

## CEMETERY ORDINANCE FOR THE TOWN OF GLENBURN, MAINE

Title and Purpose: The Town of Glenburn hereby ordains that this ordinance entitled “Cemetery Ordinance for the Town of Glenburn, Maine” be enacted. The purpose of this ordinance is to establish a set of rules and regulations governing the operation of the municipally owned Lakeview, Birch Grove, and Pleasant View cemeteries (“the Cemeteries”) and to assist in the maintenance of these lands as peaceful and beautiful areas and as reverent symbols of respect for the deceased.

### I. ORGANIZATION

#### A. SUPERINTENDENT OF CEMETERIES

1. Appointment. The Town Council shall appoint a Superintendent of Cemeteries for three year terms. Each term shall commence at the beginning of the Town’s fiscal year. The Town Manager may serve as the Superintendent of Cemeteries if so appointed by the Town Council.
2. Responsibility. If the Superintendent is the Town Manager, the Superintendent shall be directly responsible to the Town Council. If the Superintendent is other than the Town Manager, the Superintendent shall be responsible to the Town Manager.
3. Duties. The Superintendent shall be responsible for overseeing all aspects of cemetery management within the Town of Glenburn.

#### B. SEXTONS

1. Appointment. The Sexton(s) shall be appointed by the Town Council for (a) three year term(s). Each term shall commence at the beginning of the Town’s fiscal year. The appointments shall be made from a list of nominees provided by the Cemetery Committee. However, if the Town Council feels that the best interests of the Town would be so served, they may make the appointments from outside the nomination list provided by the Cemetery Committee.
2. Responsibility. The Sexton(s) shall be directly responsible to the Superintendent.
3. Duties. The Sextons shall prepare and keep updated plot maps of each cemetery; supervise all interments, including opening and closing of each grave site; supervise removal of bodies from graves; and prepare an accounting of all cemetery activities for inclusion in the annual town report.

#### C. CEMETERY COMMITTEE

1. Appointment. The Town Council shall appoint a five member Cemetery Committee. The term of each member shall be for 3 years or until the member’s successor is appointed and qualified except that the transition appointments (Ordinance amendment to change from one year to three year terms) beginning July 1, 1994 shall be as follows: Two for three years; two for two years; and one for one year. Each term shall commence at the beginning of the Town’s fiscal year.

2. Responsibility. The Cemetery Committee is directly responsible to the Superintendent.
3. Duties. The Cemetery Committee shall monitor all aspects of the management of the municipal cemeteries and shall advise the Superintendent of needed improvements; nominate Sexton(s) each year for appointment by the Town Council (These nominations may be made from members of the Committee); and shall submit to the Town Manager, at the appropriate time, a recommended annual budget for the operation of the cemeteries.
4. Meetings. The Cemetery Committee shall hold four regular meetings each year. These meetings shall be held on the third Tuesday of April, June, August, & October. The time of the meetings shall be established by the Committee. The Committee may hold such additional meetings as are necessary.
5. Officers. The Cemetery Committee shall elect a Chairman and a Secretary at the first regular meeting of each fiscal year.

## II. FINANCIAL MATTERS

It is intended that the Town support the maintenance of the cemeteries through a combination of tax revenues and the interest on the Trust Fund. As long as the combination is sufficient to maintain the Cemeteries in a reasonable state of attractiveness, all lots in the Cemeteries will be maintained at the same level using the combination of funds. In the event that at some future time, the voters do not allow sufficient tax revenue to be raised or appropriated to properly care for the Cemeteries, then the interest from the Trust fund shall be used to maintain only the lots designated as perpetual care. Only if the interest exceeds the amount necessary to maintain the perpetual care lots for the full year may the excess be used for other Cemetery maintenance.

Nothing in this ordinance is to be construed to prohibit the establishment of special trust funds for purposes other than those outlined herein.

### A. BUDGET

Upon the call of the Town Manager, the Cemetery Committee shall annually prepare a recommended budget for the operation of the Cemeteries within the Town for the following fiscal year. If the Superintendent is not the Town Manager, the Superintendent shall assist the Committee in the preparation of the budget recommendation. The Town Manager shall use the budget recommendations as a guide in the preparation of the cemetery appropriation portion of the budget to be recommended to the Town Council for eventual consideration by the Town Meeting. The Town Manager shall also include in the budget recommendation an estimated revenue and the amount of interest projected to be earned during the current fiscal year by the Trust Fund described in Section H.D. of this ordinance. At the beginning of the new fiscal year for which the budget is being prepared, all interest actually earned by said trust during the previous fiscal year shall be receipted into the General Fund as revenue for the new fiscal year. As long as a Town Meeting appropriation and the resulting expenditures for cemetery operation exceed the amount of interest earned on the trust, it shall be considered that the interest money has been spent on the cemeteries.

## B. SALE OF GRAVESITES

The Town will sell cemetery lots, at prices stated in Section II. C. 1. of this ordinance, to both residents and non-residents of Glenburn. A resident is defined to be a person living within the Town of Glenburn at the time of the purchase of the lot. A non-resident is defined to be a non-resident of Glenburn but with immediate family members previously buried in Glenburn cemeteries. The Town shall issue a certificate of ownership of the lot(s) along with a map showing the location of such lot(s) within 30 days of receipt of payment for said lot(s). If problems arise which must be resolved before the certificate can be issued, the abovementioned 30-day time period may be extended. In such case, the Town shall give written notice to the purchaser of the gravesite(s) within the 30-day period, stating the specific reasons for the delay and the expected date of delivery of the certificate.

## C. FEES, CHARGES, AND PAYMENTS\*

1. Sale of gravesites. The sale price of each single cemetery gravesite shall be \$50.00\* for residents and \$200.00\* for non-residents.
2. Charges for opening and closing gravesites. There shall be a charge of \$500.00\* for opening and closing a grave for full burial and \$200.00 for cremation from April 15 to October 30. The fee for opening and closing a grave from November 1 to April 14 will be determined by the Sexton and approved by the Superintendent. Sodding and seeding of the mound will be done for an additional charge, to be paid in advance. The payment of all charges related to the opening and closing of graves shall be made directly to the Sextons by the funeral directors or others requesting the service. The Sextons shall submit to the Town Manager complete reports of all graves opened and closed during the fiscal year ending June 30 and all amounts received for so doing. Such reports shall be made no later than 10 days following the close of the fiscal year.
3. Private sales of lots once lots are purchased from the Town shall not occur without the approval of the Town. Lots shall only be sold at the price that they were originally purchased. Sellers of lots must provide the Town with a copy of the proposed signed Bill of Sale so that the Town can approve the sale and record the new owners for Town records.

\*The Town of Glenburn Fees Ordinance supersedes all fees quoted in this ordinance.

## D. TRUST FUND

A special Trust Fund shall be established by the Town Treasurer who shall maintain an accurate accounting thereof. The Treasurer shall see that a detailed report of the Trust Fund is published in the annual report for the fiscal year ending June 30, 1985 and every fifth year thereafter. The Trust Fund shall consist of three subsections, namely:

1. The sale price of gravesites. The proceeds from the sale of gravesites received subsequent to the adoption of this ordinance shall be deposited in Part I of the Trust Fund. The Treasurer shall be required to show in the account only the cumulative total of receipts, and not the individual amounts or names of persons purchasing such gravesites. The sale of gravesites by the Town is strictly a real estate transaction and in no way is the sale to be

construed to imply that the Town has assumed any obligation for the future upkeep of such site.

2. The principal amount received for establishing perpetual care. The Treasurer shall maintain the complete listing of perpetual care lots. The listing shall include the name of the person's perpetual care, the principal amount of the donation, and, as soon as proper maps are available, the map numbers of the lots involved. The listing shall include all perpetual care lots existing at the effective date of this ordinance plus all lots for which perpetual care donations are received subsequent to such effective date. A lot (single burial site) may be designated as a perpetual care lot upon receipt of a donation of at least \$200.00. The Town Council may accept these perpetual care donations on behalf of the Inhabitants of the Town of Glenburn.
3. The cumulative total of donations for the maintenance of cemeteries received subsequent to the effective date of this ordinance and for which the donor has not requested special trust fund status. The Treasurer shall be required to show in the account only the cumulative total of such donations, and not the individual amounts or names of such donors.
4. The Town will ensure that there will always be perpetual care on the perpetual care lots on Memorial Day, the Fourth of July, and Labor Day.

### III. RECORDS AND MAPS

- A. The Superintendent shall see that a record system is established to provide up to date records of interments, lot owners, and trust funds along with up to date plot maps. These records and maps shall be protected within a fireproof vault except when in use.
- B. Family Burial Grounds

When a person or persons appropriate for a burying ground a piece of land, it must be recorded in the registry of deeds of the same county and by the clerk of the town where it is situated and substantially marked or be kept fenced. Family Burial Grounds shall be for family members only, not the general public, and shall not exceed ten (10) lots.

### IV. GROUNDS MAINTENANCE

1. All lots within each cemetery shall be mowed and trimmed during the summer season as required. The Superintendent of Cemeteries shall insure that adequate contractual agreements are in force to provide for sequential maintenance. Additional grounds maintenance and improvements such as gates, fencing, grading, soils for roadways, and lot renovations, and posting of signs shall be accomplished by direction of the Superintendent within the limits of available budget considerations and as recommended by the Cemetery Committee.
2. In no case shall the maintenance, repair, or replacement of any memorial, tomb, or marker be construed as grounds maintenance. Special approval of the Town Council will be required for expenditure of funds for such purposes.

3. Lot owners may perform individual work on their own property only upon approval of the Sexton(s) or the Superintendent. They may also arrange for such care by paying an amount as determined by the Sexton(s).
4. On and after the effective date of this ordinance no lot or grave site shall be partially or fully enclosed by a fence, rail, curb, hedge, trees, or shrubs, and no burial plot shall be raised to a level higher than the surrounding plot levels. No stones shall be allowed on gravesites. Corner and foot markers shall be installed at ground level with at least one (1) to two (2) inches of stone underneath them.
5. Roadway and land areas between lots shall be contoured as required to provide for adequate surface drainage.
6. The cemetery grounds maintenance will include trimming of trees and shrubs. No individual beds of shrubbery or flowers shall be permitted on the grounds. No shrubs or trees will be planted on individual or family plots.
7. The Sexton shall have the right to remove all floral designs, receptacles, flowers, weeds, trees, shrubs, plants, herbage of any kind from the cemetery when in the opinion of the Sexton they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemetery.
8. Waste receptacles shall be placed in each cemetery to encourage the elimination of grounds clutter.

## V. INTERMENTS AND REMOVALS

### A. INTERMENTS

1. The Sextons shall insure that all State laws with respect to burials are complied with.
2. The lot owner or funeral director shall designate the location of the grave on each plot. Any change in location made after the opening has begun shall be at the expense of the lot owner.
3. All interments shall be restricted to members of the family that has reserved such lot. Written permission of the lot owner must accompany all requests for permits to bury persons not members of the immediate family.
4. No burial will be permitted without a vault of concrete, steel, or other durable material approved by the Sexton.
5. An additional charge may be assessed for service on Saturday, Sunday, or legal holidays.
6. A 36 hour notice shall be given the Sexton for the opening and preparation of the grave prior to interment unless religious or other conviction demands earlier burial.
7. Interment shall be scheduled from 8:00 a.m. to 4:00 p.m., Monday through Friday. Other times may be specially scheduled with the Sexton(s).

## B. REMOVAL

1. Removal of bodies from graves will be made only under the direction of the Sexton(s) in accordance with the Statutes of the State of Maine. Charges for removal will be made in accordance with the difficulty of the work.
2. Graves will not be opened for inspection except for official investigations.
3. Any markers or monuments designating the location of an interment shall be removed under the supervision of the Sexton at the time of disinterment.

## VI. STONES AND MONUMENTS

1. The owner of any lot shall have the right to erect thereon any proper stone or monument. It is desirable that the Sexton be consulted before ordering monumental work to insure harmony with other stones in the cemetery.
2. No headstone, monument or other superstructure shall be erected until a suitable foundation is laid. Foundations shall not be constructed within the actual grave space except where the grave liner is of a permanent type of sufficient strength to support the weight. Foundation depth will normally be at least four (4) feet deep. Cremations shall be at least two (2) feet deep and do not need to be in a vault.
3. The setting of monuments, stones and markers, including foot markers, and the transportation of all tools, materials, etc. within the cemetery grounds shall be subject to the supervision and control of the Sexton. No monument, stone, or marker, including foot markers, may be installed until the location of such monument, stone, or marker has been marked out and approved by the Sexton. Installations must be in the presence of the Sexton. Any monuments, stones, and markers, including foot markers, that are not installed according to the provision of this ordinance shall be reset to meet the provision of this ordinance within 72 hours of the initial setting.

Failure of the contractor or individual to reset the monument, stone, and markers, including foot markers, in accordance with the provisions of this ordinance will result in the contractor or individual being barred from installing any other monuments, stones, and markers, including foot markers, at any cemeteries in the Town of Glenburn until the monuments, stones, and markers, including foot markers, are installed to the satisfaction of the Cemetery Sexton or the Superintendent of Cemeteries.

A monument company must notify the Cemetery Sexton by filling out a request to install a monument, stone, or marker application at least 72 hours in advance of the placement and installation of monuments, stones, and markers.

A monument company shall disclose if they are an LLC and provide proof of liability insurance at the time of the submission of the application.

A monument company shall also be required to sign a form indicating that the monument, stone, or marker has been installed in accordance with the Town of Glenburn Cemetery Ordinance and that failure to install the monuments, stone, or marker in accordance with the Town of Glenburn Cemetery Ordinance will require the stone, marker, or monument to be

reset until it meets the standards contained in the Town of Glenburn Cemetery Ordinance and may subject the company to fines and penalties.

4. Stone work or monumental work once placed on its foundation shall not be removed without the knowledge and consent of the Sexton. (See "Removal" above)

## VII. PUBLIC HOURS

The cemeteries shall be open to the public from sunrise to sunset each day.

## VIII. PROHIBITED ACTIVITIES

1. Firearms, bows and arrows, sling-shots, air rifles, or other offensive weapons shall not be allowed within the confines of any municipal cemeteries except when part of a military ceremony.
2. Joy riding of any sort, including but not limited to bicycles, motorcycles, snowmobiles, all terrain vehicles, and horseback, shall not be allowed within any municipal cemetery.
3. Unauthorized presence of any persons or vehicles within any of the cemeteries covered by this ordinance between sunset and sunrise shall not be allowed. In accordance with 17-A M.R.S. §402(1)(E), a person commits criminal trespass (a Class E crime) if that person enters or remains in a cemetery between one-half hour after sunset and one-half hour before sunrise, unless authorized by the Town.
4. Conduct unbecoming to a sacred place shall not be allowed.
5. Glass bottles and alcoholic beverages are not allowed and shall not be placed on monuments and graves.

## IX. PENALTIES

Any person who violates any provision of this ordinance where no specific penalty is imposed by the Laws of the State of Maine shall be punished by a fine of not less than \$50.00 and not more than \$500.00, plus reasonable attorney fees and costs, recoverable in a civil action in Maine District Court. The Town of Glenburn or any appropriate officer may institute proceedings to enjoin such violations. Any fines collected shall inure to Town of Glenburn. The Town Council may authorize the expenditure of such fines for the repair of damages done in the cemeteries but in no case may such fines be used for routine repair and maintenance. Any monies received from such fines which are not expended during any fiscal year shall be carried over to subsequent fiscal years in a special fund.

## X. SEVERABILITY

If any portion of this ordinance is held to be unconstitutional, or invalid, this will not affect the remaining provisions of the ordinance.

## XI. REPEAL OF CONFLICTING ORDINANCE

The ordinance entitled "Ordinance Establishing Cemetery Association", adopted by the Glenburn Town Council on August 25, 1983 and the "Regulations of Glenburn Cemeteries", as

amended, which were adopted in accordance with the terms of the Ordinance are hereby repealed.

#### ORDINANCE HISTORY

Adopted: 6/12/76

Amended: 01/15/80

Amended: 09/24/81

Amended: 09/24/83

Amended: 03/03/85

Amended: 10/05/92

Amended: 05/27/93

Amended: 12/09/93

Amended: 05/19/16, effective 06/19/16

Amended: 08/11/16, effective 09/10/16

Pursuant to Section 3.10 (c) of the Town Charter, this Ordinance will become effective at the expiration of 30 days after adoption.