

Town of Unity

Cemetery Ordinance



## Town of Unity Cemetery Ordinance

### Section 1. Cemeteries

1. Care of public cemeteries and lots therein shall be under the supervision of the Board of Selectmen which is authorized to engage personnel and provide, by purchase or contract, necessary equipment and supplies.
2. A Cemetery Committee shall be appointed by the Selectmen. The committee shall be responsible to the Selectmen for the control and management of the Unity cemeteries (Boulter, Douglass, Farwell, Fowler, Pond, Quaker Hill and Village). All Unity cemeteries are public cemeteries.
3. The Selectmen shall appoint, direct and remove the sexton with the advice of the cemetery committee. The sexton shall perform all duties assigned by the committee.
4. The committee shall submit a proposed cemetery budget to the Selectmen February 1<sup>st</sup> of each year.
5. The sexton shall see to the digging of all graves and shall keep an accurate record (in a book for that purpose) of the name, age and sex of each person interred, the lot number of the grave where such body is deposited and other vital information as appropriate.

### Section 2. Ownership and Title of Lots

1. The term "lot owner" or "ownership" shall be construed to mean the rights to use a lot or part of a lot, as purchased from the Town, for burial purposes under the rules and regulations as prescribed by the Town and the State of Maine.
2. Any individual wishing to purchase a cemetery lot shall apply to the Town and then select from those lots available, the lot he/she desires to purchase. Only after full payment for the lot, including perpetual care charges, will a deed be issued and recorded in Town records.
3. A receipt indicating full payment from the Town Treasurer will serve as the right of burial.
4. The Title to a cemetery lot entitles the owner the right to use such lot for burial purposes only, for themselves, their heirs or for any person they choose without compensation and in accordance with the Cemetery rules and regulations.

5. It shall be the duty of the Town to keep a record of all lots selected and assigned and all transfer of lots in all cemeteries. They shall have plans of all the cemeteries which shall be accessible to any person desiring information relating thereto, and the Town shall enter upon said plans all lots selected and the names of the holders thereof.
6. All graves shall be opened and closed under the direction of the sexton.

### Section 3. Use of Cemetery

1. Flower urns will be allowed. If there is one urn, it shall be placed in front of the monument. If there are two urns, one will be placed on each side of the monument. The same rules apply to evergreen shrubs; one on either side or one in front, not to exceed 36-48 inches in height or breadth at any time. Shrubs shall be maintained by the family. If not maintained properly, the committee reserves the right to remove the shrub.
2. The Town of Unity shall place flags on Veterans graves in accordance with the requirements of State law. The family may also place flags.
3. As soon as flowers, wreaths, emblems, etc., become unsightly and faded they will be removed.
4. Hedges, fencing, walls, curbing, railings or similar structures or enclosures shall not be erected around gravesites following adoption of this ordinance. Existing structures or enclosures may be maintained but not expanded.
5. All summer decorations shall be removed prior to October 15<sup>th</sup>. All winter decorations shall be removed prior to May 1<sup>st</sup>.

### Section 4. Trees and Shrubs

1. Permission to plant shrubs (not to exceed 36-48 inches) on lots shall in all cases be obtained from the Town, with the Town reserving the right to prune or remove any tree, shrub or vine, or any part thereof, which may become unsightly or dangerous.
2. If any lot or structure or growth becomes unsightly, the committee has the right, at its discretion, to put said lot or structure in proper condition and repair.
3. If any tree, shrub, hedge or plant situated on any lot by means of its roots, branches or otherwise becomes unsightly or obnoxious to adjacent lot owners, or detrimental or inconvenient to avenues or paths, it shall be the duty of the Town to enter upon such lot and remove the same, in whole or in part, at their discretions.

4. Trees will not be planted in Unity cemeteries.
5. Plants, flowers, shrubs or any memorial container will be placed at the owner's risk. The Town assumes no responsibility for any of the above.
6. No glass containers shall be used at any time.

#### Section 5. Opening and Closing of Graves

1. No interment or disinterment shall take place on any lot in Unity cemeteries until such intentions are made known to the Town Clerk in writing.
2. Following an interment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded. Excavators shall remove all excess material from the site and repair damage to any other plots. Excess material shall be used to level between lots as appropriate. Disturbed areas shall be re-sodded and seeded.
3. No mounds shall be raised upon any grave above the general level of the lot. The Town reserves the right at any time to remove unsightly mounds and to re-sod the grave at the general level of the lot.
4. Owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the Town Clerk as required by law. All removals will be made under the supervision of a licensed funeral director. All costs will be assumed by the requestor.
5. All caskets should be enclosed in a permanent outside container. The following are considered permanent outside containers; concrete liner, concrete, copper or steel burial vaults and sectional concrete.

#### Section 6. Care of Cemetery and Cemetery Lots.

1. Gravestones – All head stones and monuments shall have a foundation. Cement shall be used throughout for monument foundations. All markers shall be flush with the surface of the ground and do not require a foundation.
2. All cemetery lots in the Unity cemeteries will be provided with perpetual care or endowed care, and all future lot sales shall be made with perpetual or endowed care with the rates as specified.
3. Unity veterans shall not be charged for a single lot. Such veterans shall have been born in Unity and/or been a resident of Unity for a period of 10 consecutive years. Perpetual care payment is not waived for veterans and shall be paid prior to receipt of deed.

Price Schedule – As determined by the Selectmen on advice of the Cemetery Committee.

See Schedule A.

800 712 6600

Cemetery Management.

All funds received for sale of lots and other non-specified incidental cemetery income shall be deposited in an account established by the Town Treasurer and shall be titled the *Cemetery Maintenance Management and Improvement Fund* And shall be treated as a proprietary account. All balances shall be carried forward yearly. Monies in this account shall be used only for cemetery purposes. No more than ½ of the account balance may be spent in one fiscal year.

Perpetual Care Fund

A second account shall be established by the Town Treasurer titled *Perpetual Care Account*. All cemetery perpetual care funds shall be accounted for through this account. This account is not part of the Town's general management funds. These funds may be pooled with other Town general funds for investment purposes with interest earned through such arrangement accordingly pro-rated. No expenditures of the principal funds shall be allowed at any time. Expenditures from the interest earned shall be used as provided by M.R.S.A. Title 30-A ss.5711-5719. Such expenditures shall not exceed 50% of the earned interest in a given year.

Cemetery Management.

The *Cemetery Management* and *Perpetual Care Funds* shall be invested by the Town Treasurer and under the direction of the Selectmen (as required by Title 30-A M.R.S.A. ss5711-5719).

This ordinance shall become effective on passage at a Town Meeting.

This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.

The invalidity of any portion of the ordinance shall not invalidate any other part.

Effective date of this ordinance: MARCH 30, 2002

Signature – Selectpersons

1. Richard Whitney
2. Charles E. March
3. Charles P. Puccio

## CEMETERY LOTS

Below is the schedule of fees for cemetery lots in Unity's seven cemeteries.

Single Lots-----\$100.00

Perpetual Care-----\$100.00

Total-----\$200.00

Each lot measures 4 ft. x 12 ft.

Grave opening, which included closing and seeding:

\$375.00

Grave opening for cremains:

\$100.00

Sale of cemetery lots and grave openings/closing/maintenance will be governed by the Town of Unity's Cemetery Ordinance, enacted March 30, 2002.

Fee Schedule Updated May 18, 2005.