

CEMETERY ORDINANCE

Adopted March 18, 2000

Amended June 5, 2012

Amended June 5, 2018

I. PURPOSE

To preserve and protect the Cemeteries as peaceful and beautiful areas that serve as reverent symbols of the citizens' respect for the deceased, and for the protection of lot owners, the following Cemetery Ordinance is hereby established for all Raymond Cemeteries owned or operated by the Town.

In formulating this Ordinance, a balance of the interests of the various stakeholders (purchasers and owners of rights of interment; family, friends, and acquaintances of the deceased buried therein); Raymond citizens and taxpayers; maintenance workers; and commercial providers is taken into consideration. In particular, this Ordinance is based upon a proper fit of the Cemeteries in Raymond, aesthetics of the park-like spaces, the cost of maintaining them, historical preservation, civic pride, and most important of all, safety of all who enter these Cemeteries.

All lot owners and persons visiting the cemeteries shall abide by this Ordinance as herein enacted and as hereafter amended, which is intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

II. DEFINITIONS

- A) **Corner Markers** – grade level plot or lot identification object made of stone or stone and bronze
- B) **Grantee** – the Grantee is the individual who has purchased the plot(s) or has inherited the plot(s) from a deceased predecessor Grantee or has purchased the plot(s) from the previous Grantee
- C) **Lot** – multiple contiguous plots
- D) **Marker** (also called flush markers/memorials) – any grade level burial site identification object made of stone or stone and bronze
- E) **Monument** – any above grade level burial site identification object made of stone, or stone and bronze
- F) **Plot** – the basic unit of space within the Cemeteries used or intended to be used for the burial of human remains, approximately four (4) feet by eight (8) feet space for one (1) vault/casket burial or up to eight (8) cremains (each in a two (2) foot by two (2) foot space)

III. CEMETERY RESPONSIBILITIES

1. Cemetery Committee

- a) Survey cemeteries to determine stones that need to be repaired and report to the Cemetery Supervisor
- b) Organize volunteers to clean the stones such that each stone is cleaned at least once in every ten (10) year period

- c) Review Cemetery Ordinance for potential updates/amendments at least once in every five (5) year period

2. **Sexton**

- a) For new sale of plots
 - Mark corners with temporary stakes and check that there is not already a burial in the plot that is being sold
 - Work with vendors to ensure stones are set in the correct way
 - Check that the corner markers are set in the correct place
- b) Be available to either dig the hole for burials or recommend a qualified grave digger

3. **Cemetery Supervisor**

- a) Data steward for all Cemetery data
 - Build database from existing maps, spreadsheets, and conveyance documents
 - Maintain data ongoing by selling plots via the purchased software and updating with burial information
- b) Oversee all sales of plots
 - Coordinate with Sexton to be sure that the plot is able to be sold (not already occupied, not ledge, etc.)
 - Record sales in database and issue conveyance to buyer
- c) Coordinate with vendor to repair and/or clean stones each year as budget monies allow
- d) Purchase stakes as corner markers for Sexton
- e) Work with Public Works Director to submit a budget each year
- f) Provide stone cleaning materials for the Cemetery Committee volunteers
- g) Maintain a file of certificates of insurance for vendors and update annually

IV. GENERAL PROVISIONS

1. **Name.** This Ordinance shall be known as the Town of Raymond Cemetery Ordinance.
2. **Authority.** This Ordinance is enacted pursuant to Title 30-A, Sections 3001 and 3002.
3. **Liability.** The statement of any employee or agent, unless confirmed in writing by an authorized representative of the Cemeteries or the Town of Raymond shall in no way bind the Cemeteries or the Town of Raymond.
4. **Corrections.** The Town reserves the right to correct any errors that may be made by them in making interments, dis-interments, or removals or in the description, transfer, or conveyance of any lot. Such corrections may include cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Sexton or Cemetery Supervisor, or, in the sole discretion of the Town, by refunding the amount of money paid to the Town on account of said conveyance. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be subject a fair additional charge in the event a change is required.

5. **Enforcement.** The Board of Selectmen and its authorized representatives are hereby empowered to enforce this Ordinance and to exclude from the cemeteries any person(s) deliberately violating this Ordinance. The Board of Selectmen and its authorized representatives shall have charge of the grounds and buildings within the Town of Raymond Cemeteries and shall have supervision and control of employees and all persons visiting the Cemeteries, whether lot owners or otherwise.
6. **Damage or Injury.** The Town expressly disclaims responsibility for any property damage or injury sustained by any person.
7. **Effective Date.** This Ordinance shall become effective when enacted/amended by the voters at Town Meeting.
8. **Validity.** If any part of this Ordinance is declared invalid, the declaration shall not affect the validity of the remaining portions of the Ordinance.
9. **Enforcement.** Any violation of this Ordinance will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Cumberland County Sheriff or Maine State Police accordingly. Violation of this Ordinance may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of this Ordinance by anyone may result in a request to leave the Cemeteries.
10. **Losses.** Reasonable precautions will be taken to protect Grantees from loss or damage, but the Town will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions insurrections riots, or order of any military or civil authority whether the same be direct or collateral.
11. **Insurance.** All commercial service providers entering the Cemeteries to perform services or deliver commercial products must have liability and workers compensation coverage consistent with the Town's requirements and present proof of insurance to the Cemetery Supervisor. The Cemetery Supervisor shall maintain a file of such proof of insurance and update it annually.

V. HOURS OF OPERATION

1. **Open Hours.** The cemeteries will be open from one-half hour prior to sunrise to one-half hour after sunset.
2. **Closed Hours.** No person other than a Town employee, the Sexton, or Cemetery Committee member on authorized duties or a person accompanied by an authorized Town employee, the Sexton, or Cemetery Committee member shall enter any cemetery after the hours or times specified.

VI. FEES & PURCHASING PLOTS

1. **Fees.** All fees are set annually by the Board of Selectmen. All fees or charges for services are payable at the Town Office, except that interment charges may be payable through the Sexton or an approved funeral director, and any foundation charges for monument or marker emplacement may be payable through an approved monument dealer.
2. **Gratuity.** No gratuity shall be accepted by any Town employee.
3. **Process.** Persons desiring to purchase lots should:
 - a. Go to the Town Office and ask for a list of plots available and a map for the cemetery of their choice.
 - b. Visit the cemetery and choose the plot(s).
 - c. Contact the Cemetery Supervisor at the Town Office with their choice(s).
 - d. The Cemetery Supervisor will request that the Sexton check the site to be sure it is not already occupied, and that it is not ledge, and mark the corners of the plot(s) with stakes.
 - e. The Cemetery Supervisor will issue a Conveyance Certificate (right to bury human remains or to bury the ashes of a human being (“cremated remains” or “cremains”) or to memorialize the human dead in a plot in a Raymond Cemetery) upon the payment in full of the current price for such Conveyance.
 - f. Any special rules relating to such plot(s) will be explained and a copy of this Ordinance will be provided.
4. **Payment.** Complete payment of the purchase price for the plot(s) must be made to the Town before any burial or marker placement is permitted. No partial payments will be accepted. Upon full payment for the plot(s) the Grantee will be issued a Conveyance Certificate.
5. **Violations.** Any person violating any provisions of this Ordinance shall be subject to a civil penalty of not more than \$100.00, plus attorney’s fees and costs, provided that if such violation results in damage to cemetery property, appurtenances, fixtures, or other installations therein, such person(s) shall be subject to a civil penalty of not less than \$100.00 but not more than \$2,500.00, plus attorneys’ fees and costs. Each day a violation occurs shall be deemed a separate offense.
6. **Lots.** Any contiguous plots purchased will be considered as 1 lot and will include any identified walkways between plots.
7. **Corner Markers.** Once purchased, the outer corners of a single plot or a lot may be marked with grade level Corner Markers.

VII. OWNERSHIP

1. **Descent.** The laws of the State of Maine govern the descent of title to Cemetery lots, as well as other matters relating to their ownership. It is important that, on the death of an owner of a lot, the heirs or devisees of such person should file in the office of the respective Cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.
2. **Change of Ownership.** It shall be the duty of the Grantee (or Grantee's descendants or assigns) to notify the Town of any change of address or ownership by inheritance. Any purported change in ownership must be supported by adequate evidence to the satisfaction of the Cemetery Supervisor.
3. **Grantee.** The Grantee "owns" the rights, but does not own the real property, just the right to use one or more specific burial sites in the Cemeteries subject to this Ordinance as well as applicable laws and ordinances.
4. **Repurchase.** All sales of plots are final. The Town has no obligation to repurchase plot(s) from Grantees.
5. **Transfer.** Transfer of lots will not be recognized until the Town of Raymond receives notification and satisfactory proof of the transfer.
6. **Exchanges.** The Town may, but is not obligated to, allow exchanges of plot(s) for different burial sites within its Cemeteries.

VIII. RULES OF CONDUCT & PROHIBITIONS

1. **Mischief.** No person shall destroy, mutilate, deface, injure or remove any tomb, Monument, gravestone, Marker or other structure placed within any cemetery, or any fence, railing or other work for the protection or ornamentation of any tomb, Monument, gravestone, Marker or other structure aforesaid, or any cemetery lot within any cemetery.
2. **Substance.** No person shall be in possession of any alcoholic beverage within any Cemetery. No person shall be in possession of or consume any illegal substance within Cemeteries.
3. **Solicitations.** Whether charitable, political or otherwise, solicitations are prohibited in any Cemetery.
4. **Waste.** Only refuse related to cemetery usage may be deposited in a Cemetery's waste containers. No sewerage may be deposited on cemetery grounds.
5. **Dignity.** No person shall behave in a loud, indecent or disorderly manner or create any unnecessary disturbance. No person shall conduct or participate in any sport, game or contest in any cemetery. Any person visiting the cemeteries shall use only the walks and roadways provided and shall not walk upon or across plots unless necessary where walks or roadways are not provided.

6. **Pets.** No person shall permit any animal, including dogs, owned by him, in his custody, or under his control within any cemetery unless attached to a leash not longer than eight (8) feet held by the person. Persons walking dogs in the Cemeteries must pick up any of their droppings and dispose of it outside of the Cemeteries and will be strictly liable for any personal harm or property damage caused by the dog.
7. **Horses.** Horses are prohibited from the Cemeteries except for the purpose of funeral, ceremonial, or memorial functions. Owners are responsible for cleaning up after their horses.
8. **Firearms.** The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging or carrying of weapons of any type, or the hurling of rocks or pellets, or discharging fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial has been previously approved by the Town.
9. **Prohibited.** No glass jars or breakable flower containers shall be placed on lots. True floral containers, recessed holders and baskets are recommended. No eternal flames or any open flames. No groups organized to protest are allowed within a twenty five (25) foot radius of Cemetery grounds.
10. **Functions.** The only group functions that are allowed within the Cemeteries are funerals, burials, memorial services, and educational tours. Other types of functions are not permitted unless permission is sought and granted by the Raymond Town Manager or the Raymond Code Enforcement Officer.

IX. VEHICULAR TRAFFIC

1. **Control.** Motor cars and vehicles must be kept under complete control at all times.
2. **Funeral Cortege.** When meeting a funeral cortege, all vehicles must stop until the procession passes. All vehicles must not pass a funeral cortege, either stopped or in motion.
3. **Speed.** Maximum speed limit – 10 miles per hour.
4. **Cemetery Roads.** No vehicle may be driven or parked upon any grave, lot or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited.
5. **Prohibited:**
 - a. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted.
 - b. Snowmobiles, unregistered motor vehicles such as dirt bikes and all-terrain vehicles, and bicycles are prohibited within the Cemeteries except as may be in attendance at funerals.

X. MAINTENANCE & PLANTS

1. **General.** The general care of the surface conditions of the Cemeteries is the responsibility of the Town and includes cutting the grass, trimming the bushes and trees, and raking and cleaning the grounds. The Town does not assume the responsibility for caring for or planting flowers or ornamental plants, or repairing or replacing Monuments or Markers.
2. **Maintenance.** The Town of Raymond reserves the right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives or walks, or any part thereof.
3. **Access.** The Town Cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
4. **Water.** The Town also reserves the right to lay, maintain and operated, or alter or change, pipe lines or gutters for water systems and drainage purposes and to use cemetery property, but not inconsistent with the rights of the owners of plots already sold.
5. **Damage.** All reasonable precautions will be taken to protect lot owners and the property right of lot owners within the cemeteries from loss or damage.
6. **Plantings.** The cemeteries will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, unless previously arranged under Section XI. Perpetual Care.
7. **Removal.** The Town shall have the right to remove all floral designs, vases, urns, decorations, wreaths, plants, flowers, weeds, trees, shrubs, plants, from the Cemeteries as soon as, in their judgment, they become unsightly, dangerous, and other materials placed in Cemeteries that, in their opinion, become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said Cemeteries.
8. **Floral Pieces.** The Cemeteries shall not be responsible for floral pieces, baskets etc. in which or to which floral pieces are placed or attached beyond their acceptance for services held in the Cemeteries, and shall not be responsible for frozen plants, plants damaged by the elements, thieves, vandals or by other causes beyond their control.
9. **Waste.** Individuals who enter the Cemeteries must carry out all waste that they create while in the Cemeteries. Depositing of waste, rubbish, and debris on the grounds of the Cemeteries, or neighboring/adjacent property, is prohibited.
10. **Plants.** The planting of shrubs (including rose bushes), trees, or any planting of a spreading variety is prohibited.

XI. PERPETUAL CARE

1. **Trust Funds.** The full purchase price of a plot(s) shall be added to the Town's Cemetery Trust Funds. The principal of the Cemetery Trust Funds is nonrefundable and must remain intact in trust in perpetuity for the care of the Cemeteries. It shall be invested and a prudent portion of the net income and appreciation from this Fund shall be applied annually by the Town's Finance Director to the operating costs of the Cemeteries.
2. **Services Provided.** Perpetual Care includes keeping the turf even and in good condition, the grass properly cut and the present trees and shrubs, as duly authorized, trimmed. The proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.
3. **Management.** All Perpetual Care Trust Funds held by the Town of Raymond will be invested by the Town of Raymond as provided by law (MRSA 13, Section 1223) and will be expended only as provided by the Trust of Perpetual Care Agreement.

XII. BURIAL REQUIREMENTS

1. **Timing.** Cemeteries shall be open for interments at the discretion of the Sexton.
2. **Notification.** Prior to the interment, Grantees or their heirs or representatives are required to provide the Cemetery Supervisor a written communication as to the location of the burial, including the name and date of death of the decedent.
3. **Directors.** A funeral director must be with all funerals entering the cemeteries and the funeral director is responsible for ensuring that the participants of the funeral abide by this Ordinance. The funeral director must present the necessary burial permit from the Town Clerk to the Town employee in charge of the burial.
4. **Grave Liners.** In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Board of Selectmen. Outside containers may be procured from any source provided they meet the established specifications.
5. **Limits.** No interment of two (2) or more bodies shall be made in one (1) plot, except in the case of a mother or father and a child, or two (2) infants, buried in one casket (or two caskets if small enough to fit within the burial space), or up to eight (8) cremated remains with no full burial, or one (1) full burial and one (1) cremation. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval from the Town.
6. **Interment.** When an interment is to be made in a plot, the location shall be designated by the Grantee or his representative. If this is not done, the Cemeteries reserve the right

to make the interment in a location designated by the Town. The Town shall not be responsible for errors from telephone information etc.

7. **Disinterment.** Once an interment has been made, graves will be opened only by officials and employees of the Town assigned to the cemeteries or when the cemetery is directed to make disinterment by an order of the court of competent jurisdiction and a certified copy has been filed with the Town. The Town will be limited to opening of the grave only. Disinterment must be made by the person authorized to do so.
8. **Animals.** No Animals domestic or wild will be interred in the Cemeteries.
9. **Cremains.** Each cremain burial will be required to at least have a grade level name Marker placed on top of the site.

XIII. MONUMENTS & MARKERS

1. **Size and Number.** The Grantee(s) of any one (1) plot shall have the right to erect thereon any proper Monument or Marker upon authorization by the Town. Only one (1) Monument no larger than a thirty-six (36) inch base shall be permitted on a plot, which must be located in the center rear of the plot, unless special permission is granted by the Town for placing otherwise. Only one (1) individual Marker per burial is allowed in any of the Cemeteries. In the case of a Grantee(s) owning multiple contiguous plots, a single Monument no larger than a sixty (60) inch base shall be permitted in the center of the lot and must be approved by the Cemetery Supervisor and Sexton.
2. **Material.** No monument or other structure on a lot above ground shall be constructed of other than cut marble, granite, natural stone, or real bronze.
3. **Foundations.** No stone, Monument, tomb, vault, or other superstructure shall be erected until a suitable foundation is laid. All foundations shall be not less than four (4) feet in depth. All tombs, mausoleums, or vaults constructed after the effective date of this Ordinance shall have such provisions made for perpetual care as is adequate in each case.
4. **Placement.** All monuments must be placed such that they face the same direction as the surrounding stones. In most Cemeteries the stones in a row face the nearest road.
5. **Boundaries.** On and after the effective date of this Ordinance, no lot or grave shall be defined by a fence, rail, curb, hedge, trees, or shrubs, or enclosure of any description for the purpose of defining its boundaries. Boundaries that existed prior to the adoption of this rule on March 18, 2000, around burial sites may be maintained as a boundary, but no one is allowed to add to or replace them. Grade level corner markers are permissible.
6. **Repair.** Monuments and Markers erected by Grantees shall be maintained in a safe condition by the Grantee (including heirs and assigns), and the repair and replacement of same, after damage from any cause, shall be at the expense of the Grantee. Notwithstanding the primary maintenance responsibility of the Grantee, the Town may, at

its sole discretion, undertake to clean and/or repair Monuments and Markers and to resolve safety concerns.