

CHAPTER 5. CEMETERY

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Article 5.1 Authority

This ordinance is enacted pursuant to the authority in 30-A MRSA Section 3001 Ordinance Power, and compliant with the regulations and all aspects as may be applicable of Title 13 MRSA Chapter 83: Cemetery Corporations.

Article 5.2 Purpose

The purpose of this ordinance is to establish rules and regulations governing the use of the various Town Cemeteries and to maintain and oversee these cemeteries for the benefit of the Town and its citizens; to conserve and protect the Cemeteries as peaceful, beautiful areas that serve as reverent symbols of the citizen's regard for the deceased.

Article 5.3 Amendments

An amendment to this Ordinance may be initiated by:

- A. The Cemetery Committee, as then presented to the Selectmen for majority vote;
- B. The Selectmen provided that a majority of the Selectmen has so voted; or
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Rangeley, Maine, numbering at least ten percent (10%) of the number who voted in the last gubernatorial election.

The Selectmen shall hold a public hearing on any amendment proposed or initiated in accordance with this ordinance for the purpose of reviewing the proposed amendment and providing the Selectmen's recommendation. Public notice of such hearing shall be posted at least seven days prior to the date of the hearing. No amendments to this ordinance may be adopted except by Town Meeting approval.

Article 5.4 Applicability

This ordinance shall apply to the following named Town cemeteries and to any other cemetery, now or in the future, maintained by the Town of Rangeley:

- 1. Evergreen Cemetery;
- 2. School House Cemetery;
- 3. Nile Brook Cemetery; and
- 4. Wilbur Cemetery

Article 5.5 General Provisions

.1 General

The Town reserves the right to enlarge, reduce, re-plot or change the boundaries or grading of the cemeteries, or any section thereof, from time to time, including but not limited to the right to modify, change the location of, or remove or re-grade roads, drives, walks or any part thereof. The Town also reserves the right to lay, maintain and operate, alter, or change pipelines or gutters for sprinklers and drainage purposes and to use Cemetery property for cemetery purposes, including interment and inurnment of the dead, or for anything necessary, incidental or convenient thereto. The Town reserves to it and to those lawfully entitled thereto, a perpetual right of ingress and egress over burial sites for the purpose of passing to and from other burial sites.

.2 Duties and Authority of Supervisor

The Town Manager shall designate a Supervisor who shall be entrusted with, and be responsible for, all the operation and maintenance of all Town cemeteries in accordance with this Chapter. The Supervisor shall be subject to the direction of the Town Manager or his or her designee and shall administer the provisions of the chapter.

The Supervisor, in consultation with the Town Manager and Select Board, may establish rules, not inconsistent with this Chapter, governing the use and operation of the Town's cemeteries.

.3 Violations

Any person willfully violating any of the provisions in this chapter, or any Town cemetery rules adopted hereafter, may be ordered to leave or be ejected from the grounds by the Supervisor or his or her designee. Any such person refusing to leave when so ordered to leave shall be reported to the local authorities.

.4 Decorations Restricted: Improper Monuments

- A. Monument and marker size, construction (design and material) and placement on a lot are subject to the approval of the Supervisor. Permission must be secured before placement of any monument or marker on any lot. Veteran's markers may be placed and maintained by the American Legion and Veteran's Administration.
- B. No flowers or plants may be planted in the ground on a lot.
- C. All flowers and plants must be in a portable container placed above ground. Flower and plant containers may not be secured to the ground and must be of a size and weight to permit cemetery personnel the ability to mow and trim around cemetery monuments. Glass containers are prohibited.
- D. All flower and plant containers must have live plants in them. The Supervisor or his or her designee may remove and take any flower or plant container that is empty, or contains dead plants, to the cemetery maintenance building. Any flower or plant container so removed may be disposed of by the Supervisor or his or her

designee unless claimed by the owner within thirty (30) days of removal.

- E. Visitors may not pick flowers or remove plants/flowers from another person's lot.
- F. No railings, fences, rock borders, brick or block borders will be allowed on a lot, except those in existence at the time of the adoption of this Ordinance.

.5 Removal of Trees and Shrubs

- A. If any trees, shrubs, or bushes in or upon any lot in any Town cemetery, in the judgement of the Supervisor, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds, or unsightly, inconvenient or hazardous to the public, the Town shall have the right to enter upon the lot and remove such trees, shrubs or bushes, or any part thereof.
- B. No trees are allowed to be planted on any lot.
- C. No shrubs or bushes may be planted on any lot unless approved by the Supervisor prior to planting. The owner of the lot shall be responsible for trimming and maintenance of any shrub or bush planted on a lot. No shrub or bush may be permitted to block the view of other portions of the cemetery, or to impede on the adjoining lots. Shrubs and bushes may not exceed five (5) feet in height. Any shrub or bush that is not properly maintained, may be removed by the Supervisor or his or her designee.
- D. Planted materials may have to be removed to gain access to burial sites. The Town is not responsible for damage or losses resulting from removal of plant material during any interment or inurnment process.

.6 Conduct Prohibited on Cemetery Grounds

All persons are reminded that cemetery grounds are sacredly devoted to the burial of the dead. The provisions and penalties of the law, as provided by statute, will be enforced for all cases of wanton injury, disturbance and/or disregard of this Chapter or cemetery rules.

No person may, in any Town cemetery:

- A. Carry into or consume any alcoholic beverages or narcotics (controlled substances);
- B. Carry any firearms therein, except in connection with funerals or Memorial Day or similar exercises;
- C. Carry into or explode any firework;
- D. Trespass upon any lot;
- E. Make use of any loud, threatening, abusive or indecent language;
- F. Throw stones or other missiles therein;
- G. Exhibit any show or play any game of chance therein;

- H. Post any bill, notice or other device on any structure or tree;
- I. Place any sign or post on any lot;
- J. Remove any Veteran's markers, except with prior approval of the Supervisor or his or her designee;
- K. Behave in a loud or obscene manner, or act in a disorderly, or indecent manner whatsoever upon or within such cemetery;
- L. Permit any dog or other domestic animal to go unleashed, or leave any feces deposited by any such dog or domestic animal to remain in or on cemetery grounds;
- M. Operate any snowmobile or all-terrain vehicle (ATV), except upon a Town permitted snowmobile trail;
- N. Operate any motor vehicle, snowmobile, or ATV at a speed in excess of ten (10) miles per hour;
- O. Other than individuals engaged in maintenance authorized by the Supervisor or his or her designee, kindle any fire.

.7 Injuring Monuments

No person shall willfully destroy any tomb, gravestone, monument or other object placed or designed as a memorial to the dead, or any fence, railing or other thing places about or enclosing a burial place or willfully injure, remove or destroy any tree, shrub, flower or plant within such enclosure.

.8 Cemetery Hours

Town cemeteries shall be closed to the public between sundown and sunrise. Town cemeteries will also be closed to the public during the winter months. No person may enter said cemeteries by motor vehicle after December 1st and before the removal of the gates in the spring except by permission of the Supervisor, the Town Manager, or their designee.

.9 Privately-Operated Cemeteries with the Town of Rangeley

Privately-operated cemeteries, as defined by MRSA Title 13, § 1303, are not allowed within the Town of Rangeley.

Article 5.6 Burials

.1 Burial permits and authorization

- A. No interment or disinterment of any human remains shall be made without a permit from the proper authorities.
- B. No person, except for the Supervisor or his or her designee, shall bury or cause to be buried, or moved, the remains of any deceased person in any Town

cemetery.

- C. No remains may be removed or relocated from one lot to another within any Town cemetery, except with the prior written consent of the Supervisor.

.2 Records of Burial

The Town Clerk shall record and maintain a record of each interment made within the town limits, together with the name, age, sex, date and place of death, date and place of burial and the number of the lot or tomb and section where buried. Such record shall be kept safely and with the utmost care in the Town Office.

.3 Burial Hours

All burials will be scheduled with the Supervisor with as much notice as possible. Any requested winter burials will be strictly at the discretion of the Supervisor and will be determined by the frost depth and/or excessive snow on the ground that would prohibit entry in the cemetery and hinder a grave opening.

.4 Burial Fees

The expense for burial services is set forth in the Town of Rangeley Fee Schedule

.5 Supervision of Burials

The Supervisor shall see that all burials in Town cemeteries are made in proper conformity to the ranges and division of such cemeteries.

.6 Burial Receptacles and Cremains Scattering

- A. All burials in Town cemeteries shall utilize outer burial containers (vault or liners) approved by the Supervisor and comply with all applicable laws, rules and regulations of the State of Maine, and the following requirements:
 - 1. Adult burials shall be made in outer burial containers (vault or liner) constructed of steel, concrete, or stone.
 - 2. Small child and baby burials shall be made in puncture proof rigid outer burial containers made of concrete, stone, steel, or fiberglass that is designed to resist deterioration.
 - 3. Containers for ground burials of cremains shall be at the discretion of the lot owner.
- B. The scattering of cremains over a lot in a Town cemetery is permitted, subject to the following procedures and restrictions:
 - 1. A proper cremation certificate must be presented to the Supervisor and written approval must be granted prior to scattering the cremains.
 - 2. Written permission from the lot owner must be obtained prior to scattering.

3. The scattering of cremains must be performed in accordance with State Law.
4. Cremains must be released as close to the ground as possible to prevent drift.

.7 Monument Delivery

Scheduling a monument delivery is the responsibility of the family or representative of the deceased. Monument delivery must be scheduled with the Supervisor or his or her designee at least one (1) week in advance of the proposed delivery date and prior to confirming delivery with the monument contractor.

.8 Burial of Unembalmed Remains

For reasons of sanitation, a licensed embalmer must embalm all human remains interred in any Town cemetery unless cremated. Unembalmed remains may not be stored in the Town's receiving vault while awaiting burial.

Article 5.7 Cemetery Lots

.1 Laying out of Cemetery Lots

It shall be the duty of the Supervisor to lay out in sections and/or ranges, divided into lots of suitable size, and with avenues of such width for the passage of vehicles, on cemetery land hereafter purchased or acquired by the Town for the use of the burial of the dead.

.2 Map of Cemetery Layout

The Supervisor shall maintain or procure a map or plan of all Town cemeteries, with the sections and/or ranges and lots properly designated and numbered and place the map on file with the Town Clerk for the use of the Town. It shall also be the duty of said Supervisor, with the assistance of the Town Clerk, to have at all times a correct map of said cemeteries showing the location and number of each lot and the name and location of every person buried therein. The Supervisor shall keep these maps current and correct with the assistance of the Town Clerk.

.3 Sale of Lots

Persons desiring to purchase lots must contact the Town Office and complete a Lot Purchase Application. Selection will be from available lots. Having made a lot selection, and paid all fees, the lot sale will be made, and the lot conveyance completed. Rules relating to such lots will be explained and a copy of this Ordinance will be made available to prospective purchasers.

.4 Lot Prices

When available, in any Town cemetery, lots shall be sold at the rates set forth in the Town of Rangeley Fee Schedule, payable in advance to the Town of Rangeley, after which the Town Clerk is authorized to execute and deliver a legal title (deed), therefore.

The Town Clerk shall collect the proceeds of all sales of lots. Such proceeds shall be applied solely to the management, superintendence, improvement and maintenance of Town cemeteries and the avenues, paths and structures situated therein, for the purchase of additional cemetery land and for the accumulation of a permanent care and improvement fund.

The Fee Schedule shall be reviewed at least every five (5) years to maintain a high quality of care and maintenance of Town cemeteries. The first review will be set for five (5) years after the enactment of this ordinance, and every five (5) years thereafter.

.5 Restriction of number of lots to be sold

No individual may simultaneously purchase or hold more than five (5) lots in a Town cemetery. Family plots may be obtained by multiple purchases of individual family members. The Town does not guarantee that a large plot or section of the cemetery will be reserved for family plots.

.6 Resale of Cemetery Lots

Resales, conveyances and repurchases of lots in Town cemeteries are subject to the following restrictions:

1. No person may sell or convey any lot in a Town cemetery except to the Town of Rangeley or a family member. Lot owners must notify the Town of any sale on conveyance of a lot to a family member so that the transfer may be properly documented.
2. The Town Manager is authorized, in their discretion, to repurchase a lot from its current owner. In doing so, the Town Manager may not pay more than the full price at which the lot was originally purchased.
3. The Town may not refund to a lot owner any funds for perpetual care or services paid to the Town during the lot owner's lifetime, except as required pursuant to 13 M.R.S. § 1264.
4. The Supervisor may grant exceptions to the above restrictions for special circumstances.

.7 Perpetual Care

Perpetual care will be purchased for any lot or parcel within any Town cemetery at the rates set forth in the Town of Rangeley Fee Schedule.

.8 Annual Maintenance

The Supervisor, under the direction of the Town Manager, shall perform or cause to be performed annual maintenance of all Town cemeteries - including, but not limited to:

1. Servicing and repairing all cemetery equipment, with the assistance of the Highway Department as necessary;

2. Digging all graves, preparing them for burial service and restoring them to their original appearance afterwards;
3. Mowing, trimming, leaf collection, guiding contractors installing monument foundations, and general cleanup of Town cemeteries;
4. Developing new cemetery areas, as required;
5. Repairing and maintaining cemetery facilities, as required; and
6. All other maintenance required by the laws of the State of Maine.