

# **TOWN OF TREMONT**

## **CEMETERY ORDINANCE**

### **1. PURPOSE**

The purpose of this ordinance is to establish regulations for those cemeteries now existing, or to be established, over which the Town of Tremont has either total or partial control; to establish a procedure for the acceptance of funds to be placed in a Town of Tremont trust account, the income from which is to be used for the care and maintenance of those cemeteries in accordance with and in addition to those made in Title 13, Sections 1181, 1262, 1263, 1261, 1264, and 1222, Maine Revised Statutes; to allow the Selectmen from time to time to set fees for the cost of burial lots, and from time to time to make rules for the use and safety of the cemeteries: all under the authority of the Constitution of Maine, Article VIII and Maine revised Statutes, 30-A, Chapter 111 generally and especially Section 3001.

### **2. TIMES OF ACCESS**

Until modified by the Selectmen, all cemeteries under its control will be open to the public from ½ hour after sunup until ½ hour before sunset. No one not authorized to be there shall be on the premises of a cemetery controlled by the Town of Tremont during prohibited hours, and no activities of any kind other than those normally associated with burials, visitation of grave sites, memorial services and the like shall be held on any cemetery ground. Such prohibited activities shall constitute a criminal trespass and those violating this regulation shall be punished as Title 17A of Maine Revised Statutes provides, especially Section 402 which provides in part:

1. A person is guilty of criminal trespass if knowing that person is not licensed to do so, that person:

F. Enters or remains in a cemetery or burial ground at any time between ½ hour after sunset and ½ hour before sunrise the following day, unless that persons enters or remains during which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.

### 3. COST OF BURIAL PLOTS

The Selectmen shall have the power to set uniform cost of burial plots in cemeteries controlled by the Town.

### 4. OPENING AND CLOSING OF GRAVES

The opening and closing of graves and the maintenance of the same cemeteries under the control of the Town of Tremont shall be in accordance with Maine Revised Statutes, Title 13, Sec 1032, 1033, 1101 and 1102. In addition, funeral directors, excavators, or individuals wishing to open a grave are required to apply for permission to do so at least 24 hours prior to any opening. The Town employee in charge of cemeteries will endeavor to assist in locating gravesites, understanding that records of burials in Town cemeteries are not always accurate or available. Those in charge of openings are responsible for leaving the gravesite in a good condition.

### 5. PLACEMENT OF HEADSTONES AND OTHER MARKERS

The Town employee in charge of cemeteries shall ensure that Headstones and other markers are placed within the gravesite and shall have final say in determining such placement.

### 6. ADORNMENT OF GRAVESITES

For the safety of the Town's gravesites, flowers of any shall be placed in containers which shall not be glass or other breakables.

The Town reserves the right to remove trees and shrubs which have overgrown the gravesite or otherwise become unsightly or a nuisance. The Town will make a reasonable effort to inform descendants of the pending removal.

No hedges, fences, walls, curbing, railings or similar structures shall be erected around a gravesite without approval in writing from the Selectmen.

### 7. ACCEPTANCE OF FUNDS FOR CEMETERY MAINTENANCE

All in accordance with and following the requirements of Maine Revised Statutes, Title 13, Sec. 1221, 1222 & 1223; the Town may accept the donations of funds for the maintenance of Town cemeteries. Such funds shall be placed in the Town's Cemetery Trust Fund, the income from which

shall be used for the maintenance of Town cemeteries, as provided in said Statutes, Title 13, Section 1222.

#### 8. 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 suffer a Civil Penalty of no less than one hundred dollars and not more than five hundred dollars, as well as costs of restitution for any damages to Town Cemeteries, and reasonable Attorney's Fees payable to the Town for prosecuting the matter, all to be assessed by a Judge of a Maine District Court.

#### 9. EFFECTIVE DATE

This Ordinance became effective on the date of adoption November 4, 2003