

CEMETERY ORDINANCE

FOR THE

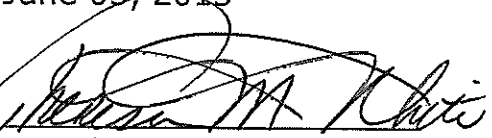
TOWN OF ETNA, MAINE

Adopted: March 1, 2008

Updated: May 04, 2011

Updated: June 05, 2013

Attested:



Theresa M. White
Town Clerk

CEMETERIES ORDINANCE TOWN OF ETNA, MAINE

PREAMBLE

WHEREAS, it is the desire of the Town of Etna to make its cemeteries a quiet, beautiful, resting place for the dead and where a sense of repose will be obtained by dignified landscape. Anything, which would mar the general beauty and harmony of the cemeteries, must be avoided. Peace and good order must prevail and the sacredness of the peace be maintained at all times. To preserve these effects will require the cooperation of every lot owner, so it is to this end that these rules and regulations have been offered.

ARTICLE 1 - DEFINITIONS

- A. Cemeteries:** The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Etna for burial purposes, including the following locations:
1. West Etna Cemetery
 2. Pleasant Hill Cemetery
 3. Etna Cemetery
- B. Cemetery Sexton:** The term shall mean the person who appointed by the Select Board given authority over burial within town cemeteries and includes his/her designee(s).
- C. Cenotaph:** The term shall mean a monument or empty tomb honoring a person buried elsewhere.
- D. Grave:** The term shall mean an area suitable for the interment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon the approval of the Cemetery Sexton.
- E. Gravestones:** The term shall mean any stone that marks a grave or gravesite.
- F. Lot:** The term shall mean a plot of land approximately 5' X 10', sufficient for one gravesite.
- G. Mausoleum:** The term shall mean any large imposing tomb.

H. Non-resident: The term shall mean a person who is does not currently reside in the Town.

I. Remains: The term shall mean a deceased human body or ashes.

J. Resident: The term shall mean a person who is currently residing in the Town.

K. Select Board: The term shall mean the Board of Selectmen for the Town of Etna.

ARTICLE 2 – APPLICATION OF ORDINANCE: Funeral directors, monument companies, landscape contractors, florists or other individuals or corporations working within the cemetery must comply with this ordinance. All persons entering into any cemetery for any reason, including work done by such individuals or concerns is to be performed under the supervision of, and meet the approval of, the Cemetery Sexton.

ARTICLE 3 - LOT OWNERSHIP

- 1. PURCHASE:** Any individual wishing to purchase a cemetery lot shall apply to the town clerk and then select from those lots available the lot they desire to purchase. Upon having made a lot selection, the lot sale will be made and deed issued. A receipt from the Town Treasurer will serve as the right of burial. If the grave purchased requires ledge removal, the purchaser shall pay any extra charges required, or the Grave can be exchanged for another available Grave. Lots selected prior to enactment of this ordinance are exempt.
- 2. TRANSFER:** The granting, transfer and sale of lots in municipal cemeteries shall be under the control of the Cemetery Sexton subject to the rules and regulations adopted by a vote of the Town and under the general supervision of the town clerk. Owners transferring, granting or selling lots in municipal cemeteries must obtain the consent of the Cemetery Sexton and a Certificate of Transfer from the town clerk.
- 3. INTERMENT AND DISINTERMENT:** Lot owners bear all cost involved.
- 4. RIGHT OF BURIAL:** The term owner of lot shall mean an individual who, whether through purchase, grant or transfer, acquired the right and privilege of burial of the dead and cremation remains, of constructing mausoleums and of erecting cenotaphs or other monuments or ornaments in accordance with the provisions of this ordinance as it exists or may hereafter be amended. These activities are to be arranged with the Cemetery Sexton or their designee. *Animals may be buried with their*

owners only if prior arrangement has been made. Otherwise, no animal remains are to be buried in cemetery lots.

ARTICLE 4 - SELECT BOARD TO SUPERVISE CARE OF CEMETERIES

Care of public cemeteries and lots therein shall be under the supervision of the Select Board who is authorized to engage personnel and provide by purchase or contract, the necessary equipment and supplies. The payment of monies to implement this section shall be made from town appropriation, sale of lots, and perpetual care deposits. The Select Board shall have final authority for the establishment of cemeteries within town limits and as the need arises, shall, 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 MRSA §1303.

ARTICLE 5 - CEMETERY SEXTON

1. **APPOINTMENT:** The Select Board shall appoint the Cemetery Sexton. The Sexton shall serve until removed by the action of the Select Board. S/he shall be responsible to the town clerk for the management and control of all municipal cemeteries, for the direction of all assistants under their direct supervision, and for the administration of the Cemetery Ordinance adopted by the Town of Etna. The Sexton or his designee is expected to attend every interment.
2. **AUTHORITY:** The Sexton or his designee has the authority to enter upon any lot with the necessary equipment for improving the appearance and condition of the lot and the general appearance of the cemetery. The Sexton or his designee may enter the cemetery to remove any objectionable item that may have been placed contrary to the regulations of the cemetery; to remove any dead or dangerous tree, shrub, vine, or neglected fence railing or enclosures; to remove any floral design or pieces, which at the discretion of the Cemetery Sexton have become unsightly. The Cemetery Sexton or his designee may remove any floral design or pieces not removed by April 15th, annually.
3. **BURIALS:** The Cemetery Sexton or his/her designee is the only one authorized to dig a grave, cause a grave to be dug, or bury any remains whether in a casket/vault or cremation urn.

ARTICLE 6 - CARE OF CEMETERIES

1. **PERPETUAL CARE:** Any person who purchases a lot is required to pay the Town Treasurer the sum established in accordance with this ordinance as a reasonable amount for the care of said lots. The care of cemeteries shall

include ordinary care such as the cutting of the grass on lots at reasonable intervals, trimming, raking and cleaning lots and such work as may be necessary to keep the cemetery in a neat condition. Such care and maintenance of the cemetery shall **not** include maintenance or repair of any monuments and planting of flowers or shrubs upon any lot.

2. **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.
3. **PLOTTING OF CEMETERIES:** Before any new land is opened for cemetery use and the sale of lots, the Cemetery Sexton shall have such land area laid out showing the system of roads and avenues, and a numbered system of lots.

ARTICLE 7 - REGULATIONS FOR IMPROVING LOTS

1. **ENCLOSURES:** No enclosure of any nature, such as fences, copings, hedges or ditches shall hereafter be erected on these lots.
2. **GRADE:** Grade mounds shall not be allowed in Pleasant Hill, North Etna or Etna Cemetery land for lots purchased on or after December 4, 2006. Any lots purchases after enactment of this ordinance shall not be raised above the established grade.
3. **GRAVESTONES:** All headstones and monuments shall have a foundation. All markers shall be no more than 3½ feet in length and shall be flush with the surface of the ground and may not require a foundation. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Sexton.
4. **ORNAMENTATION:** Any grave decoration, flowers or other decorative or commemorative ornamentation must be removed by April 15th, annually. Ten days prior to the Memorial Day holiday, graves can be redecorated for the season.
5. **PERMITTED AND PROHIBITED ACTIVITIES:** Lot owners may improve, cultivate and care for their lots and existing trees, shrub, and plants, in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries nor add any material to their lot, which is considered by the Sexton to be unfit for the cultivation of grass.

- 6. TREES, SHRUBS, LANDSCAPING:** No trees or shrubs shall be planted or removed without the consent of the Cemetery Sexton. If any trees or shrubs, in or upon any lot in any Town Cemetery which, in the judgment of the Sexton, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the general public, the Town or its designee shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.
- 7. VAULTS:** The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: Concrete Boxes, concrete, copper or steel burial vaults; and sectional concrete crypts.

ARTICLE 8 - GENERAL REGULATIONS – The following shall be the general rules and regulations for use of municipal cemeteries.

1. No person shall, in accordance with Title 13, MRSA Chapter 83 and Title 17-A, MRSA, Chapter 17 §402:
 - a. Enter the cemetery except through an established gate or entrance way.
 - b. Deposit rubbish or debris on cemetery grounds, except in receptacles, when provided.
 - c. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
 - d. Use the cemeteries as picnic grounds, or consume alcoholic beverages in a cemetery or bring the same upon the premises.
 - e. Use any form of advertising on cemetery premises.
 - f. 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.
 - g. In any way injure or deface any monument, stone, fence, or other structures, or property within any cemetery.
 - h. Allow any dog or other domestic animal to run at-large within any cemetery.
2. No child under 16 years of age shall be allowed in any cemetery unless accompanied by an adult.
3. Horseback riding within or through cemeteries is expressly prohibited.
4. Operation of unregistered motor bikes within or through cemeteries is prohibited.
5. Operation of snowmobiles and ATVs in the cemeteries is prohibited.
6. No burial is to take place without the knowledge and consent of the Cemetery Sexton and all conditions of law and ordinance met.

7. Town Cemeteries shall be closed to the public between the hours commencing one hour after sunset until one hour before sunrise each day. Entry into cemeteries during closed hours will result in criminal trespass. (MRSA, Title 17,)
8. No person shall injure any tree or shrub, mar any landmarks, marker, memorial or structure, fence or in any way deface the grounds of the cemetery. (MRSA, Title 17,)

ARTICLE 9 – TRAFFIC REGULATIONS

1. 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 10 miles per hour upon any road within Town cemeteries.
2. No person shall enter any cemetery with a loaded truck, except the town maintenance contractor or crews, unless permission has been received from the Cemetery Sexton.
3. No person shall unload any stone, dirt or other material from trucks in any cemetery, except the town maintenance contractor or crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without the express permission and consent of the Cemetery Sexton.
4. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the town and state applicable to motor vehicle operation.

ARTICLE 10 - PENALTY FOR VIOLATIONS

CONVICTIONS for any violation of the provisions contained in this Ordinance shall be punishable by a fine of not less than \$100.00 but not more than \$1000.00, unless otherwise governed by the State.

ARTICLE 11 - LOT PRICE SCHEDULE - includes perpetual care:

1. Lots measuring 5'X10' purchased for a resident, resident infant, or resident cremation remains are \$50.00/Year in 2008, \$100/Year in 2009, \$150/Year in 2010, \$150/Year in 2011, \$150/Year in 2012, \$150/Year in 2013, \$200/Year in 2014, \$200/Year in 2015, \$200/Year in 2016.
 - a. Lots measuring 10'X10', purchased together at one time are \$75/Year in 2008, \$150/Year in 2009, \$225/Year in 2010, \$225/Year in 2011,

\$225/Year in 2012, \$225/Year in 2013, \$300/Year in 2014, \$300/Year in 2015, \$300/Year in 2016 .

- b. Family lots measuring 15'X10, 20'X10, etc. purchased together at one time for over two graves are \$75 + \$50 per person/Year in 2008, \$150 + \$100 per person/Year in 2009, \$225 + \$150 per person/Year in 2010, \$225 + \$150 per person/Year in 2011, \$225 + \$150 per person/Year in 2012, \$225 + \$150 per person/Year in 2013, \$300 + \$150 per person/Year in 2014, \$300 + \$150 per person/Year in 2015, \$300 + \$150 per person/Year in 2016.
2. Lots measuring 5'X10' purchased for a nonresident, nonresident infant or nonresident cremation remains are = \$250.00/Year in 2008, \$350/Year in 2009, \$500/Year in 2010, \$500/Year in 2011, \$500/Year in 2012, \$500/Year in 2013, \$750/Year in 2014, \$750/Year in 2015, \$750/Year in 2016.
3. The town clerk shall have the discretion to sell cemetery lots on a time payment basis. Prior to any burial taking place in a lot, the lot is to be paid in full.
4. The Select Board will review prices every three years.
Select Board voted to continue 2010 lot prices for the next three years.
Meeting date May 04, 2011.

Select Board voted to increase lot prices in 2014 and continuing to 2016.
Meeting date June 05, 2013.

ARTICLE 12 – ADOPTION, AMENDMENT AND SEVERABILITY CLAUSE

1. This ordinance shall become effective on adoption at annual Town Meeting.
2. This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.
3. The invalidity of any portion of this Ordinance shall not invalidate any other part.

CEMETERY ORDINANCE

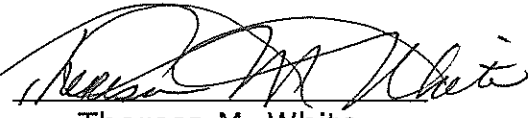
FOR THE

TOWN OF ETNA, MAINE

Adopted: March 1, 2008

Updated: May 04, 2011

Attested:



Theresa M. White
Town Clerk

1. 1.

C

C

C

CEMETERIES ORDINANCE TOWN OF ETNA, MAINE

PREAMBLE

WHEREAS, it is the desire of the Town of Etna to make its cemeteries a quiet, beautiful, resting place for the dead and where a sense of repose will be obtained by dignified landscape. Anything, which would mar the general beauty and harmony of the cemeteries, must be avoided. Peace and good order must prevail and the sacredness of the peace be maintained at all times. To preserve these effects will require the cooperation of every lot owner, so it is to this end that these rules and regulations have been offered.

ARTICLE 1 - DEFINITIONS

- A. Cemeteries:** The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Etna for burial purposes, including the following locations:
1. West Etna Cemetery
 2. Pleasant Hill Cemetery
 3. Etna Cemetery
- B. Cemetery Sexton:** The term shall mean the person who appointed by the Select Board given authority over burial within town cemeteries and includes his/her designee(s).
- C. Cenotaph:** The term shall mean a monument or empty tomb honoring a person buried elsewhere.
- D. Grave:** The term shall mean an area suitable for the interment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon the approval of the Cemetery Sexton.
- E. Gravestones:** The term shall mean any stone that marks a grave or gravesite.
- F. Lot:** The term shall mean a plot of land approximately 5' X 10', sufficient for one gravesite.
- G. Mausoleum:** The term shall mean any large imposing tomb.



H. Non-resident: The term shall mean a person who is does not currently reside in the Town.

I. Remains: The term shall mean a deceased human body or ashes.

J. Resident: The term shall mean a person who is currently residing in the Town.

K. Select Board: The term shall mean the Board of Selectmen for the Town of Etna.

ARTICLE 2 – APPLICATION OF ORDINANCE: Funeral directors, monument companies, landscape contractors, florists or other individuals or corporations working within the cemetery must comply with this ordinance. All persons entering into any cemetery for any reason, including work done by such individuals or concerns is to be performed under the supervision of, and meet the approval of, the Cemetery Sexton.

ARTICLE 3 - LOT OWNERSHIP

1. PURCHASE: Any individual wishing to purchase a cemetery lot shall apply to the town clerk and then select from those lots available the lot they desire to purchase. Upon having made a lot selection, the lot sale will be made and deed issued. A receipt from the Town Treasurer will serve as the right of burial. If the grave purchased requires ledge removal, the purchaser shall pay any extra charges required, or the Grave can be exchanged for another available Grave. Lots selected prior to enactment of this ordinance are exempt.

2. TRANSFER: The granting, transfer and sale of lots in municipal cemeteries shall be under the control of the Cemetery Sexton subject to the rules and regulations adopted by a vote of the Town and under the general supervision of the town clerk. Owners transferring, granting or selling lots in municipal cemeteries must obtain the consent of the Cemetery Sexton and a Certificate of Transfer from the town clerk.

3. INTERMENT AND DISINTERMENT: Lot owners bear all cost involved.

4. RIGHT OF BURIAL: The term owner of lot shall mean an individual who, whether through purchase, grant or transfer, acquired the right and privilege of burial of the dead and cremation remains, of constructing mausoleums and of erecting cenotaphs or other monuments or ornaments in accordance with the provisions of this ordinance as it exists or may hereafter be amended. These activities are to be arranged with the Cemetery Sexton or their designee. *Animals may be buried with their*

owners only if prior arrangement has been made. Otherwise, no animal remains are to be buried in cemetery lots.

ARTICLE 4 - SELECT BOARD TO SUPERVISE CARE OF CEMETERIES

Care of public cemeteries and lots therein shall be under the supervision of the Select Board who is authorized to engage personnel and provide by purchase or contract, the necessary equipment and supplies. The payment of monies to implement this section shall be made from town appropriation, sale of lots, and perpetual care deposits. The Select Board shall have final authority for the establishment of cemeteries within town limits and as the need arises, shall, 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 MRSA §1303.

ARTICLE 5 - CEMETERY SEXTON

- 1. APPOINTMENT:** The Select Board shall appoint the Cemetery Sexton. The Sexton shall serve until removed by the action of the Select Board. S/he shall be responsible to the town clerk for the management and control of all municipal cemeteries, for the direction of all assistants under their direct supervision, and for the administration of the Cemetery Ordinance adopted by the Town of Etna. The Sexton or his designee is expected to attend every interment.
- 2. AUTHORITY:** The Sexton or his designee has the authority to enter upon any lot with the necessary equipment for improving the appearance and condition of the lot and the general appearance of the cemetery. The Sexton or his designee may enter the cemetery to remove any objectionable item that may have been placed contrary to the regulations of the cemetery; to remove any dead or dangerous tree, shrub, vine, or neglected fence railing or enclosures; to remove any floral design or pieces, which at the discretion of the Cemetery Sexton have become unsightly. The Cemetery Sexton or his designee may remove any floral design or pieces not removed by April 15th, annually.
- 3. BURIALS:** The Cemetery Sexton or his/her designee is the only one authorized to dig a grave, cause a grave to be dug, or bury any remains whether in a casket/vault or cremation urn.

ARTICLE 6 - CARE OF CEMETERIES

- 1. PERPETUAL CARE:** Any person who purchases a lot is required to pay the Town Treasurer the sum established in accordance with this ordinance as a reasonable amount for the care of said lots. The care of cemeteries shall

include ordinary care such as the cutting of the grass on lots at reasonable intervals, trimming, raking and cleaning lots, and such work as may be necessary to keep the cemetery in a neat condition. Such care and maintenance of the cemetery shall **not** include maintenance or repair of any monuments and planting of flowers or shrubs upon any lot.

2. **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.
3. **PLOTTING OF CEMETERIES:** Before any new land is opened for cemetery use and the sale of lots, the Cemetery Sexton shall have such land area laid out showing the system of roads and avenues, and a numbered system of lots.

ARTICLE 7 - REGULATIONS FOR IMPROVING LOTS

1. **ENCLOSURES:** No enclosure of any nature, such as fences, copings, hedges or ditches shall hereafter be erected on these lots.
2. **GRADE:** Grade mounds shall not be allowed in Pleasant Hill, North Etna or Etna Cemetery land for lots purchased on or after December 4, 2006. Any lots purchases after enactment of this ordinance shall not be raised above the established grade.
3. **GRAVESTONES:** All headstones and monuments shall have a foundation. All markers shall be no more than 3½ feet in length and shall be flush with the surface of the ground and may not require a foundation. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Sexton.
4. **ORNAMENTATION:** Any grave decoration, flowers or other decorative or commemorative ornamentation must be removed by April 15th, annually. Ten days prior to the Memorial Day holiday, graves can be redecorated for the season.
5. **PERMITTED AND PROHIBITED ACTIVITIES:** Lot owners may improve, cultivate and care for their lots and existing trees, shrub, and plants, in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries nor add any material to their lot, which is considered by the Sexton to be unfit for the cultivation of grass.

- 6. TREES, SHRUBS, LANDSCAPING:** No trees or shrubs shall be planted or removed without the consent of the Cemetery Sexton. If any trees or shrubs, in or upon any lot in any Town Cemetery which, in the judgment of the Sexton, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the general public, the Town or its designee shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.
- 7. VAULTS:** The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: Concrete Boxes, concrete, copper or steel burial vaults; and sectional concrete crypts.

ARTICLE 8 - GENERAL REGULATIONS – The following shall be the general rules and regulations for use of municipal cemeteries.

1. No person shall, in accordance with Title 13, MRSA Chapter 83 and Title 17-A, MRSA, Chapter 17 §402:
 - a. Enter the cemetery except through an established gate or entrance way.
 - b. Deposit rubbish or debris on cemetery grounds, except in receptacles, when provided.
 - c. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
 - d. Use the cemeteries as picnic grounds, or consume alcoholic beverages in a cemetery or bring the same upon the premises.
 - e. Use any form of advertising on cemetery premises.
 - f. 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.
 - g. In any way injure or deface any monument, stone, fence, or other structures, or property within any cemetery.
 - h. Allow any dog or other domestic animal to run at-large within any cemetery.
2. No child under 16 years of age shall be allowed in any cemetery unless accompanied by an adult.
3. Horseback riding within or through cemeteries is expressly prohibited.
4. Operation of unregistered motor bikes within or through cemeteries is prohibited.
5. Operation of snowmobiles and ATVs in the cemeteries is prohibited.
6. No burial is to take place without the knowledge and consent of the Cemetery Sexton and all conditions of law and ordinance met.

C

C

C

7. Town Cemeteries shall be closed to the public between the hours commencing one hour after sunset until one hour before sunrise each day. Entry into cemeteries during closed hours will result in criminal trespass. (MRSA, Title 17,)
8. No person shall injure any tree or shrub, mar any landmarks, marker, memorial or structure, fence or in any way deface the grounds of the cemetery. (MRSA, Title 17,)

ARTICLE 9 – TRAFFIC REGULATIONS

1. 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 10 miles per hour upon any road within Town cemeteries.
2. No person shall enter any cemetery with a loaded truck, except the town maintenance contractor or crews, unless permission has been received from the Cemetery Sexton.
3. No person shall unload any stone, dirt or other material from trucks in any cemetery, except the town maintenance contractor or crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without the express permission and consent of the Cemetery Sexton.
4. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the town and state applicable to motor vehicle operation.

ARTICLE 10 - PENALTY FOR VIOLATIONS

CONVICTIONS for any violation of the provisions contained in this Ordinance shall be punishable by a fine of not less than \$100.00 but not more than \$1000.00, unless otherwise governed by the State.

ARTICLE 11 - LOT PRICE SCHEDULE - includes perpetual care:

1. Lots measuring 5'X10' purchased for a resident, resident infant, or resident cremation remains are \$50.00/Year in 2008, \$100/Year in 2009, \$150/Year in 2010, \$150/Year in 2011, \$150/Year in 2012, \$150/Year in 2013.
*\$ 200.00
34 ps.*
 - a. Lots measuring 10'X10', purchased together at one time are \$75/Year in 2008, \$150/Year in 2009, and \$225/Year in 2010, \$225/Year in 2011, \$225/Year in 2012, \$225/Year in 2013.
*\$ 300.00
34 ps.*

- b. Family lots measuring 15'X10, 20'X10, etc. purchased together at one time for over two graves are \$75 + \$50 per person/Year in 2008, \$150 + \$100 per person/Year in 2009, \$225 + \$150 per person/Year in 2010, \$225 + \$150 per person/Year in 2011, \$225 + \$150 per person/Year in 2012, \$225 + \$150 per person/Year in 2013.

2. Lots measuring 5'X10' purchased for a nonresident, nonresident infant or nonresident cremation remains are = \$250.00/Year in 2008, \$350/Year in 2009, \$500/Year in 2010, \$500/Year in 2011, \$500/Year in 2012, \$500/Year in 2013.

3. The town clerk shall have the discretion to sell cemetery lots on a time payment basis. Prior to any burial taking place in a lot, the lot is to be paid in full.

4. The Select Board will review prices every three years.

Select Board voted to continue 2010 lot prices for the next three years.

Meeting date May 04, 2011.

ARTICLE 12 – ADOPTION, AMENDMENT AND SEVERABILITY CLAUSE

1. This ordinance shall become effective on adoption at annual Town Meeting.
2. This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.
3. The invalidity of any portion of this Ordinance shall not invalidate any other part.

C

C

C

CEMETERY ORDINANCE

FOR THE

TOWN OF ETNA, MAINE

Adopted: March 1, 2008

Attested: *Glennis A. McSorley*
Glennis McSorley
Town Clerk

C

C

C

CEMETERIES ORDINANCE TOWN OF ETNA, MAINE

PREAMBLE

WHEREAS, it is the desire of the Town of Etna to make its cemeteries a quiet, beautiful, resting place for the dead and where a sense of repose will be obtained by dignified landscape. Anything, which would mar the general beauty and harmony of the cemeteries, must be avoided. Peace and good order must prevail and the sacredness of the peace be maintained at all times. To preserve these effects will require the cooperation of every lot owner, so it is to this end that these rules and regulations have been offered.

ARTICLE 1 - DEFINITIONS

- A. Cemeteries:** The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Etna for burial purposes, including the following locations:
1. West Etna Cemetery
 2. Pleasant Hill Cemetery
 3. Etna Cemetery
- B. Cemetery Sexton:** The term shall mean the person who appointed by the town manager given authority over burial within town cemeteries and includes his/her designee(s).
- C. Cenotaph:** The term shall mean a monument or empty tomb honoring a person buried elsewhere.
- D. Grave:** The term shall mean an area suitable for the interment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon the approval of the Cemetery Sexton.
- E. Gravestones:** The term shall mean any stone that marks a grave or gravesite.
- F. Lot:** The term shall mean a plot of land approximately 5' X 10', sufficient for one gravesite.
- G. Mausoleum:** The term shall mean any large imposing tomb.

100

C

C

C

H. Non-resident: The term shall mean a person who is does not currently reside in the Town.

I. Remains: The term shall mean a deceased human body or ashes.

J. Resident: The term shall mean a person who is currently residing in the Town.

K. Select Board: The term shall mean the Board of Selectmen for the Town of Etna.

ARTICLE 2 – APPLICATION OF ORDINANCE: Funeral directors, monument companies, landscape contractors, florists or other individuals or corporations working within the cemetery must comply with this ordinance. All persons entering into any cemetery for any reason, including work done by such individuals or concerns is to be performed under the supervision of, and meet the approval of, the Cemetery Sexton.

ARTICLE 3 - LOT OWNERSHIP

1. PURCHASE: Any individual wishing to purchase a cemetery lot shall apply to the town manager and then select from those lots available the lot they desire to purchase. Upon having made a lot selection, the lot sale will be made and deed issued. A receipt from the Town Treasurer will serve as the right of burial. If the grave purchased requires ledge removal, the purchaser shall pay any extra charges required, or the Grave can be exchanged for another available Grave. Lots selected prior to enactment of this ordinance are exempt.

2. TRANSFER: The granting, transfer and sale of lots in municipal cemeteries shall be under the control of the Cemetery Sexton subject to the rules and regulations adopted by a vote of the Town and under the general supervision of the town manager. Owners transferring, granting or selling lots in municipal cemeteries must obtain the consent of the Cemetery Sexton and a Certificate of Transfer from the town manager.

3. INTERMENT AND DISINTERMENT: Lot owners bear all cost involved.

4. RIGHT OF BURIAL: The term owner of lot shall mean an individual who, whether through purchase, grant or transfer, acquired the right and privilege of burial of the dead and cremation remains, of constructing mausoleums and of erecting cenotaphs or other monuments or ornaments in accordance with the provisions of this ordinance as it exists or may hereafter be amended. These activities are to be arranged with the Cemetery Sexton or their designee. *Animals may be buried with their*



owners only if prior arrangement has been made. Otherwise, no animal remains are to be buried in cemetery lots.

ARTICLE 4 - SELECT BOARD TO SUPERVISE CARE OF CEMETERIES

Care of public cemeteries and lots therein shall be under the supervision of the Select Board who is authorized to engage personnel and provide by purchase or contract, the necessary equipment and supplies. The payment of monies to implement this section shall be made from town appropriation, sale of lots, and perpetual care deposits. The Select Board shall have final authority for the establishment of cemeteries within town limits and as the need arises, shall, 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 MRSA §1303.

ARTICLE 5 - CEMETERY SEXTON

1. **APPOINTMENT:** The town manager shall appoint the Cemetery Sexton. The Sexton shall serve until removed by the action of the Manager. S/he shall be responsible to the town manager for the management and control of all municipal cemeteries, for the direction of all assistants under their direct supervision, and for the administration of the Cemetery Ordinance adopted by the Town of Etna. The Sexton or his designee is expected to attend every interment.
2. **AUTHORITY:** The Sexton or his designee has the authority to enter upon any lot with the necessary equipment for improving the appearance and condition of the lot and the general appearance of the cemetery. The Sexton or his designee may enter the cemetery to remove any objectionable item that may have been placed contrary to the regulations of the cemetery; to remove any dead or dangerous tree, shrub, vine, or neglected fence railing or enclosures; to remove any floral design or pieces, which at the discretion of the Cemetery Sexton have become unsightly. The Cemetery Sexton or his designee may remove any floral design or pieces not removed by April 15th, annually.
3. **BURIALS:** The Cemetery Sexton or his/her designee is the only one authorized to dig a grave, cause a grave to be dug, or bury any remains whether in a casket/vault or cremation urn.

ARTICLE 6 - CARE OF CEMETERIES

1. **PERPETUAL CARE:** Any person who purchases a lot is required to pay the Town Treasurer the sum established in accordance with this ordinance as a reasonable amount for the care of said lots. The care of cemeteries shall

C

C

C

include ordinary care such as the cutting of the grass on lots at reasonable intervals, trimming, raking and cleaning lots, and such work as may be necessary to keep the cemetery in a neat condition. Such care and maintenance of the cemetery shall **not** include maintenance or repair of any monuments and planting of flowers or shrubs upon any lot.

2. **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.
3. **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 roads and avenues, and a numbered system of lots.

ARTICLE 7 - REGULATIONS FOR IMPROVING LOTS

1. **ENCLOSURES:** No enclosure of any nature, such as fences, copings, hedges or ditches shall hereafter be erected on these lots.
2. **GRADE:** Grade mounds shall not be allowed in Pleasant Hill, North Etna or Etna Cemetery land for lots purchased on or after December 4, 2006. Any lots purchases after enactment of this ordinance shall not be raised above the established grade.
3. **GRAVESTONES:** All headstones and monuments shall have a foundation. All markers shall be no more than 3½ feet in length and shall be flush with the surface of the ground and may not require a foundation. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Sexton.
4. **ORNAMENTATION:** Any grave decoration, flowers or other decorative or commemorative ornamentation must be removed by April 15th, annually. Ten days prior to the Memorial Day holiday, graves can be redecorated for the season.
5. **PERMITTED AND PROHIBITED ACTIVITIES:** Lot owners may improve, cultivate and care for their lots and existing trees, shrub, and plants, in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries nor add any material to their lot, which is considered by the Sexton to be unfit for the cultivation of grass.

Xx

6. **TREES, SHRUBS, LANDSCAPING:** No trees or shrubs shall be planted or removed without the consent of the Cemetery Sexton. If any trees or shrubs, in or upon any lot in any Town Cemetery which, in the judgment of the Sexton, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the general public, the Town or its designee shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.
7. **VAULTS:** The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: Concrete Boxes, concrete, copper or steel burial vaults; and sectional concrete crypts.

ARTICLE 8 - GENERAL REGULATIONS – The following shall be the general rules and regulations for use of municipal cemeteries.

1. No person shall, in accordance with Title 13, MRSA Chapter 83 and Title 17-A, MRSA, Chapter 17 §402:
 - a. Enter the cemetery except through an established gate or entrance way.
 - b. Deposit rubbish or debris on cemetery grounds, except in receptacles, when provided.
 - c. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
 - d. Use the cemeteries as picnic grounds, or consume alcoholic beverages in a cemetery or bring the same upon the premises.
 - e. Use any form of advertising on cemetery premises.
 - f. 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.
 - g. In any way injure or deface any monument, stone, fence, or other structures, or property within any cemetery.
 - h. Allow any dog or other domestic animal to run at-large within any cemetery.
2. No child under 16 years of age shall be allowed in any cemetery unless accompanied by an adult.
3. Horseback riding within or through cemeteries is expressly prohibited.
4. Operation of unregistered motor bikes within or through cemeteries is prohibited.
5. Operation of snowmobiles and ATVs in the cemeteries is prohibited.
6. No burial is to take place without the knowledge and consent of the Cemetery Sexton and all conditions of law and ordinance met.

7. Town Cemeteries shall be closed to the public between the hours commencing one hour after sunset until one hour before sunrise each day. Entry into cemeteries during closed hours will result in criminal trespass. (MRSA, Title 17,)
8. No person shall injure any tree or shrub, mar any landmarks, marker, memorial or structure, fence or in any way deface the grounds of the cemetery. (MRSA, Title 17,)

ARTICLE 9 – TRAFFIC REGULATIONS

1. 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 10 miles per hour upon any road within Town cemeteries.
2. No person shall enter any cemetery with a loaded truck, except the town maintenance contractor or crews, unless permission has been received from the Cemetery Sexton.
3. No person shall unload any stone, dirt or other material from trucks in any cemetery, except the town maintenance contractor or crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without the express permission and consent of the Cemetery Sexton.
4. Any person operating a vehicle within any cemetery shall be subject to all the traffic laws of the town and state applicable to motor vehicle operation.

ARTICLE 10 - PENALTY FOR VIOLATIONS

CONVICTIONS for any violation of the provisions contained in this Ordinance shall be punishable by a fine of not less than \$100.00 but not more than \$1000.00, unless otherwise governed by the State.

ARTICLE 11 - LOT PRICE SCHEDULE - includes perpetual care:

1. Lots measuring 5'X10' purchased for a resident, resident infant, or resident cremation remains are \$50.00/Year in 2008, \$100/Year in 2009, \$150/Year in 2010.
 - a. Lots measuring 10'X10', purchased together at one time are \$75/Year in 2008, \$150/Year in 2009, and \$225/Year in 2010.

- b. Family lots measuring 15'X10, 20'X10, etc. purchased together at one time for over two graves are \$75 + \$50 per person/Year in 2008, \$150 + \$100 per person/Year in 2009, \$225 + \$150 per person/Year in 2010.
2. Lots measuring 5'X10' purchased for a nonresident, nonresident infant or nonresident cremation remains are = \$250.00/Year in 2008, \$350/Year in 2009, \$500/Year in 2010.
3. The town manager shall have the discretion to sell cemetery lots on a time payment basis. Prior to any burial taking place in a lot, the lot is to be paid in full.
4. The Select Board will review prices annually.

ARTICLE 12 – ADOPTION, AMENDMENT AND SEVERABILITY CLAUSE

1. This ordinance shall become effective on adoption at annual Town Meeting.
2. This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.
3. The invalidity of any portion of this Ordinance shall not invalidate any other part.

