

**TOWN OF SKOWHEGAN**  
**ORDINANCE**  
**REGULATIONS FOR THE ADMINISTRATION**  
**OF PUBLIC CEMETERIES**

**INCLUDING:**

**EAST SKOWHEGAN CEMETERY**  
**449 OAK POND ROAD**

**LARONE CEMETERY (WHITING CEMETERY)**  
**36 LARONE ROAD**

**MALBONS MILLS CEMETERY**  
**418 MALBONS MILLS RD**

**NORTH CEMETERY**  
**12 WALTON COURT**

**OLD BLOOMFIELD CEMETERY**  
**26 CEMETERY ROAD**

**OLD RIVER ROAD CEMETERY (HERRIN CEMETERY)**  
**112 EAST RIVER ROAD**

**POOLER CEMETERY**  
**419 OAK POND ROAD**

**SOUTHSIDE CEMETERY (BLOOMFIELD CEMETERY)**  
**103 MAIN STREET**

**APPROVED AT**  
**TOWN MEETING**  
**JUNE 13, 2016**

**I. Definitions:**

Burial or Interment - The deposit of the remains of a human being into the ground

Cemetery Committee- A committee appointed by the selectmen to oversee the general administration, upkeep and special projects of the town owned cemeteries

Contractor - Persons, firms, or corporation engaged in the sale and/or erection of vaults, liners, monuments, headstones, etc., subject to the approval of the Sexton, who shall supervise and/or direct such work performed.

Disinter or Exhume- To remove a body from a grave.

Lot – A 12' x 21' plot designated to the remains of six (6) adult human bodies, or as defined under a single grave designation (Page 3).

Grave- An excavation made in the ground to receive the deceased for burial.

Footstone- A small stone placed at the foot of a grave opposite the headstone, often bearing the initials of the deceased.

Flag Holders- Markers that are placed in the ground next to a stone marker and constructed so as to hold a flag, usually marking the grave of a veteran

Headstone – Same as a marker stone, but usually associated with a grave that also has a footstone.

Holiday- Shall mean any State or Federal designated holiday.

Immediate Family – First and second generations of original purchaser(s).

Liner - Approved concrete slabs so constructed and assembled as to prevent sags or hollows in the gravesite and they must meet all laws, rules and regulations.

Markers- Usually cast iron insignia placed in the ground next to a gravestone to indicate membership in the military or some other organization.

Marker Stone or Gravestone- A stone utilized to mark a grave, usually bearing the name of the deceased buried there as well as other pertinent information.

Memorial- A stone inscribed to mark a historic event or important person.

Monument- Something built or placed, usually a block of granite or other stone, to commemorate a person, event, etc., and often bearing written tribute to the person, especially after their death.

Owner- Purchaser of said lot

Perpetual Care- The provision of funds, held in perpetual trust, the income of which is expended in keeping up the necessary care of the individual lots or graves, and the maintenance, repair and future renewal of the cemetery as a whole.

Selectmen - The elected officers of the Town.

Sexton - That person appointed by the Selectmen to be in charge of the Town's cemeteries.

Single Grave – A 3.5' x 12' plot designated to contain the remains of one (1) adult human body; or two (2) children at the discretion of the Sexton; or the cremated remains of six human bodies, provided such remains are the members of the same family or anyone approved for interment within said lot by the owner of said lot.

Town - Shall mean the Town of Skowhegan or its duly elected officers.

Urn – Any container approved by the sexton.

Vault – A burial chamber or, most often, the concrete enclosure in which a casket is placed for burials.

Weekends- Shall mean Saturday and Sunday.

## **II. Cemetery Administration:**

1. Care of public cemeteries and lots therein shall be under the supervision of the Board of Selectmen which is authorized to engage personnel, provide by purchase or contract necessary equipment and supplies.
2. The Board of Selectmen may appoint a cemetery committee to oversee the care and upkeep of public cemeteries per town ordinance and as directed by the Board of Selectmen.
3. The Board of Selectmen shall appoint a sexton of cemeteries on the first day of July each year. Such appointee shall subscribe to the prescribed oath of office.
4. The Board of Selectmen shall receive and expend, as necessary, the annual appropriation for Town-owned cemeteries, income for annual care of lots privately arranged, the income from perpetual care deposits, burials, disinterments and other cemetery operating income.
5. The Board of Selectmen shall cause to be reported in books currently and previously kept for that purpose in the Town vault, a record of every burial and disinterment of a body in a Skowhegan public cemetery with supplemental information indicated in such records or as may be required in the future.

6. A detailed summary of all receipts and expenditures for the up-keep of cemeteries and care of lots shall be published in the annual Town report.
7. Selectmen reserve the rights to sell, convey, exchange or otherwise dispose of unsold lots within cemeteries as they deem to be in the best interest of the town.

### **III. Sexton, Duties and Responsibilities:**

1. The Sexton shall be sworn in as a constable to enforce these ordinances and other applicable laws or rules and regulations.
2. The Sexton may employ such help as he deems necessary to maintain town owned cemeteries and perform such other duties as he deems necessary; and shall be responsible for their compensation, relieving the Town of all obligations, safeguards, compensations, etc.
3. The Sexton shall keep the Selectmen appraised (at least annually) of the condition of the cemeteries, proposed work and/or development to be done by the following year, preparing a necessary budget to complete the proposed development.
4. The Sexton shall oversee, supervise and plan all maintenance and development of the cemeteries, also interments and disinterments and maintain such records as are required by applicable Town, State and Federal laws, rules and regulations or by-laws.
5. The Sexton is responsible for opening all graves for full body and cremation burials.

### **IV. General Regulations:**

1. Vehicles being operated within any Town cemetery shall remain in the roadways of the cemetery, unless given authorization by the Sexton to do otherwise.
2. No vehicle shall be operated in a Town owned cemetery at not more than ten (10) miles per hour or in such a manner as to leave ruts.
3. No vehicle known as a motorcycle, snowmobile, motorbike, all-terrain vehicle, dune-buggy or any registered or unregistered off-highway motor vehicle shall be operated within any Town cemetery at any time except as authorized by the Sexton.
4. All vehicles operated within any Town cemeteries must stop on signal or request of Sexton; the registered owner will be deemed to be the operator of such vehicle that fails to stop as required, all operators to identify themselves upon request.
5. The use or possession of firearms, except as part of a military burial, shall be prohibited.
6. The consumption or use of any alcoholic beverage or illegal drugs in any Town owned cemetery is prohibited.
7. Lot owner(s) shall be responsible for the removal of any unsightly flowers, wreaths, decorations, etc. from their gravesite. If the owner(s) fails to execute such removal, the Sexton may remove such items.
8. Vehicles must not stop so as to block or hinder the passage of other vehicles and must park on the right side of the roadway.

9. No auto shall pass a grave when a burial ceremony is in progress.
10. No shrubs or trees may be planted within any Town cemetery without permission of the Sexton, except that removable urns or flower boxes may be placed on any grave subject to number 5 above.
11. Pets, except service dogs, shall not be allowed within any Town owned cemetery.
12. No one shall damage, injure, remove, or harm any tree, shrub, monument, marker, etc., except at the discretion of the Sexton or lot owner.
13. The Town shall not be responsible for malicious or vexatious damage to any memorial, monument, decorations, etc., or the theft thereof, of any decoration, flag holder, flower box, headstone, marker, marker stone, memorial, monument, urn, etc.
14. Special requests by the lot owner for repairs to graves, trees, etc., may be made to the Sexton at the expense of the owner unless otherwise arranged.
15. Requests for special work shall be made in writing to the Sexton, setting forth such work to be done. Any refusal or denial may be appealed to the Selectmen. The decision of the selectmen is not appealable.
16. A copy of this ordinance and by-laws shall be issued with each new purchase.
17. Burials in late fall, winter, and early spring will be at the discretion of the Sexton.
18. The Sexton shall report all malicious or vexatious damages and/or thefts occurring in any Town owned cemetery to the Skowhegan Police Department, Town Treasurer, and to the owner of such property, or their survivors, if known.
19. Cemeteries close one half hour after sunset and open one half hour prior to sun rise. A person is guilty of criminal trespass if he/she enters or remains in a cemetery when the cemetery is closed. (M.R.S.A., Title 17, Part 2, Chapter 17, Section 402)

#### **V. Burial or Interment:**

1. All burials or interments shall be made in a concrete vault or urn.
2. Only human remains will be buried or interred. No animal burials will be permitted.
3. Undertakers and/or Funeral Directors shall be responsible for the payment of all burial charges, fees, and burial permits to the Town of Skowhegan.

#### **VI. Disinterment:**

1. The Sexton shall be informed as to length of disinterment and such disinterment to comply with applicable laws, rules, and regulations.
2. If disinterment results in permanent removal, the Sexton will document Town and name of cemetery where new burial is to be made.

#### **VII. Fees:**

All fees or deposits for acquiring grave lots, perpetual care, care of lots by other than perpetual care arrangements, digging of graves, interments and disinterments shall be established by the Selectmen. See Addendum #1

### **VIII. Perpetual Care:**

1. Perpetual care is money paid to help provide maintenance to graves and cemeteries, such as lawn mowing. Perpetual care is kept in its own account, and the money paid by the individual(s) purchasing a lot is deposited into that account. Only the interest, and not the principal, of the perpetual care account may be expended for the care of cemeteries.
2. Perpetual care primarily pays to have the lawns mowed and the grass around the headstones trimmed. Perpetual care may also be used to repair broken headstones and make other necessary improvements where possible.
3. Perpetual care fees must first be paid prior to burial in any Skowhegan owned cemetery. The appropriate fee must be paid to the Skowhegan Town Treasurer according to the lot size.
4. Perpetual care fees collected are to be used for cemetery lot maintenance and general improvements within the cemeteries.
5. Deposits for perpetual care of cemetery lots shall be received by the Town Treasurer and shall be accompanied by a description in writing to include the lot, its number and the name of the cemetery in which it is located.
6. The Town Treasurer shall issue to the depositor, or his/her representative, a certificate of deposit, which shall contain the name of depositor, name of cemetery, amount deposited, number of the lot and the date the deposit was received. The Town Treasurer shall record the certificate in a book kept for that purpose and forthwith forward a copy of it to the person or agency in charge of cemeteries and a copy to the Selectmen.
7. The Town Treasurer shall deposit funds received and the Selectmen, by their warrant, shall direct the deposit or investment of such funds as prescribed by M.R.S.A. Title 30A, Section 5706 and amendments thereto.
8. Once ownership is transferred out of the immediate family, the Town's obligation to care for that grave terminates and the next owner must pay the current rate for perpetual care.

### **IX. East Cemetery Regulations**

The following items in this section pertain to the East Cemetery only.

A. Any transfer of grave lot ownership must be recorded with the Town Clerk within thirty days of the transfer.

B. Lot Configurations & Conditions

Lot:

21' X 12' = 6 graves - monument centered in lane

Single grave:

3.5' X 12' = 1 grave- monument centered in lane

Utilization - from street

0 to 1' = buffer zone

1' to 9' = grave

9' to 10.5' = monument zone

10.5' to 12' = open zone (path)  
Monuments - one per lot –  
Foundations - 4' X 18" maximum X 4' deep - flush to ground  
Single lot - 3' X 18" "X 4' deep - flush to ground  
Markers - 1 per grave to be located 1' from street lot line - parallel  
to street lot line - 1' X 2' maximum size to be set flush to  
ground  
Graves - run East - West (approx. 42"w x 9')  
One human body per grave, except two (2) children under ten (10) years

#### **X. Memorials, Monuments, etc.:**

1. No memorial, monument, mausoleum, bench, seat, fence, or other structure may be set or erected in cemeteries without the consent of the Sexton; except, however, the Selectmen may approve requests for such construction after a hearing on the matter, said hearing to include the Sexton and the person or persons making such request and the general public.
2. No grave may contain more than one monument.
3. Multiple graves may have one monument and one flush headstone per grave.
4. Erection or installation of any memorial or headstone may be made only after notification to the Sexton.

#### **XI. Penalties for Violations:**

Any person who violates any provision of this ordinance commits a civil violation for which a forfeiture not to exceed one hundred dollars (\$100.00) may be adjudged. In addition to this forfeiture, any person so adjudged shall also be liable for the Town's costs of restoration, repair, or replacement of any property damage caused by the violation, and legal fees.

#### **XII. Cemetery Committee By-Laws:**

1. Purpose:  
The purpose of the Cemetery Committee is to oversee the general upkeep and special projects of the eight (8) Skowhegan owned cemeteries and to annually review and make necessary recommendations to the Board of Selectmen concerning the Cemetery Ordinance, Budget and Operations.
2. Members:
  - a. The Cemetery Committee shall consist of seven (7) members who shall be appointed by the Board of Selectmen, at their first regularly scheduled Selectmen's meeting after the annual town meeting each year.
  - b. Terms are for one year.
  - c. Membership shall consist of eight (8) members, seven (7) voting members and the eighth to be the Cemetery Sexton.
  - d. The seven (7) voting members shall consist of

- i. A representative from the Board of Selectmen
- ii. A representative from the Budget Committee
- iii. A representative of the local veteran's organization
- iv. A representative of the Skowhegan History House Museum & Research Center.
- v. Town Clerk/Treasurer, who shall also serve as the Committee Secretary and
- vi. Two members at large from the community.
- e. Every effort should be made by the Board of Selectmen to fill vacancies after receiving notification of the resignation or demise of a member.
- f. Any member missing more than two consecutive meetings without notifying the Chairman, Town Treasurer or his/her designee with just cause, will automatically be terminated.

3. Meetings:

- a. The Committee shall convene in open session annually during the month of July for the purpose of electing from within its membership a Chairman and Vice-Chairman and shall certify to the Town Clerk/Treasurer the names of its members and officers, to be recorded in the town record.
- b. In addition to the annual meeting the Committee shall hold regular meetings in October, January and May at dates and times agreed upon by the Committee. If a meeting is necessary outside the set schedule, it may be requested and set by the Chairman, Town Clerk/Treasurer or Sexton.
- c. The Secretary shall notify the members of any meetings to be held and provide an agenda, meeting minutes and any necessary reports to all Committee members. The secretary shall properly post meeting notices as may be required to notify the general public of Committee meetings.
- d. Expenses are to be paid from the Public Properties/Cemeteries expense budget and/or the Capital Improvement Project (CIP) account.
- e. No meeting can be convened unless at least four (4) voting members are present.

4. Budget:

The Cemetery Committee shall annually make recommendations in writing to the Town Manager for inclusion in the Town Meeting Warrant.

**XIII. Adoption and Amendments:**

- 1. This ordinance shall become effective on passage at a Town Meeting.
- 2. This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.
- 3. Passage of this ordinance and these by-laws shall supersede any and all past rules and regulations governing Town cemeteries.
- 4. The invalidity of any portion of this ordinance shall not invalidate any other part.



**ADDENDUM #1**

1. Fees and Perpetual Care Deposits:

Deposits for perpetual care and fees for graves shall be:

|          | <u>Minimal</u><br><u>Perpetual</u><br><u>Care Deposits</u> |   | <u>Land</u><br><u>Purchase</u> |   | <u>Total</u> |
|----------|--|---|--------------------------------|---|--------------|
| 1 Grave  | \$ 125.00  | + | \$ 20.00                       | = | \$ 145.00    |
| 2 Graves | 250.00   | + | 40.00                          | = | 290.00       |
| 3 Graves | 375.00   | + | 60.00                          | = | 435.00       |
| 4 Graves | 500.00   | + | 80.00                          | = | 580.00       |
| 5 Graves | 625.00   | + | 100.00                         | = | 725.00       |
| 6 Graves | 750.00   | + | 120.00                         | = | 870.00       |

Greater sums for perpetual care may be deposited.

2. Fees for annual care of burial lots:

|          |          |
|----------|----------|
| 1 Grave  | \$ 18.00 |
| 2 Graves | 22.00    |
| 3 Graves | 24.00    |
| 4 Graves | 26.00    |
| 5 Graves | 28.00    |
| 6 Graves | 30.00    |

3. Fees for opening and closing graves: (All fees shall be turned over to the Town of Skowhegan and deposited into the Cemetery Revenue Account.)

Burials:

|                    |          |
|--------------------|----------|
| Weekday            | \$500.00 |
| Weekend or Holiday | 600.00   |

Disinterment:

|                    |          |
|--------------------|----------|
| Weekday            | \$600.00 |
| Weekend or Holiday | 700.00   |

Cremations:

|                    |          |
|--------------------|----------|
| Weekday            | \$250.00 |
| Weekend or Holiday | 300.00   |

In unusual cases prices may vary.

4. No additional expenditures shall be made on any lot under perpetual care without prior authorization of the Selectmen.