

Chapter 3.6

CEMETERIES*

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ARTICLE I. IN GENERAL

Sec. 3.6-1. Declaration of policy.

The town council establishes this chapter for the proper operation and use of municipal cemeteries in the town. The town council recognizes that the municipal cemeteries are sacred ground reserved as a final resting place for the people of the town and desires to have the cemeteries maintained in the best possible manner and firmly believes that this article is necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemeteries.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-2. Application.

The rules and regulations contained in this chapter shall apply to any person and to any form of association or organization.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-3. Penalty for violation.

Unless otherwise provided by state law pertaining to cemeteries or burial of the dead, a maximum fine of one hundred dollars (\$100.00) shall be imposed upon any person violating the provisions of this chapter.
(Ord. No. C2002-23, 9-12-02)

*Editor's note-Ord. No. C2002-23, adopted Sept. 12, 2002, added new provisions to the Code as Ch. 12. In order to preserve the alphabetical sequencing of chapters within the Code, the provisions of Ord. No. C2002-23 have been redesignated as Ch. 3.6 at the discretion of the editor.

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Sec. 3.6-4. General regulations.

The following shall be the general rules and regulations for use of municipal cemeteries.

- (a) No person shall:
 - (1) Enter a cemetery except through an established gate or entrance way.
 - (2) Deposit rubbish or debris on cemetery grounds, except in receptacles provided.
 - (3) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
 - (4) Use the cemeteries as a picnic ground, or consume alcoholic beverages in a cemetery or bring the same upon the premises.
 - (5) Use any form of advertising on cemetery premises.
 - (6) Discharge firearms in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States.
 - (7) In any way injure or deface any monument, stone, fence, or other structures, or property within any cemetery.
 - (8) Allow any dog or other domestic animal to run at-large within any cemetery.
- (b) No child under the age of ten (10) years shall be allowed in any cemetery unless accompanied by an adult.
- (c) Horseback riding within or through cemeteries is expressly prohibited.
- (d) Operation of unregistered motor bikes within or through cemeteries is prohibited.
- (e) Operation of snowmobiles and ATVs in the cemeteries is prohibited.

(Ord. No. C2002-23, 9-12-02)

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Sec. 3.6-5. Traffic regulations.

(a) No person shall operate or cause to operate any vehicle within a cemetery except on roads designed for that purpose and no vehicle shall be driven a speed in excess of fifteen (15) miles per hour upon any roads within municipal cemeteries.

(b) No person shall enter any cemetery with a loaded truck, except the town maintenance crews, unless permission has been received from the cemetery sexton.

(c) No person shall unload any stone, dirt or other material from trucks in any cemetery, except the town maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission and consent of the cemetery sexton.

(d) Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the town applicable to motor vehicle operation.

(Ord. No. C2002-23, 9-12-02)

Secs. 3.6-6-3.6-14. Reserved.

ARTICLE II. PROCEDURE AND AUTHORITY

Sec. 3.6-15. Cemetery sexton.

The cemetery sexton is appointed annually in accordance with procedures set forth in the Town of Dexter Charter. The sexton is charged with the responsibility to oversee the operation of town cemeteries in accordance with this ordinance and applicable laws set forth by the State of Maine. The sexton shall oversee the day-to-day operation of cemeteries, to include maintenance and coordination of burials. Additionally, the sexton shall develop annual expense, capital, and revenue budgets associated with cemetery requirements, manage cemetery operational expenses, and act as an advisor to the cemetery committee.

(Ord. No. C2002-23, 9-12-02)

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Sec. 3.6-16. Management of perpetual care funds, trust funds and designated reserves.

The management of cemetery perpetual care funds, trust funds, and any other cemetery reserve funds shall be entrusted to the town treasurer and undertaken in accordance with the investment policies and procedures set forth in the Dexter Town Codes as well as being fully compliant with requirements established in 13 M.R.S.A. § 1306.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-17. Establishment of new cemeteries.

The town council shall have the final authority for the establishment of cemeteries within the town limits, and shall, as the need arises, set aside new ground areas for this purpose. The establishment of new cemeteries shall also comply with the standards and procedures set forth in 13 M.R.S.A. § 1303.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-18. Existing cemeteries.

The following named cemeteries shall be deemed to have been established as municipal cemeteries:

- (a) Greene Cemetery.
 - (b) Storer Cemetery.
 - (c) Elmwood Cemetery.
 - (d) Mt. Pleasant Cemetery.
- (Ord. No. C2002-23, 9-12-02)

Sec. 3.6-19. Platting of cemeteries.

Before any new land is opened for cemetery use and the sale of lots, the town manager shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots.
(Ord. No. C2002-23, 9-12-02)

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Sec. 3.6-20. Planning board review.

The preliminary plan and layout of new cemetery and land areas shall be submitted to the planning board for review and approval. Upon approval, the planning board shall advise the town council of its review action with a recommendation for or against adoption.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-21. Cemetery advisory committee.

A cemetery committee, composed of five (5) members, shall be appointed annually by the town council. The committee's authority is advisory only; however, the group is expected to participate in formulation of the annual operating budget, planning for cemetery growth and development, and formulation of policies and procedures relative to cemetery operations. The cemetery sexton will act as an advisor to the committee.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-22. Cemetery committee by-laws.

The cemetery committee shall develop a set of by-laws in accordance with the requirements set forth in the Dexter Town Charter.

(Ord. No. C2002-23, 9-12-02)

Secs. 3.6-23—3.6-29. Reserved.**ARTICLE III. ADMINISTRATION AND MAINTENANCE****Sec. 3.6-30. Lot size established.**

(a) Lot sizes for municipal cemeteries are hereby established as follows:

- (1) Single three-grave lot, ten and one-half (10½) by ten (10), or one hundred five (105) square feet;
- (2) Double six-grave lot, ten (10) by twenty-one (21) or two hundred ten (210) square feet;

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(3) Single one-grave lot, three and one half (3^{1/2}) by ten (10) or thirty-five (35) square feet.

(b) Single grave lot sections shall be established within cemetery areas for those persons desiring single graves, and for the use of the town for the burial of indigent persons

(c) Single grave lots shall be limited to one (1) casket or two (2) urns with one (1) headstone.

(Ord. No. C2002-23, 9-12-02; Ord. No. C2005-20, 9-8-05)

Sec. 3.6-31. Purchase of lots.

(a) *Conditions of lot purchases.* Lots purchased in the laid-out sections of cemeteries of the town shall be conveyed by special deed for burial purposes only, and shall be subject at all times to the provisions of the Charter, Town Ordinances, and applicable state laws.

(b) *Purchase procedure.* Lots in the laid-out cemeteries of the town may be selected and purchased from the sexton, and payment for lots purchased shall be made to the town clerk before any burial is performed. Such purchases shall be evidenced by a deed prepared by the town clerk and signed by the town council. Such deed shall state the name of the purchaser, purchase price and amount paid, name of cemetery, number of that lot, and section in which located.

(c) *Records of cemeteries, lot ownership, and burials.* The maintenance of cemetery records shall be the responsibility of the cemetery sexton. Copies of the deeds conveyed for lot purchases shall be recorded by the town clerk.

(d) *Transfer of lots.* No transfer or assignment of a lot shall be made by any owner without the express approval of the cemetery sexton and all transfers shall be made upon approved forms through the office of the town clerk and recorded in the cemetery records.

(e) *Charge for lots.* Each grave lot will cost two hundred dollars (\$200.00) regardless of the number of lots purchased for residents/taxpayers of the Town of Dexter. Cost of each grave for a nonresident will be four hundred dollars (\$400.00) per grave lot. (Ord. No. C2002-23, 9-12-02; Ord. No. C2005-20, 9-8-05; Ord. No. C2014-3, 1-9-14)

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Sec. 3.6-32. Cemetery maintenance generally.

The general maintenance of the cemeteries, designed to improve and maintain their appearance and condition, shall be the responsibility of the town. It shall include such items as the upkeep of drives, buildings, fences, spring and fall clean-up, raking of leaves, and the general periodic mowing of grass.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-33. Trees, shrubs, plants and flowers.

No trees or shrubs shall be planted in any lot in any municipal cemetery by any person. Existing trees or shrubs may be removed by order of the cemetery sexton if detrimental to the cemetery, adjoining lots, or inconvenience to the care and maintenance of lots. Any growing plants or flowers to be planted on any lot shall be placed in front, or behind, the monuments, but never in front or around headstones or markers. All flowers, whether artificial or real, shall be limited to three (3) baskets or pieces for each lot, and they shall be removed from the lots by October 15 of each year.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-34. Grading of lots.

All grading of cemetery lots shall be done at the direction of the cemetery sexton, upon request of the owner. No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-35. Curbs and fencing.

No curbs or fences shall be permitted around any individual cemetery lot or group of lots.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-36. Monuments and markers.

All municipal cemeteries shall be permitted to have monuments, markers, and cornerstones of such dimension, material and location as shall be approved by the cemetery sexton. All

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cornerstones, headstones, and markers shall be set flush with the lawn surface so that no part shall protrude above the surface of the ground. Benches and statues will be allowed only if used and inscribed as a monument.

(Ord. No. C2002-23, 9-12-02; Ord. No. C2005-21, 9-8-05)

Secs. 3.6-37—3.6-49. Reserved.

ARTICLE IV. BURIALS

Sec. 3.6-50. Conditions for burial.

No burial shall take place without first having obtained a burial permit from the town clerk by the person making arrangements for a burial, and all conditions of laws and ordinances having been met. No wooden burial boxes shall be used for burial in any of the town's cemeteries. All burial boxes shall be of cement or steel construction.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-51. Preparation of graves.

The preparation of graves shall be the responsibility of the cemetery department. Any deviation from this policy is subject to written approval by the cemetery sexton.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-52. Winter burials.

The cemetery department will prepare graves for burial during the winter months, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary internment shall be in the cemetery vault or private vault.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-53. Burial rates.

The town burial rates shall be adults: four hundred dollars (\$400.00) on weekdays; five hundred dollars (\$500.00) on weekends and holidays; burials for ashes shall be one hundred

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twenty-five dollars (\$125.00) on weekdays and one hundred fifty dollars (\$150.00) on weekends and holidays; and burials for infants shall be one hundred dollars (\$100.00). Grave closings after 4:00 p.m. will be one hundred dollars (\$100.00) extra. (Ord. No. C2002-23, 9-12-02; Ord. No. C2005-20, 9-8-05; Ord. No. C2014-3, 1-9-14)

Sec. 3.6-54. Responsibility for errors.

Neither the town nor the cemetery sexton shall be responsible for errors in location of graves on lots arising from improper instructions from the person making arrangements. Orders from funeral directors shall be considered the same as orders from owners.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-55. Outside agency burials.

In matters pertaining to burials coming into town from outside agencies, unless the exact lot and grave location is ordered with sufficient identification to the satisfaction of the cemetery sexton, the body will be entombed pending proper arrangements.

(Ord. No. C2002-23, 9-12-02)

Secs. 3.6-56—3.6-69. Reserved.**ARTICLE V. CARE OF LOTS****Sec. 3.6-70. Perpetual care fund.**

State law requires the establishment of a cemetery perpetual care fund by any entity that controls a cemetery. The income derived from the perpetual care fund must be devoted to maintenance of the cemeteries.

(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-71. Perpetual care required.

All municipal cemetery lots sold after June 1, 1977, shall require a perpetual care trust fund reserved in the name of the lot owner for the maintenance and care of such lots. Owners of

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cemetery lots purchased prior to June 1, 1977, may secure perpetual care service by applying to the town clerk for the acceptance of a sum, sufficient to provide the income necessary for the care and maintenance of the lot, as hereinafter established in the schedule or rates for perpetual care.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-72. Purchase of perpetual care.

Perpetual care trust funds for the care and maintenance of lots shall be purchased from the town clerk, and such funds shall be held in trust, the income thereof to be used by the town for perpetual care services, in accordance with the Dexter Town Charter and applicable state laws.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-73. Reserved.

Editor's note—At the direction of the town § 3.6-73 entitled "Ordinary care", has been deleted. Said § derived from Ord. No. C2002-23, adopted Sept. 12, 2002.

Sec. 3.6-74. Scope of care and maintenance.

The care and maintenance of lots, whether perpetual or ordinary, shall include the mowing and trimming of grass at reasonable intervals, the raking and cleaning of lots, and the grading and seeding of lots. Perpetual or ordinary care shall not include the maintenance or repair of any monuments, stones, markers or walls, nor the planting or care of flowers or shrubs.
(Ord. No. C2002-23, 9-12-02)

Sec. 3.6-75. Rates.

The following rates are hereby established for the purchase of perpetual and ordinary care:

- (a) *Perpetual care.* Perpetual care will cost two hundred dollars (\$200.00) per grave for residents/taxpayers of the Town of Dexter. Cost of perpetual care for nonresidents will be four hundred dollars (\$400.00) per grave lot.

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(b) *Ordinary care.*

- (1) Single and two-grave lots shall cost twenty-five dollars (\$25.00) annually;
- (2) Six-grave lots shall cost fifty dollars (\$50.00) annually;
- (3) Twelve-grave lots shall cost seventy-five dollars (\$75.00) annually.

(Ord. No. C2002-23, 9-12-02; Ord. No. C2005-20, 9-8-05; Ord. No. C2014-3, 1-9-14)

