. No monumental work, once installed, shall be removed from a grave unless approved by the Sexton.

(4)

Only one upright monument shall be allowed for each monument lot and only one flush marker per grave will be permitted. On a flush marker lot, two flush markers will be permitted per grave.

[Amended 2-23-2010¹⁴]

[2]:

Editor's Note: This ordinance also provided for an effective date of 3-17-2010.

(5)

Each grave shall have a concrete vault of a type approved by the Sexton and installed in accordance with his/her direction. The provision and installation of vaults shall be at the cost of the gravesite owner.

§ 194-13. Planting.

[Amended 9-12-1989]

A.

Flowers, shrubs, plants and trees shall only be planted in accordance with the rules and regulations established for planting by the Sexton. No planting shall be done without the permission of the Sexton. The cutting of turf on any lot shall be prohibited. The placing of potted plants on lots may be permitted if done in accordance with the rules established therefor by the Sexton. Any plant materials may be removed at the discretion of the Sexton at any time.

B.

No person shall create any mound, depression, hole, or otherwise change the grade of any lot or gravesite without the consent of the Sexton. No person shall spread fertilizer, ashes, chemicals or other material on lots to stimulate the growth of grass or to discourage weeds.

C.

Artificial decorations shall not be permitted during the growing season between April 1 and November 1. All artificial decorations placed in nonconformance with this chapter or with rules established by the Sexton pursuant thereto shall be subject to confiscation. All winter decorations shall be removed prior to March 15 of each year, or they shall be confiscated by the Sexton.

D.

Articles such as glass jars, watering cans, votive lights, palms, and bric-a-brac of any description are forbidden and may be removed without notice. Potted plants shall be contained only in clay pots not exceeding 10 inches in diameter and six inches in height, and in rustic baskets not to exceed 12 inches in diameter. Only one pot or rustic basket will be allowed to be placed on any one grave. The cemetery shall not be responsible for items left on the grounds or at graves.

§ 194-14. Cremated remains columbaria.

[Added 2-23-2010^u]

A.

Unless specifically provided herein, the provisions of § **194-11**, Interments, shall also apply to this section. For this section, "graves" shall be replaced with "niches," "interment" with "inurnment," and "disinterment" with "removal of urns."

B.

The Sexton shall have authority to sell inurnment rights and inscription rights for cremated remains. Rights shall only be sold to persons having residence within the Town of Newington for a period of six months or more, or to persons who formerly had residence within the Town of Newington of at least six months' duration. There shall be no more than two sets of cremated remains in any niche. All cremated remains shall be contained in urns that will fit within the purchased niche. No inurnment shall be permitted unless the niche to be used is paid in full prior to or at the time of inurnment. Niches may be reserved for a period of no longer than 30 days, upon which time full payment must be made. No credit or installments shall be allowed. All niches must be paid in full before any inscriptions are made on the columbarium. Upon payment in full of the purchase price, a deed will be executed and delivered to the purchaser for each niche sold. Each such deed shall be subject to the terms of this chapter and such other rules and regulations as may be adopted for the management of the cemetery. Any deed shall grant to the purchaser only the right to use the niche for the inurnment of the ashes of himself/herself, his/her family, his/her heirs and devisees and such friends (provided such friends have been Newington residents) as may be placed therein without profit, gain, emolument, or advantage to the purchaser or owner of the niche.

C.

In the event of any transfer or sale of a niche by the purchaser or owner, the Town of Newington shall have the first right to purchase the niche at the same price at which the Town originally sold the niche to the owner. Any sale or transfer of any niche which has not been first offered to the Town in accordance with the above shall be void. Furthermore, no sale or transfer of a niche by any purchaser or owner or heir will be allowed or be valid except upon the prior written notice to and consent of the Sexton and upon receipt of the original deed. The Sexton shall impose a reasonable charge for effecting any proper transfer of a niche. The Sexton shall also charge for a new faceplate cover whenever the Town purchases back a niche whose faceplate cover is no longer blank.

D.

When a deed is issued for a niche, it shall convey only the right of inurnment therein and the inscription of the faceplate, and it shall be the duty of the Sexton to enter thereon and prohibit, remove, or modify an object or adornment or work done in violation of this chapter or rules and regulations established pursuant thereto which may be judged objectionable or injurious to the cemetery. The Town of Newington shall reserve the right to develop and improve the cemetery and the columbarium from time to time in accordance with the judgment of the Sexton.

E.

All inurnments and removals of urns shall be made by Town of Newington cemetery personnel. All inscriptions shall be cut by a method of sandblasting into faceplates affixed to the granite fronts of the niches. The style and size of lettering and numerals shall be determined by the Sexton and a standard set for all lettering on the niche fronts. After completion of the official inscription form by an authorized agent of the deed holder, all inscription work will be done by the Town of Newington or a contractor selected by and working under the direction of the Sexton. In the event that information for inscription provided to the Sexton is inaccurate or incorrect, all costs to correct the inscription or to make a new inscription shall be paid for by the niche owner. Inscriptions shall be limited to the name, on one or two lines, the year of birth, and the year of death only. There shall not be more than 16 characters and spaces per line. For veterans who have received an honorable discharge from

United States military service, inscriptions shall include the person's name, year of birth, year of death, the branch of service, and the war(s) in which the veteran served.

F.

There shall be a veterans' section, with graves and a columbarium, in the West Meadow Cemetery, reserved specifically for those who have received an honorable discharge from United States military service and their spouses only. Inscriptions for the niches in this columbarium shall be limited to the person's name, on one or two lines, the year of birth, the year of death, the branch of service and the war(s) in which the veteran served. There shall not be more than 16 characters and spaces per line. Graves in this veterans' section shall have flush markers only.

G.

All plantings shall be done and maintained by Town of Newington cemetery personnel.

H.

Nothing will be allowed to be taped, adhered to, or in any way placed on the niche fronts or the columbarium. Pictures, flowers, flower holders, decorations, etc., shall not be allowed on the niche fronts or the columbarium. All such items shall be removed by Town of Newington cemetery personnel and the expense for the removal and cleaning of the granite shall be charged to the niche owner. Inurnment rights may be revoked if continued violation of these rules and regulations occur.

[1]:

Editor's Note: This ordinance also provided for an effective date of 3-17-2010.