CEMETERY ORDINANCE

THE PURPOSE OF THIS ORDINANCE IS:
TO PROVIDE RULES TO ALLOW FOR COST EFFICIENT APERPETUAL
CARE AND MAINTENANCE OF ALL CEMETERIES OWNED BY THE TOWN
OF BELGRADE TO PROTECT THE GRAVES AND MONUMENTS IN THESE
CEMETERIES.

AUTHORITY FOR THIS ORDINANCE IS THE LEGISLATIVE BODY.

BE IT ORDAINED BY THE SELECTPERSONS OF THE TOWN OF BELGRADE,
STATE OF MAINE.

Section 1. Short Title.
This Ordinance shall be known and shall be cited as the CEMETERY
ORDINANCE for the Town of Belgrade.

Section 2. Definitions.
For the purpose of this Ordinance, the following terms, phrases, words and their
derivations shall have the meaning given herein:

Cemetery Committee shall mean the collective group of FIVE volunteer citizens,
appointed by the Board of Selectpersons.

Cremations shall mean the ashes that remain from a human body that has been
cremated.

Flower Plants shall mean any of a variety of natural flower that possesses roots.

Flower Display shall mean any flower that is artificial whether in a container,
bouquet or spray. Displays should not be disposed of in the woods of the
cemetery.

Footstone is considered a flat marker

Lot shall mean a designated area in a Belgrade cemetery that consists of one
through eight burial spaces, as depicted on the original surveys and layouts of
each cemetery.

Monument/ Headstone are considered the same thing.

Assigned Person shall mean a person to whom a burial lot
in Town cemeteries, as identified in this Ordinance, has been assigned by the Town's Sexton.

Perimeter shall mean the strip of Town-owned land immediately surrounding each of the four cemeteries.

Perpetual Care shall mean the care and maintenance and the reasonable administration of those cemetery lots or spaces for which an assignee has paid for care and maintenance in perpetuity as specified in this ordinance.

Person is anyone having an interest in a burial lot in the identified Town cemeteries.

Service Dog A dog that has been individually trained to mitigate his or her partner's disability. This term is sometimes used to refer to dogs that are partnered with a physically disabled person.

Space shall mean a burial place for one casket remains or up to three cremations.

Town Sexton shall mean the Town employee hired by the Town Manager and approved by the Board of Selectpersons, to oversee the operations of all Town owned cemeteries.

Tree shall mean any bush or tree that has roots larger than two inches in diameter at its base and having a height in excess of four feet.

Section 3. Eligibility for and Assignment of a Burial Lot or Spaces.

1. Only residents of Belgrade are eligible for a burial lot or spaces in Belgrade cemeteries.

2. A resident can be assigned a lot or spaces for burial by paying the voter-approved cost for perpetual care.

3. Burial lots or spaces in Belgrade cemeteries remain Town property and do not become the property of the assignee.

4. A resident of Belgrade does not have a right to sell, trade, will, donate or otherwise dispose of burial spaces to a non-resident of Belgrade unless spaces are to be used by non-resident parents or children of the owner, their spouses or
children, or others that are approved by the Cemetery Committee and authorized by the Board of Selectpersons.

5. A resident who was assigned a burial lot in a Belgrade cemetery and has since become a non-resident can still use that lot or spaces for himself/herself, a spouse, children or parents of either spouse.

6. A resident or former resident who wishes to cancel his/her assignment of an unoccupied lot or spaces can inform the Town and receive a full refund of the money, less interest, paid to the Town for perpetual care unless the lot has been used to bury an eligible person. In this case, no refund will be made.

7. A non-resident may be assigned a single burial lot in the Town’s Cemetery providing that he/she fulfills one of the following 3 (three) requirements:

   1. A person must have been born in the community.
   2. Have blood relatives who are either living in the community or who were buried in the cemetery.
   3. A person who owns and has paid property taxes on real property in the Town of Belgrade for a period of not less than 20 years.

Prior to the assignment of the burial lot, the person or legal representative must first submit satisfactory evidence of his/her bond to the community which is subject to review by the Board of Selectpersons. Upon approval by the Board of Selectpersons, the Town Manager will direct the Sexton to assign the cemetery lot.

Section 4: Belgrade Cemetery Committee – MEMBERSHIP:

The Committee shall consist of five (5) voting members and all Members must be residents of Belgrade. All members will be appointed by the Board of Selectmen, for three year staggered terms. Three members will make a “quorum”. The Sexton is automatically a non-voting member of the Committee who will attend all meetings and will make recommendations on the overall operations of all cemeteries located in Belgrade.

At the first meeting following the annual Town Meeting the Committee will elect a Chair and a Recording Secretary. The Recording Secretary is to give all recorded minutes to the Town Clerk. The Chair can call a meeting at any time during the year and is responsible for posting such notice and notifying all members and the Sexton of the date, time, and location of such meeting.

The Board of Selectpersons will fill any vacancies following Town policy.
Section 5 Responsibilities of the Belgrade Cemetery Committee.

The function of the Cemetery Committee is to:
   a. Hold periodic meetings.

   b. Make recommendations on present and future cemetery needs, with input from the Town Sexton, to the Board of Selectpersons.

   c. Develop recommendations for the use and maintenance of the cemeteries, with input from the Sexton and to make recommendations, subject to the review and approval of the Board of Selectpersons.

   d. Work with the Sexton on making recommendation on the maintenance and use of all the cemeteries.

   e. Work with the Sexton, by providing input during the development of the cemetery budgets for town meeting.

Section 6 Rules for Town of Belgrade Cemeteries.

Lack of care and respect for graves in our cemeteries has required that the following regulations be established to assure proper management of our cemeteries and to show our respect for the deceased who are buried in them:

1. Flower plants may be set adjacent to a monument/stone on a gravesite and will not be removed by the Sexton unless they are poorly maintained or dead.

2. Flower displays may be placed adjacent to a monument/stone on a gravesite but will be removed by the Sexton when they become faded or after 30 days of display whichever comes first.

3. A small bush or shrub no higher than four feet may be planted on each side of a main monument, but each must be kept trimmed by the lot/space owner. The Sexton will remove bushes or shrubs that are not kept trimmed or exceed four feet in height.

4. No trees may be planted inside the perimeter of any Town cemetery, unless they are part of a design approved of by the Board of Selectpersons.

5. The flag of the United States and organizational flags may be flown on a gravesite. Any such flag that becomes torn or discolored will be removed and properly disposed of by the Town Sexton.
6. Cemeteries are quiet places providing opportunities for the living to pay their respects or mourn those who have died. No sports, games, or activity of any kind that interferes with the proper use of a cemetery is allowed.

7. Each burial space may contain one casket or up to three cremations. Both types of burials must be placed in an approved vault or liner.

8. Footstones and corner lot markers must be installed at ground level so mowing machines can pass over them without the possibility of damaging mowers and markers.

9. Perpetual care for a grave provides for grass mowing, trimming, monument cleaning and re-filling of sunken spaces. It does not provide for raised beds, monument, stone, corner marker relocation or repairs.

10. The Town of Belgrade prohibits any new above ground burials, interment in a mausoleum, tomb, columbarium, or crypt in any of the Belgrade Cemeteries.

11. No pets, except for service dogs are allowed in the town’s cemeteries.

12. Only human remains may be buried in Belgrade cemeteries.

13. The Town of Belgrade assumes no responsibility for any damage that may occur during the perpetual care and maintenance of our cemeteries. The Town of Belgrade will not compensate anyone for any accidental damage that may occur to any flower plants, flower displays, shrubs, bushes, trees, or other items that are placed at burial sites.

Section 7 Cemeteries Appearance.

1. Erection of a monument on a grave, with the name of the owner thereon, is encouraged. An owner of a burial lot must consult with the Town Sexton to determine the best location for the placement or installation of any monument.

2. Removal of flower displays that have served their purpose, lost color, or are in temporary containers that have disintegrated is encouraged and will be appreciated. However, the Town Sexton will remove them if they are not voluntarily removed.

3. Vehicular traffic in our cemeteries, other than that necessary for the maintenance and proper care of the cemetery is not authorized during periods when the ground is soft and wet, or in any condition that will cause vehicles to leave the cemetery roads with ruts or muddy areas.
4. Owners of a lot or spaces must remove flower containers, dead flowers, wreaths, stands and other unessential items and keep the items or dispose of them at the transfer station as the owners choose. If this is not done, the Town Sexton will remove them. The Town of Belgrade will not be responsible for the value of any item removed by the Town Sexton.

5. Garish displays on a lot or spaces by persons are discouraged and may be removed with the approval of the Town Sexton. They will be photographed and sent to the Selectpersons for approval of removal by the Town Sexton.

Section 8 Enforcement and Appeals.

1. The Belgrade Board of Selectpersons are responsible for enforcement of this Ordinance, with recommendations from the Cemetery Committee and the Town Sexton.

2. A person who believes that he/she has been aggrieved by 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 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. The Town Manager will give the written request to the Board of Selectpersons to be placed on the next board agenda for their review.

Section 9 Severability. Upon adoption, this ordinance, will supersede any other ordinance, rule, policy, or Town warrant article in effect prior to March 15, 2008. 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.

Section 10 Effective Date. This Ordinance is hereby declared to be necessary for proper management of Belgrade cemeteries and shall be in full force and effective from and after its passage and publication as provided by law.

Approved on this ___ day of March, 2010.

*Amended on March 19, 2010 by Referendum
*Amended on March 19, 2011 by Referendum
*Amended on November 7, 2011 by Referendum
*Amended on March 18, 2016 by Referendum
Signed this 5th day of April 2016

Signed by the Board of Select Persons:

Chair ________________________________

V.Chair ________________________________

______________________________

Cheryl Cook

Attested by: ________________________________

Mary G. Hagg, Deputy Town Clerk on

April 5, 2016