

# **Town of Whitefield Cemetery Ordinance**

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## **Article I. In General**

### **Section 1. Purpose and intent.**

For the mutual protection of lot owners and the cemeteries as a whole, the rules and regulations are in this chapter hereby established for all municipal cemeteries. All lot owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

### **Section 2. Enforcement.**

The Selectmen are hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules and regulations. The Selectmen shall have charge of the grounds within Town cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot owners or otherwise. The Selectmen have the authority to adopt additional rules for the use and management of the Town's cemeteries.

### **Section 3. Fees.**

The Selectmen shall, from time to time, adopt a list of fees for the Certificates of Ownership of Cemetery Lots, any other use, activity or services provided for the Town Cemeteries. The Selectmen are authorized to create a reserve account to be known as the Cemetery Maintenance Trust Fund, and to deposit cemetery fees received and to use said fund for cemetery maintenance as the Selectmen determine to be in the best interest of the Town.

## **Article II. Lot Ownership**

### **Section 4. Prospective purchasers to visit cemeteries.**

Persons desiring to purchase lots should visit the Town Office and the cemeteries to aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.

### **Section 5. Details of purchase.**

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. A description of lots contained in a Certificate of Ownership shall be in accordance with cemetery lots which are kept on file in the cemetery offices. It shall be the duty of the lot owner to notify the Town Office of any change in address after purchase.

### **Section 6. Lots not subdivided or sold jointly.**

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided. No single lot will be sold to joint purchasers.

### **Section 7. Purchasers - rights in roads, drives or paths.**

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery so long as it shall be devoted to such purpose.

### **Section 8. Rights reserved to cemeteries.**

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The Town reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

### **Section 9. Cemeteries not responsible for loss or damage.**

All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and

especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.

**Section 10. Transfer of lots.**

Transfer of lots will not be recognized without the issuance to the Transferee a new Certificate of Ownership obtained at the Town Office.

**Section 11. Lost or destroyed Certificates of Ownership.**

A lost or destroyed Certificate of Ownership will be replaced by a new Certificate upon request upon payment of a fee set by the Selectmen.

**Article III. Care of Lots\***

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\*State law reference(s)--Care and maintenance of cemeteries, 13 M.R.S.A. § 1305.  
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**Section 12. Perpetual Care**

Perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.

**Section 13. Nature of care provided by cemeteries without cost.**

The general care of the cemeteries is the responsibility of the Town by and through its Selectmen and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.

**Section 14. Who may provide care for lots.**

No person except a lot owner, his or her heirs and authorized representative, or an employee of the Town, acting under the direction of the Town, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the Selectmen secured in advance.

## **Article IV. Interments\***

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\*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.  
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### **Section 15. Funerals in charge of cemeteries.**

All funerals entering the cemeteries shall be under the direction of a funeral director or person agreed to by the Town who shall abide by the rules and regulations of the respective cemetery.

### **Section 16. Previous notices required for interments, etc.**

The right is reserved by the Town to insist upon at least twenty-four (24) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal.

### **Section 17. Interments to be authorized by lot owners.**

All notices of interments in lots must be signed by the owner of the lot, or his or her heir or authorized representative. When this is impossible because of absence from the Town, telegraphic permission will be accepted in lieu of signed authorization.

### **Section 18. Number of interments in single grave.**

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the Town.

### **Section 19. Location within lot to be designated by owner.**

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his or her authorized representative. Should he or she fail or neglect to make such designation, the Town reserves the right to designate the interment location.

### **Section 20. Outside containers required.**

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Town. Outside containers may be procured from any source provided they meet the established specifications.

**Article V. Plants, Shrubs and Flowers**

**Section 21. Responsibility of cemeteries.**

The Town will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.

**Section 22. Plantings; permission may be granted.**

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the Town, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

**Section 23. Right of cemeteries to remove flowers and plants.**

The Town shall have the right to remove all floral designs, flowers, vases, urns, containers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

**Article VI. Monuments, Tombs, Mausoleums and Other Structures\***

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\*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et seq.

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**Section 24. One monument per lot permitted; one marker per grave permitted.**

The owner of any lot shall have the right to erect thereon any proper stone or monument upon authorization by the Town. Only one (1) monument shall be permitted on a lot which must be located in the center or center rear, unless special permission is granted by the Town for placing it otherwise. Only one (1) individual marker per grave is allowed. A monument and individual headstones are permitted. No tombs or mausoleums are allowed.