

**DRAFT #1**  
**CEMETERY ORDINANCE**  
**CITY OF EASTPORT**

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**CEMETERY ORDINANCE  
OF THE  
CITY OF EASTPORT**  
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**CEMETERY ORDINANCE OF THE CITY OF EASTPORT, MAINE**

**SECTION 1 – OVERVIEW**

**1.1 Purpose**

- 1.1.1 This ordinance is for the purpose of regulating the operation and use of public cemeteries in the City of Eastport and shall be known as the “Eastport Cemetery Ordinance”
- 1.1.2 The provisions of this ordinance shall apply to the cemeteries within the Eastport boundaries known as Hillside East, Hillside West and Bayside. The City Council may extend its application to other public burial grounds or any additions to existing cemeteries and/or any other memorial locations.
- 1.1.3 Said cemeteries shall be used exclusively for the burial and memorializing of the dead.

**1.2 Location**

- 1.2.1 The Eastport Cemetery System is composed of three main areas:
  - 1.2.1.1 Hillside East
  - 1.2.1.2 Hillside West
  - 1.2.1.3 Bayside

**1.3 Accessibility**

- 1.3.1 Access to the public cemeteries shall be limited to such reasonable hours as may be set from time to time by rules and regulations. Generally, unless otherwise posted, access into the cemeteries can be made daily from sunrise to sunset.
- 1.3.2 The Hillside cemeteries can be reached by proceeding North on High Street from Washington Street or South on High Street from Clark Street.
- 1.3.3 The Bayside Cemetery can be reached from Clark Street.
- 1.3.4 The cemeteries are accessible by foot and on a limited basis by automobile.
- 1.3.5 The use of cemetery streets and roadways by vehicle shall be regulated and may be completely prohibited in all or part of any public cemetery where conditions of weather and ground may require such action for a reasonable period of time. Such emergency action may be taken by the Supervisor with the approval of the City Manager.
- 1.3.6 Where gates are provided, they shall be locked to bar public access at all other times.

**SECTION 2 – ADMINISTRATION**

**2.1 City Council**

- 2.1.1 The City Council is ultimately responsible for the administration, financing and operation of the Eastport Cemeteries.

## **2.2 City Manager**

- 2.2.1 The City Manager is charged with expending such sums of money as may, from time to time, be necessary for the care, management and improvement of said cemeteries.
- 2.2.2 The City Manager shall have general supervision over all matters pertaining to the cemeteries management.

## **2.3 Eastport Cemetery Committee**

- 2.3.1 The Eastport Cemetery Committee has been established to enhance and preserve the cemeteries of Eastport through the provision of a management support system that insures the long term vitality of the cemetery
- 2.3.2 The Committee provides advice on expenditures of such sums of money as may be, from time to time, necessary for the care, management and improvement of the cemeteries, and all other matters pertaining to the management of the same.
- 2.3.3 The makeup of the Cemetery Committee and it's By-laws shall be as defined in Appendix "A" of this ordinance.

## **2.4 Supervisor**

- 2.4.1 The Supervisor shall be appointed by the City Manager with the approval of the City Council and the advice of the Cemetery Committee.
- 2.4.2 The Supervisor is under the direct supervision of the City Manager.
- 2.4.3 The Supervisor shall hold office until removal by the City Manager.
- 2.4.4 Shall supervise the digging of all graves, the burial of all bodies, the removal of all bodies and the movement of all bodies from place to place.
- 2.4.5 Shall have the supervision and care of all cemeteries and receiving tombs, of all work and workers, improvements and repairs therein and shall see that such regulations, pertaining to the same, as shall from time to time be prescribed by the City Council, are faithfully preserved and carried out
- 2.4.6 The Supervisor shall have the care and custody of all machines, tools and implements used in the burial of the dead in the cemetery which may belong to the City and shall keep the same, in suitable places and in good order and repair.
- 2.4.7 The Supervisor shall have the responsibility of accurately recording all internments and shall further report all such data to the City Clerk.

## **2.5 City Clerk**

- 2.5.1 The City Clerk shall maintain the permanent records relating to cemeteries and all internment's therein in the Clerk's office.
- 2.5.2 The City Clerk shall maintain and preserve the Perpetual Care Agreement and all permanent records pertaining thereto.

## **2.6 City Treasurer**

- 2.6.1 All fees, charges and perpetual care deposits shall be paid to the City Treasurer for appropriate disposition and the furnishing of official receipts to the persons making such payments.

## **SECTION 3 – CEMETERY LAY-OUT**

- 3.1 All extensions of said cemeteries shall be surveyed and laid out in lots, driveways and paths, to conform as nearly as may be to the general plans of the said cemeteries as they now exist.

- 3.1.2 No part of said cemetery or cemeteries shall be used for burial purposes until such part shall have been surveyed and an accurate plan of the same made.
- 3.1.3 The lots shall be numbered consecutively, and the subdivisions of the lots shall be marked by letters; each part into which a numbered lot is subdivided shall be known as a single lot.
- 3.1.4 The plan of said cemeteries shall be marked so as to designate the person or family to whom each is assigned, and the location of each grave in each lot shall be marked and the name of each person interred written thereon.
- 3.1.5 Said plans shall be kept on file in the City Clerk's office and tracings of said plans shall be furnished to the Supervisor of Cemeteries.
- 3.1.6 A complete index of said plans shall be made showing the holder of each lot and the location of the graves of each person interred.
- 3.1.7 The Supervisor of the Cemeteries shall annually, at the close of the municipal year, mark on the plans in the City Clerk's office, the lots assigned during the year and the location of each interment made as recorded by the cemetery workers and enter in the index to said plans.
- 3.1.8 All records of said cemeteries now in existence shall be filed with the City Clerk for safe keeping.
- 3.1.9 Duplicate records, updated annually shall be maintained at the cemetery office building and workshop.

#### **SECTION 4 – SALE AND CARE OF LOTS**

##### **4.1 Sale**

- 4.1.1 Lot fees to be charged shall be fixed by the City Council, on the advice of the City Manager and Cemetery Committee, and may be changed from time to time as the Council may determine
- 4.1.2 Fees associated with this ordinance will be maintained in Appendix "B".
- 4.1.3 Persons who are residents of Eastport may purchase lots in any public cemetery in Eastport. The sale of lots shall be subject to such rules and regulations as may be recommended by the Cemetery Committee and adopted by the City Council.
- 4.1.4 Persons who are non-residents of Eastport may purchase lots in any public cemetery in Eastport upon approval of the City Council on the advice of the City Manager and the Cemetery Committee. The sale of lots shall be subject to availability, historical family roots, and to such rules and regulations as may be recommended by the Cemetery Committee and adopted by the City Council.
- 4.1.5 The payment of a fee for a cemetery lot shall not be construed as the sale and conveyance of a fee title in the lot but rather shall grant to the purchaser a right of use of the lot for burial purposes, subject to such ordinances, rules and regulations as the City may have previously adopted or may amend, adopt, approve and promulgate now and in the future.
- 4.1.6 The holder of such cemetery lots are subject to all rules and regulations that may, from time to time, be adopted for the management and use of the cemetery.
- 4.1.7 Accurate records of all such sales shall be maintained by the Cemetery Supervisor and files in the office of the City Clerk.

##### **4.2 PERPETUAL CARE**

- 4.2.1 Persons desiring to enter into a perpetual care agreement for lots owned by them shall deposit with the City Treasurer a sum to be set by the City Council from time to time,

(Appendix "B") on the advice of the City Manager and Cemetery Committee, which sum shall be accepted in trust.

- 4.2.2 The income from said trust shall be expended from time to time for the care and improvement of said lot forever.
- 4.2.3 Said sum as previously paid or as received thereafter shall be kept separate from all other City funds and shall be known as the "*Cemetery Perpetual Care Trust Fund*".
- 4.2.4 These funds, as pooled together shall be invested in a reasonably prudent manner, subject to applicable Maine law, (Appendix "C") and the net income annually expended for the care and maintenance of perpetual care lots in accordance with the terms of this Ordinance and Perpetual Care Agreement.
- 4.2.5 "Care" either **perpetual** or **annual**, shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lot and such work as may be necessary to keep the grave in neat condition, and for the care and maintenance of the cemetery, **but shall not include maintenance or repair of monuments, nor the planting of flowers or shrubs upon any lot, not for repairs necessitated by any acts of vandalism.**
- 4.2.6 **Any holder of a lot shall not** enclose the same with a **fence or curbing** shall not plant trees or shrubs and **shall not in any manner encroach on the driveways and walks of the cemetery.**
- 4.3 The Cemetery Crew, shall, under the direction of the supervisor and the Cemetery Committee, remove any trees, shrubs, plants or erections of any kind that interfere or encroach upon any driveway or walkway or on any adjoining lot.
- 4.4 The City does not accept legal responsibility for the care, restoration and maintenance of monuments, grave stones and markers of any kind. The City may, by appropriate rules and regulations, require that all such monuments, grave stones and markers shall be installed and maintained only on permanent masonry or concrete bases of adequate size.
- 4.5 All graves shall be dug and properly back filled by or under the supervision of the Supervisor. No other person is permitted to perform such tasks except under the Supervisor or his/her authorized representative.

## **SECTION 5 – CEMETERY ACCESS**

- 5.1 Access to the public cemeteries shall be limited to such reasonable hours as may be set from time to time by the rules and regulations.
- 5.2 Where gates are provided they shall be locked to bar public access at all other times.
- 5.3 The use of cemetery streets and roadways by vehicle shall be similarly regulated and may be completely prohibited in all or part of any public cemetery where conditions of weather and ground may require such action for a reasonable period of time. Such emergency action may be taken by the Supervisor with the approval of the City Manager.

## **SECTION 6 – PROHIBITED CONDUCT**

- 6.1 The following specified behavior and conduct by any persons is prohibited at all times within any public cemetery of the City of Eastport.
- 6.1.1 No person shall consume any intoxicating liquor while on the cemetery property.
- 6.1.2 Disorderly conduct, including but not limited to, the creation of disturbances, the making of loud noises, the use of obscene or profane language and the interference with or annoyance of other persons who are present in said cemetery for funeral, committal or memorial services, or for the purpose of visiting grave sites is forbidden.
- 6.1.3 No person shall hunt wild animals or birds within or from public cemeteries and no person shall discharge firearms or air rifles or pistols while within such cemeteries unless as permitted for memorial services and tributes.

- 6.1.4 During the hours of closing, persons having no lawful purpose to remain within the limits of any public cemetery shall not remain there and shall leave immediately upon request by a police officer or other duly authorized law enforcement officer.
- 6.1.5 No person shall willfully damage, injure, deface or carry away any fence, gate, ornamental tree, shrub, marker, flag, flag holder, urn, vase or other improvement, including also, improved and build-up grave-sites., and the materials used or to be used for such improvements.
- 6.1.6 It is prohibited for any person to walk their dog(s) or allow their dog(s) to run loose or at large in any part of the Eastport Cemeteries. It is prohibited to walk dog(s) on any of the Cemetery lane(s) or any cemetery lots(s). Waling Dogs on the paved ways known as High Street and Cemetery Road is allowed.

Any person violating this section of the Ordinance is subject to a fine of not more than Fifty dollars. **Amended 07/14/2009**