

ORDINANCE 2021-16

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to establish regulations for Natural Burials.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing §46-7, Burials, of Chapter 46, Cemeteries.

Section 2.

The Code of the City of Lebanon is hereby amended by adding a new section, to replace §46-7 hereinabove repealed, to be §46-7, Burials, to read as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

- (1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).
- (2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

- *New Year's Day
- Martin Luther King, Jr./Civil Rights Day
- Presidents' Day
- *Memorial Day
- *Independence Day
- *Labor Day
- Veterans' Day
- *Thanksgiving Day
- Day after Thanksgiving
- *Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

- (3) Errors in Grave Location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.

- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this §46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Section B.2(f) below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent Outside Containers. For burials other than natural burials as outlined in Section B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. The preparation of graves by the Department of Public Works for natural burials that require hand digging shall be the loosening and removal of only as much material is required to remove frozen ground. Removal of remaining soil to achieve minimum burial depth shall be the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. If circumstances are such that burial cannot be made, temporary interment may be in the cemetery tomb as stipulated in paragraph (9) below.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no above ground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. NATURAL BURIALS:

“Natural” or “Green” burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon pursuant to Section 46-8.B.4.

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Permitted Location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (2) Burial Process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.
 - (b) Remains will be buried without the use of a permanent outside container.
 - (c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
 - (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.
 - (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
 - (f) Graves must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials. Hand digging will not be performed by the Department of Public Works and is therefore the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee.
 - (g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of four (4) feet below the natural surface of the ground with a minimum of three (3) feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an additional eighteen (18) inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. BURIAL AND ENTOMBMENT RATES:

FULL BURIALS	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday (as permitted in 46-7.A.2 above)	\$875

CREMATION BURIALS (In Ground OR Columbarium)	
Weekday during operating business hours	\$250
Weekday after operating business hours	\$250 plus \$100 per hour after operating business hours
Weekend	\$400
Holiday (as permitted in 46-7.A.2 above)	\$450
Columbarium Niche Inscription & Service Fee	\$100

NATURAL BURIALS	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday (as permitted in 46-7.A.2 above)	\$875

INFANT BURIALS	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or Holiday	\$350

ENTOMBMENTS	
Any period of time between November 1 st and June 30 th	\$500

Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.

All receipts from burial fees, as set forth in C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this Chapter.

Section 3.

The Code of the City of Lebanon, Section 46-5 is hereby amended as follows:

1. To amend 46-5.C.2 to read as follows:

The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials, cremation columbariums, or natural burials, and applicable dimensional requirements, therefore.

2. To add new sub-paragraph "(4)" to Section 46-5.D, Lot size established, to read as follows:

(4) Natural Burial Lots: Six feet by 11 feet or 66 square feet.

Section 4.

The Code of the City of Lebanon Section 46-6.C, Purchase procedure, paragraph (1), is hereby amended as follows:

(1) Lots in the cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the City of Lebanon. Such purchases shall require documentation that demonstrates purchaser's residency (used to determine charge for lots in accordance with Section 46-6.F below) along with the completion of a cemetery application in a form approved by the Board of Cemetery Trustees and deemed complete with the issuance of a deed in a format adopted by the Board of Cemetery Trustees and prepared by the Department of Public Works, signed by the City Manager, and recorded by the City Clerk. Such deed shall contain the name of the owner, purchaser (if different from owner), amount paid, name of cemetery, lot number(s), grave number(s), and cemetery section in which located, as well as all information to be used for determining ownership, as set forth in Subsection B above. Full payment (grave and payment into the Cemetery Maintenance Special Revenue Fund) is required at the time of purchase.

Documentation to show residency may include a most recent tax bill, vehicle registration, driver's license (must include a physical address), non-driver/state-issued photo identification card, utility bill, signed lease agreement, or other evidence deemed adequate by the Cemetery Sexton.

Section 5.

The Code of the City of Lebanon Section 46-6.F, Charge of lots, is hereby amended follows:

F. Charge for lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost):

GRAVE TYPE	RESIDENT	NON-RESIDENT
Full (With Permanent Outside Container)	\$700 (\$350 grave/\$350 Special Revenue Fund)	\$1400 (\$700 grave/\$700 Special Revenue Fund)
Full (Natural Burial)	\$1050 (\$525 grave/\$525 Special Revenue Fund)	\$2100 (\$1050 grave/\$1050 Special Revenue Fund)
Infant	\$300 (\$150 grave/\$150 Special Revenue Fund)	\$600 (\$300 grave/\$300 Special Revenue Fund)

*Cremation (In-ground or Columbarium)	\$300 (\$150 grave/\$150 Special Revenue Fund)	\$600 (\$300 grave/\$300 Special Revenue Fund)
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As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in the City of Lebanon and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others.

*For cremation interment, minimum purchase is one grave space. Maximum number of cremation-type interments shall be six (6) per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed).

*For Columbarium Niche interment, minimum purchase is one niche space. Maximum number of interments is two (2) per niche.

Section 6.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(4)” to Section 46-8.B, to read as follows:

(4) Lots within designated natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleared, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of Natural Burial sections on as needed basis.

Section 7.

The Code of the City of Lebanon is hereby amended to redesignate the existing paragraph “(B)” as paragraph “(C)” and to add new paragraph “(B)” to Section 46-9, Monumentation, to read as follows:

B. In areas designated for natural burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran’s grave.

Section 8. Severability.

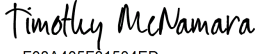
The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 9. Effective Date.


This ordinance shall become effective June 1, 2022.

This amendment was adopted by the City Council on March 16, 2022, is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

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By: 
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Timothy J. McNamara, Mayor

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By: 
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Kristin M. Kenniston, City Clerk

Effective Date: June 1, 2022
First Presentation: December 1, 2021
Second Presentation: March 16, 2022
Date of Publication of notice of Public Hearing: March 5, 2022
Date of Public Hearing: March 16, 2022
Date of notice of adoption and effective date: March 30, 2022
Date of recording of the ordinance by the City Clerk: April 4, 2022