

# Town of Belgrade Cemetery Ordinance

## 1. Title and Purpose

1.1 This ordinance shall be known and cited as the Town of Belgrade Cemetery Ordinance.

This ordinance is established to provide rules and policies to assist in managing and preserving town-owned cemeteries, and to protect the rights of the burial lot/space owners. Further this ordinance seeks to maintain the public's health and safety, and the overall beauty and harmony of the cemeteries, and to assist the town in the equitable implementation of these provisions. The cemeteries governed by this ordinance are Pine Grove, Woodside, Quaker, Ellis Pond, Bickford Ellis, Bickford, Dunn, and Hersum. This ordinance does not apply to privately owned cemeteries located within the Town of Belgrade.

## 1.2 Definitions

1. Cemetery Committee – shall mean a collective group of five volunteer citizens appointed by the Board of Selectpersons.
2. Sexton – shall mean a person hired by the town manager upon recommendation of the Cemetery Committee and approved by the Board of Selectpersons to oversee the general operations and maintenance of the Town-owned cemeteries. The sexton or the sexton's assistant will oversee and assist with all interments. The sexton will report to the town manager and work closely with the cemetery committee.
3. Resident – shall mean a person who resides in or has resided in the Town of Belgrade for three (3) consecutive years. Any person who had resided here but no longer does, will no longer be considered a resident.
4. Cemetery lot – shall mean a designated parcel of land in a Belgrade cemetery that consists of one or more burial spaces as depicted on the original surveys and layout of each cemetery.
5. Burial space – shall mean a single burial space measuring 40 inches by 120 inches. One burial space may accommodate one full casket burial or three cremation burials.
6. Interment – shall mean the burial of the deceased.

7. Cremated Remains – shall mean the remains from a human body after it has been cremated in a retort/cremation chamber.
8. Flowering plants – shall mean any variety of plant or bush that is rooted in the ground.
9. Flower display – shall mean any assortment or arrangement of fresh or artificial flowers in a bouquet or spray.
10. Memorial marker/footstone – shall mean a flat marker installed flush with the ground at the foot of a grave or in front of a cremation burial. The marker may contain the deceased's name, date of birth and date of death. These markers may be installed only with the approval and oversight of the sexton/assistant sexton.
11. Monument/headstone – shall mean a granite stone usually engraved with the family name. Monuments will not exceed five (5) feet wide by four (4) feet high (Please see reference 12.3 under Cemetery Appearance) in any Belgrade cemetery. All monuments will be installed by a professional monument company on a cement base after the approval and oversight of the town's sexton.
12. Lot corner marker – shall mean a granite or stone marker installed flush with the ground to mark the corners of a burial lot/space. These markers may be installed only with the approval and oversight of the town's sexton/assistant sexton.
13. Assigned person – shall mean a person, family member, direct descendant or registered domestic partner to whom a burial lot/space has been assigned by the sexton in a town cemetery, registered with the town clerk and recorded in CIMS (cemetery computer software program). The assignee must pay the town before the transaction is complete.
14. Registered domestic partner – shall mean one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence of a commitment to remain responsible indefinitely for each other's welfare and who are registered with the State of Maine under the provisions in 22 M.R.S. 2710.
15. Perpetual care – shall mean the care and maintenance, and the reasonable administration, of those burial lots /spaces for which an assignee has paid. Such care shall include mowing grass, raking, trimming around monuments/markers, cleaning lots, monument cleaning, and improving and ornamenting the cemetery grounds as recommended by the Cemetery Committee and town sexton.

16. Service dog – shall mean a dog that has been trained and certified to assist a person who has a disability. The dog must have completed a public access test and be unobtrusive to the public. Companion animals are not considered service dogs. Service dogs are distinct from companion animals as indicated by their training and certification.

## **2. Town Sexton/Assistant Sexton**

2.1 The sexton/assistant sexton shall be employees of the Town of Belgrade. The sexton/assistant sexton shall ensure that this ordinance pertaining to the cemetery is enforced. The sexton will be a non-voting ex-officio member of the cemetery committee. The sexton/assistant sexton will work cooperatively with the cemetery committee. Recommendations on present and future cemetery needs and concerns will be made to the Board of Selectpersons. The sexton will also work collectively with the committee to develop an annual budget. The duties of the sexton/assistant sexton shall also include the following:

- a) Maintain a record of the layout of the cemeteries with each assigned lot/space suitably marked by an appropriate marker set level with the adjacent ground. Ensure that all burial lot/spaces assigned are numbered and recorded with the town clerk and CIMS.
- b) Assure all burial lots/spaces are of sufficient width and depth and properly filled after each burial. Ensure that all full casket burials are placed in a cement grave liner or vault; plastic or polystyrene vaults are not permitted. All cremated remains will be buried in an approved urn or urn vault. Green urns, wooden urns, cardboard containers, or plastic temporary containers will not be accepted. Hard plastic /polystyrene urns are permitted for cremation burials. Any biodegradable urn/container will not be accepted. The sexton/assistant sexton will also assure that all gravesites are properly marked with a suitable temporary marker indicating the deceased's name and date of death and the date buried. The marker may be removed after a permanent marker/monument has been installed.
- c) Grant permission to qualified persons to occupy burial lots/spaces after confirmation of payment has been obtained from the Town of Belgrade. The information will be recorded and entered in CIMS. The sexton/assistant sexton will also ensure that all records pertaining to town cemetery burial lots/spaces can be accessed during regular Town Office business hours.

- d) Work with the town manager to employ staff as needed to adequately maintain and care for all town cemeteries.

### **3. Cemetery Committee**

3.1 The committee shall consist of five (5) voting members. The members must be residents of Belgrade who are appointed by the Board of Selectpersons for three-year staggered terms. The committee will serve as an advisory committee to the town manager, Board of Selectpersons, and the sexton.

The committee shall annually elect a chairperson, a vice-chair, and a recording secretary at the first scheduled meeting following the annual town meeting in March. The committee will meet once a quarter. The committee chair may also call a meeting at any time during the year, as needed. The chair is responsible for working with town office staff to ensure agendas are publicly posted and shall notify all the members and the sexton/assistant sexton of the date, time, and location of the meeting.

The recording secretary shall record the meeting minutes of all scheduled meetings and forward them to the town clerk for filing.

Three members will constitute a quorum. The sexton serves as a non-voting ex-officio member of the committee whose responsibility shall be to make recommendations to the committee on the overall operations and maintenance of the Belgrade cemeteries.

All cemetery committee vacancies shall be filled following the Town of Belgrade Committee Application Policy adopted on Nov. 16, 2021, by the Board of Selectpersons.

#### **3.2 Responsibilities of the Cemetery Committee**

- 1) Schedule and conduct periodic meetings.
- 2) Develop plans and goals relating to the present and future care and needs of the cemeteries while maintaining the public's health and safety, and the overall beauty and harmony of the town's cemeteries while working collaboratively with input from the town sexton. The plans/goals will be forwarded to the town manager and Board of Selectpersons.
- 3) Provide input and guidance to the sexton, as needed, during the annual budget development process.

#### **4. Regulating Eligibility for Assignment and Occupation of Burial Lots/Spaces**

4.1 All burial lots/spaces in the Belgrade cemeteries will remain the property of the Town of Belgrade and not any assignee or his/her representatives. All burial lots/spaces sold are for the sole purpose of rights of interment.

4.2 The right to purchase perpetual care and to be assigned a burial lot/space shall not be granted to any person who is not a current resident of Belgrade for at least three consecutive years unless that person qualifies under the exceptions noted in Section 4.7. Any burial lots/spaces assigned shall not be used by anyone other than the assignee, his or her relatives and/or direct descendants, or registered domestic partnership unless approved by the sexton/assistant sexton after review of the records maintained at the town office. A resident, after confirmed eligibility, may be assigned a burial lot/space for burial by paying the voter-approved cost for perpetual care. All payments for cemetery burial lots/spaces shall be made to the Town of Belgrade and shall be deposited into the cemetery perpetual care account.

4.3 The sexton shall keep a record of all burial lots/spaces with their numbers and section within the cemetery, including the date and price of the sale to the assignee. The record shall also note which burial lots/spaces are occupied and clearly indicate which burial lots/spaces are available for future purchase. All pertinent information pertaining to the sales and assignments and locations within the cemeteries will be recorded in the CIMS system.

4.4 A person/resident who has been deemed eligible to be assigned a burial lot/space does not have the right to sell, trade, will, donate or otherwise relinquish control of said burial lot/space to any non-resident of Belgrade unless such burial lots/spaces are to be utilized by the non-resident's parents or children of the assignee/owner, spouse, registered domestic partner, children or others that have been approved by the Cemetery Committee and authorized by the Board of Selectpersons.

4.5 A resident who has been assigned the right of a burial lot/space within any Belgrade cemetery and has since become a non-resident may continue to be authorized to use the burial lot/space for burial for himself/herself, a spouse, any children, the parents of either spouse, or a registered domestic partner.

4.6 A resident or former resident who wishes to relinquish his/her assignment of any unoccupied lot or spaces can inform the Town and receive a full refund of their money, at the original cost at the time of their purchase. Refunds will be minus any interest paid to the Town for perpetual care unless the burial/lot space has been used by an eligible person. In this case, no refund will be made.

4.7 Any person who is not a current legal resident of Belgrade who was legally assigned a burial lot/space previously shall not be allowed to exchange said burial lot/space in the said cemetery. However, the Board of Selectpersons by majority vote may grant the right of that individual to purchase a burial lot/space from another owner upon agreement and availability. A non-resident's application to purchase a burial lot/spaces shall first be reviewed by the Cemetery Committee. The committee will make a determination if the non-resident qualifies and will forward their recommendation to the Board of Selectperson's for consideration.

A non-resident may be assigned up to four (4) burial/spaces total in the town's cemetery providing that he/she fulfills one of the following three requirements:

- 1) That person must have had his/her birth parent or legal relative residing in the Town of Belgrade at the time of their birth.
- 2) That person must have relatives who are either living in Belgrade or who are buried in the cemetery.
- 3) That person owns and has paid property taxes on real estate in the Town of Belgrade for a period of not less than 20 (twenty) years.

## **5. Perpetual Care**

5.1 All monies paid to the Town of Belgrade for burial lots/spaces shall be placed in the Cemetery Perpetual Care Account. This account is invested with the town's investment manager. Ninety percent of the interest earnings each year are expended in the subsequent year for mowing, raking, trimming around monuments and markers, and cleaning lots, and for improving and ornamenting the grounds of the town's cemeteries as recommended by the cemetery committee and sexton. Any capital expenditure shall be approved by the Board of Selectpersons.

A list of those monies currently known shall be maintained by the town treasurer. The town shall be responsible for complying with the terms of the existing trust accounts.

**The town shall use the interest income from cemetery trust funds for the cost of perpetual care unless the terms of acceptance specify otherwise. Any trust funds for which there are no known heirs shall be transferred to the cemetery perpetual care account.**

**\*No new cemetery trust funds shall be established after the effective date of this cemetery ordinance.**

## **6. Cemetery Perpetual Care Account**

6.1 All money received from the sale or transfer of burial lots/spaces and the purchase of geraniums, shall be credited to the Cemetery Perpetual Care Account, which is managed by the town's investment manager, and used for perpetual care of the town's cemeteries.

## **7. Donations of Land**

7.1 The town is also authorized to accept donations of land, subject to the approval of the Board of Selectpersons and clear title thereto and approval by the residents at a town meeting. Upon notice to the residents and a public hearing, a suitable town-owned property may be designated for use as a cemetery.

## **8. Grave Openings and Closings**

8.1 Prior to the opening of a grave space for any burial, the party requesting said opening shall show satisfactory proof to the town clerk and sexton/assistant sexton that they have the right to request said opening. A family member of the deceased and/or a funeral director shall be involved in the decision. No burials will be permitted in any town cemeteries from November 15 to May 15. Under special circumstances, permission may be granted by the sexton/assistant sexton, depending on whether ground conditions are suitable.

## **9. Interments**

9.1 All burials shall be restricted to members of a family or other eligible persons, including registered domestic partners and direct descendants of the original assignees, when approved by the sexton. The town clerk, sexton and/or assistant sexton will approve all grave openings. In certain cases, the sexton/assistant sexton may request a meeting with the family of the deceased or the funeral director following a burial request in which there is no proof of burial lot/space ownership, or to address questions pertaining to assignment and placement of the casket/urn of the deceased in the burial lot/space.

9.2 For the purpose of all full casket burials, all caskets must be placed in a permanent cement grave liner or vault. No synthetic polystyrene vaults will be allowed for full casket burials. The following are approved: concrete, copper, or steel burial vaults.

Cremated remains must also be placed in an urn vault or an approved urn, prior to the burial. Any biodegradable material containing cremains, such as wooden urns, green urns, cardboard containers, or plastic temporary containers, are not acceptable, and will be required to be placed in an approved urn or an urn vault prior to burial. Cremated remains will not be allowed to be scattered in any town

cemetery. The Town of Belgrade prohibits any above-ground burials in a mausoleum, columbarium, crypt, or niche in any of its cemeteries.

9.3 Interment of anything other than that of human remains will not be permitted in Town cemeteries. No cemetery burial lot/space shall be utilized for any other purpose than as a place to bury the deceased. The burial of family pets is not permitted.

## **10. Disinterment or removal of bodies**

10.1 A body may be disinterred/removed from a burial lot/space upon the completion of a burial permit by a licensed funeral director and signed by the next of kin. The burial permit will then be presented to the town clerk. All disinterment is required by state law to be conducted under the direct supervision of a licensed funeral director. The only exception to this shall be a lawful court order for the purposes of an investigation. Disinterment must be coordinated with the sexton/assistant sexton who shall be present to assist.

10.2 Any and all costs incurred by a disinterment will be charged to the individual or group requesting the disinterment and paid in full to the Town of Belgrade prior to the commencement of the removal.

## **11. Cemetery Rules and Regulations**

11.1 As soon as flowers, wreaths, emblems, etc., used at funerals or placed on the grave at other times become unsightly and faded, they will be removed, and no responsibility for their protection or maintenance is assumed. The town maintains the right to remove all floral designs, weeds, trees, bushes/shrubs, plants, or herbage of any kind from the cemeteries as soon as, in the town's judgement, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

11.2 The cemeteries will be closed to vehicle traffic annually on November 15<sup>th</sup> and will reopen on May 15<sup>th</sup>, or at such time as determined by the sexton/assistant sexton. All fall and winter decorations must be picked up and removed annually by May 15<sup>th</sup> each year and summer decorations need to be removed by November 15<sup>th</sup>. Solar lights are permissible on burial lots/spaces and may be left year-round.

11.3 Any and all bushes and shrubs currently planted at or near monuments shall not exceed four (4) feet in height and three (3) feet in circumference.

**\* Effective with approval of this ordinance, there will be no new bush/shrub plantings allowed in Town cemeteries. Any violation of this new regulation will result in the removal of said plantings with the approval of the sexton or town manager.**

Bushes and shrubs must not encompass, surround, or cover up the monument and must be kept trimmed by the burial lot/space assigned person. The sexton/assistant sexton reserves the right to remove all that are not in compliance.

11.4 The flags of the United States and of the State of Maine, military flags, and other organizational flags may be displayed in the cemeteries. The flags and their holders shall not exceed three (3) feet in height. Any flag torn, discolored, or defaced will be removed and properly disposed of or destroyed by the sexton/assistant sexton or his/her designee. Flag poles are not permitted to be erected in any cemetery.

11.5 Any person or persons who willfully vandalizes or damages any fence, ornamental tree, shrub, bush, gravesite marker or monument in any town cemetery shall be subject to criminal or civil prosecution under State law. The town will not be responsible for monument/marker repairs when said perpetrator cannot be identified.

11.6 No motor vehicles, except for emergency vehicles operated by fire and/or police personnel, shall be permitted in the town's cemeteries after officially being closed in the fall until the cemeteries are reopened in the spring by the Cemetery Committee and sexton/assistant sexton.

11.7 Minibikes, scooters, dirt bikes, all-terrain vehicles (ATVs) and snowmobiles are not permitted to be operated in the town's cemeteries. The only exception is ATVs operated by cemetery personnel for cemetery maintenance.

11.8 No persons or motor vehicles shall be allowed in any Belgrade cemetery from one-half hour after sunset until one-half hour before sunrise unless previously authorized by the town manager or sexton. Any violation of this section will be considered trespassing and subject to possible criminal prosecution.

11.9 All children younger than 14 years of age must be accompanied by an adult or guardian while visiting the town's cemeteries.

11.10 All authorized motor vehicles operated within the town's cemeteries will be confined to the cemetery roads and not operated on any grassy areas, including around or over gravesites. Vehicular traffic will not be permitted, except for cemetery personnel, during periods when the roads are deemed too soft/wet or are in any other condition that would result in ruts or damage to the roads. The speed limit in the cemeteries is five (5) miles per hour and shall always be adhered to.

11.11 No loitering, picnicking, athletic activity, games, or disrespectful acts will be tolerated in any town cemetery. Violators will be asked to leave the cemetery. Those who refuse may be subject to prosecution for criminal trespass.

11.12 No household family pets of any kind will be allowed in any town cemetery. This rule does not apply to service dogs, accompanied by their handler, as defined in this ordinance.

11.13 The possession of any alcoholic beverages and illegal drugs is strictly always prohibited within the town's cemeteries.

11.14 All the Town of Belgrade cemeteries are considered smoke-free environments. Smoking tobacco products, marijuana and vaping are all prohibited.

11.15 Perpetual care shall be provided by the sexton/ assistant sexton and staff. Care shall include mowing, trimming around monuments and markers, and all necessary care and maintenance required to maintain the general beauty of the town's cemeteries. Perpetual care does not provide for raised beds, or monument, marker, or corner marker relocation. Perpetual care may also include monument cleaning and repair, as necessary, for older marble monuments. All other monument cleaning requested by a family will be done at their expense by a monument company or by cemetery staff.

The Town of Belgrade will not assume any responsibility for any damage that may occur during the perpetual care and maintenance of the town's cemeteries. The Town of Belgrade will not compensate any assignee for any accidental damage caused to any monument, flat markers, grave markers, flowering plants, flower displays, shrubs, bushes, trees, or other such items that are placed on burial lots/spaces.

## **12. Cemetery Appearance**

12.1 The town's cemeteries are quiet places which provide for the burial of the deceased and a place for the living to pay their respects and mourn those who have passed. The sexton/assistant sexton, and staff work hard to maintain the beauty of Belgrade's cemeteries. It shall be the responsibility of all cemetery visitors to be respectful of the grounds. No littering shall be permitted. Visitors to Belgrade cemeteries shall deposit all trash in receptacles provided or take it with them. Violators may be subject to criminal prosecution for littering.

12.2 Plantings within the guidelines of this ordinance, flowers, flower containers, wreaths, and other tasteful decorations are encouraged to be placed on burial lots/spaces to enhance the beauty. Any showy, gaudy, distasteful or garish

displays, including novelty items, are not permitted and could be subject to removal.

12.3 The installation or placement of monuments designating the name of the owner/assignee is encouraged. The owner/assignee of a burial lot or space must consult with the sexton/assistant sexton to determine the correct location for the placement or installation of any monument, there must be adequate space on the lot or space to accommodate such monument. All monument installations will be completed by a licensed monument company. Monuments will be required to be set on a cement base at least 3 feet in the ground and shall not exceed five (5) feet in width. All monuments placed on foundations will not exceed four (4) feet in height and five (5) feet in width. Memorial markers and lot/space corner markers are also encouraged. They must be installed flush with the ground.

All memorial markers and lot/space corner markers shall be set by a monument company only after being authorized by the sexton/assistant sexton to ensure the lot/space measurements and location are correct. No lot or space shall be defined by any fence, rail, curb, ledge, trees, or shrubs for the distinct purpose of describing its corners and/or boundaries. No landscaping material such as pavers, bark mulch, river stones, or fencing will be allowed on gravesites.

### **13. Town of Belgrade Cemetery Prices**

13.1 The cost per single space for Belgrade residents is \$400. The cost per single space for a non-resident is \$800. The cost for a full burial is \$700 Monday through Friday and \$800 on holidays and weekends. The cost for a cremation burial is \$300 Monday through Friday and \$400 on holidays and weekends.

\*All grave site services and burials will be scheduled by the sexton/assistant sexton between the hours of 8 a.m. and 3 p.m., Monday through Friday, weekends, and holidays.

13.2 One (1) single burial space is suitable for one (1) full casket burial. One (1) single space is also suitable for up to three (3) cremation burials. Cremated remains may also be placed over a previously buried casket, providing there is adequate earth to cover the cremains, so that the appearance of the space is not altered. The normal fees for a cremation interment will apply. Section 8.1 of this ordinance shall also apply in this instance and will also require the approval of the sexton/assistant sexton.

13.3 All cemetery burial lots/spaces must be paid for in full to the Town of Belgrade before any burial may take place. The town will record all transactions and will notify the sexton/assistant sexton.

13.4 Effective with the approval of this ordinance, all new persons assigned burial lots/spaces, for the sole purpose of interment, will receive a copy of the cemetery ordinance.

13.5 This ordinance shall be reviewed by the Cemetery Committee at least every two (2) years. Any recommended changes shall be brought before the Board of Selectpersons for their approval.

13.6 Cemetery fee schedule for the purchase of cemetery lots/spaces and associated burial services shall be reviewed every two (2) years by the cemetery committee. All recommendations for changes shall be made to the Board of Selectpersons who will have the authority to make changes to the cemetery fee schedule.

13.7 Any assignee of a lot/space or person who wishes to have a geranium planted on his/her lot/space prior to Memorial Day each year, may make a one-time purchase of up to five (5) plants for \$100 each. All the funds collected shall be deposited into the Cemetery Perpetual Care Account.

#### **14. Enforcement and Appeals**

14.1 The Board of Selectpersons are responsible for enforcement of this ordinance, with recommendations from the cemetery committee and the sexton.

14.2 A person who believes he/she has been aggrieved by the provisions of this ordinance or actions of the town may appeal the action to the town manager in writing. If the grievant is still not satisfied, the grievant party may appeal to the Board of Selectpersons by informing the town manager in writing, providing the reason for an appeal, and asking for a date and time to appear before the Board of Selectpersons. The town manager will give the written request to the Board of Selectpersons to be placed on the next board's agenda for their review.

#### **15. Severability**

Upon adoption, this ordinance will supersede any other ordinance, rules, policies, or town warrant articles in effect prior to March 19, 2022. If any subsection, sentence, clause, provision, or part of this ordinance shall be held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in force and effect.

#### **16. Effective Date**

This ordinance is hereby declared to be necessary for proper management of the Town of Belgrade's cemeteries and shall be in full force and effective from and after its passage and publication as provided by law.

\*Amended on 16<sup>th</sup> day of March 2024 by warrant article

\*Amended on 17<sup>th</sup> day of March 2023, by referendum

\*Amended on 19<sup>th</sup> day of March 2022, by referendum

\*Amended on March 18, 2016, by referendum.

\*Amended on March 19, 2011, by referendum.

\*Amended on Nov. 7, 2011, by referendum.

\*Amended on March 19, 2010, by referendum.

Dated: April 2, 2024, 2024

Barbara Allen

Barbara Allen, Chair Selectperson

Carol Johnson

Carol Johnson, V. Chair Selectperson

Melanie Jewell

Melanie Jewell, Selectperson

Daniel Newman

Daniel Newman, Selectperson

Peter Rushton

Peter Rushton, Selectperson