

CEMETERY DISTRICT ORDINANCE for the Town of Georgetown, Maine

Adopted June 19, 1982;
Amended June 08, 2013;
Amended June 26, 2021

Amended June 15, 2002;
Amended, June 15, 2019;

Statement of Purpose:

It is the desire of the Town to make the cemetery locations in the Town quiet, beautiful resting places for the dead where a sense of repose will be obtained by dignified landscape effects on well-maintained grounds. To secure and preserve those effects will require the cooperation of every lot owner. Everything which would mar the general beauty and harmony of the cemetery grounds and the transactions concerning them must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained, at all times. This Ordinance and the powers and obligations under it shall be construed and exercised to accomplish these purposes.

1. There is hereby created a Board of the Town of Georgetown to be known as the Board of Trustees of the Georgetown Cemetery District, which shall have its own budget, be empowered to hire its own personnel, and exercise the powers conferred on it by this Ordinance, subject always to the authority of the Selectmen with respect to the approval of expenditures.
2. The Board shall consist of three persons elected by secret ballot by the Town, each of whom shall serve three-year terms with elections staggered to provide an election every year, and two ex officio members, the Town Clerk and Town Treasurer.
3. The Board shall have the power to adopt rules and regulations for the conduct of its own activities and for the operation of the cemeteries, subject to the provisions of this Ordinance. Such rule-making power shall be exercised in accordance with the provisions of the Maine Administrative Procedures Act and the Due Process clauses of the Maine and United States Constitutions.
4. The Board shall exercise its powers with respect to all Town-owned burial places in the Town of Georgetown.
5. **Purchase of Lots:** Persons desiring to purchase a lot in a cemetery are referred to the Cemetery District Trustees. The Trustees will have available information on size and price of lots and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Board will issue a lot order to the prospective purchaser, who will present such order at the office of the Town Clerk, where the lot sale will be made and deed issued.

6. Ownership and Title of Lots:

- a. The terms "lot owner" or "ownership" shall be construed to mean the right to use a lot or part of a lot, as purchased from the Town for a consideration, for burial purposes only and under the rules and regulations as prescribed by the Town for such use.
- b. Plots containing two graves are available at a fixed price. Persons wishing to purchase plots will be assigned the next plot in succession. When the purchaser is assigned a plot or grave, he signs a lot order, in duplicate, identifying the location, price, terms, etc. He will be given one copy and the Board of Trustees will retain the other. As and when the full purchase price of the plot has been received by the Treasurer, however, a deed describing the plot in detail and duly signed by the Town will be issued and delivered to the purchaser.
- c. Plots will be sold as they are laid out, and the grade, which is fixed at the time of the preparation of the ground for sale, cannot be changed. No mounds on graves will be allowed. A plot book is kept at the Office of the Trustees which shows by means of accurate diagrams the dimensions of each lot sold and its precise location.
- d. All plots will be sold for cash. For the convenience of purchasers, however, plots may be sold on the installment basis after an agreement, in the form given below, has been signed by the purchaser including these terms: One-half of purchase price paid at the signing of the agreement; balance to be paid at the end of one year. One burial to be permitted in each grave and no stones to be erected until the lot is fully paid for.
- e. All lot owners are prohibited from selling or mortgaging or contracting to sell or mortgage their rights in any cemetery lot in whole or in part, or from otherwise transferring same. Neither shall they, under any circumstances, allow interments to be made in their lots for remuneration. No transfer, conveyance, or assignment of any interest or rights acquired by the lot owner shall be valid unless made in accordance with paragraph f hereof and with the written consent of the Board of Trustees and being thereafter recorded on its books. No sale or transfer of any lot will be made when an interment has been made. No transfer or sale of lots by auction will be made in the cemetery. No sale or transfer of any lot upon which the holder has neglected to pay all moneys due by him shall be made or confirmed. No sign or notice offering lots for sale will be permitted in the cemetery.
- f. The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only. Lot owners cannot resell or transfer their lots to any person or persons whomsoever, but such unused portions of the lot as the owner may desire to dispose of may be listed for sale with the Town Clerk. The Town, however, assumes no obligations for making a satisfactory sale of such lots or portions of lots. Any profits derived from such sale of such lots are to accrue to the benefit of the Georgetown Cemetery District.

- g. The grading, sodding, and seeding of all plots, and the building of foundations for monuments, etc., must be under the direction of the Trustees. The Trustees may from time to time lay out or alter the avenues, or walks, and make such rules and regulations for the government of the grounds as they may deem requisite and proper, to promote the purposes of this Ordinance. All plot enclosures, fences, railings, or hedges, and all ornaments, iron chairs, or settees, are prohibited. The Trustees may remove from any lot objects that are out of keeping with the general plan of the cemetery.
- h. All lots are exempt from taxation and cannot be seized for debts except those owed to the Cemetery District.

7. Care of Lots: All cemetery lots are provided with “perpetual or endowed care,” which shall be construed to mean the obligation of the Town to provide such care for the lot as mowing grass, raking and cleaning lot and adjacent alleys, filling of sunken graves, and keeping monumental work in vertical position where the income is sufficient; and in the care of avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion and under the direction of the Cemetery District Trustees and that the Town shall not be bound to make any separate investment of any money set aside for perpetual or endowed care, but that the same be added to the perpetual or endowed care fund of the Town and the proceeds therefrom used by the Town in the manner as heretofore provided. Nothing herein shall be construed as modifying any existing contract as to perpetual or endowed care.

8. Privileges and Restrictions:

- a. Each lot in the cemetery will, prior to its sale, be suitably marked by the Town with an iron or concrete post, placed on each lot corner and set level with the adjacent ground.
- b. No mounds shall be raised upon any grave above the general level of the lot.
- c. No hedges, fences, or enclosures of any kind will be permitted on or around lots.
- d. The Town reserves the right for its workmen and those persons necessary to the performance of normal cemetery operations to enter upon or cross over any lot in the cemetery in the performance of such duties.
- e. The Town or its employees assume no liability for damages, actual or mental anguish, in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

9. Rules for Visitors:

- a. Persons or picnic parties with refreshments will not be admitted. Dogs will not be allowed in the cemetery, seeing eye dogs excepted.
- b. Firearms will be allowed in the cemetery only at military funerals.
- c. Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, or pick any flowers (either wild or cultivated), or injure any shrub, tree, or plant, or mar or deface any monument, stone, or structure in the cemetery.

10. Interments:

- a. All interments in lots shall be restricted to members of the family, single individuals, mother, father, sister, brother, spouse, children, brother- or sister-in-law, or spouses and their parents and children.
- b. All graves shall be dug under the direction of the Trustees. Each casket and urn must be interred in a vault placed in the grave.
- c. No burial will be permitted until a legal burial permit has been presented to the Trustees. The interment of the bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health or other responsible State agency.
- d. The lot owner or funeral director shall designate the location of the grave on the lot to the Trustees and any change of locations made after the opening of the grave has begun shall be at the expense of the lot owner.
- e. The interment of two bodies in one grave will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time; or for the ashes of more than one individual in accordance with regulations to be established by the Trustees. No interment of any body other than that of a human being will be permitted.
- f. A representative of the Cemetery District is expected to attend every interment and to see that the rules, regulations, and strict proprieties of the place are observed.
- g. As soon as flowers, wreaths, emblems, etc., used at funerals, or placed on graves at other times, become unsightly and faded, they will be removed, and no responsibility for their protection or maintenance is assumed.

11. Removals:

- a. Removal of bodies from graves in the cemetery will be made by the Town only in accordance with the requirements of the State of Maine. Charges made by

the Town for removal will be made in accordance with the difficulty of the work and are payable in advance.

- b. Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver the same to the Trustees. All removals will be made by the Town under the supervision of a licensed embalmer.
- c. For sanitary reasons, graves will not be reopened for inspection except for official investigations.

12. Stone or Monumental Work: Stone and monumental work shall continue to be done in accordance with the practice before the date of this Ordinance. The Trustees are authorized, however, to adopt such rules and regulations for stone or monumental work as may become necessary to ensure conformance with prior practice or to create a change in stone and monumental works practices.

13. Vaults and Mausoleums: There shall be no mausoleums or vaults above ground level in cemetery areas subject to the jurisdiction of the Cemetery District Trustees.

14. Trees, Shrubs, and Flowers:

- a. All landscaping in the cemetery will be done by the Town, but lot owners may feel free at any time to consult with the Trustees regarding matters pertaining to permissible plantings or the general care and upkeep of lots.
- b. No person will be permitted to trim, prune, or remove branches from any tree or ornamental shrub in the cemetery, whether on his lot or not.
- c. Permission to plant trees or shrubs on lots shall in all cases be obtained from the Trustees, and the Town reserves the right to remove any tree, shrub, or vine, or any part thereof, which may have become unsightly, dangerous, or not in keeping with the landscape design.
- d. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Trustees or under their direction. All grave and flower beds will be cleaned of tender plants after the first frost in the fall.
- e. In sections permitting them, individual lot plantings may not exceed five percent of the total lot area and be placed adjacent to the memorial.