

CHAPTER 5 Cemeteries

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Sec. 5-101 Nuisance

Any cemetery, community mausoleum or columbarium established, maintained or operated in violation of or contrary to the provisions of the Revised Statutes of Maine as amended, is declared to be a nuisance which may be abated or enjoined as such at the suit of any citizen of this State.

Sec. 5-102 City Cemeteries

1. Property. The Director of Public Works shall be entrusted with and be responsible for all City property used in cemetery operations, and be responsible for the maintenance of the cemetery.

2. Rules. The Director of Public Works may adopt such rules and regulations as in his judgment may be necessary for the government of the cemetery owned by the City, provided: (1) that the rules are not inconsistent with the laws of the State or the ordinances of the City; (2) that they are approved in advance by the City Manager; and (3) that they are in writing and filed in the office of the City Clerk where they shall be available for public inspection at any reasonable time.

3. Decoration Regulated. In said cemetery, no curb, decoration, design, embellishment, or improvement of any sort shall be placed upon any burial lot, nor shall any alteration of the surface of the grounds be made, nor shall any labor be done unless the same shall have been approved by the Director of Public Works, provided that if any person feels aggrieved by the decision of the Director of Public Works he may appeal to the City Council. If any monument or structure or any inscription that may be placed in or upon any burial lot in said cemetery shall be determined by the Director of Public Works to be improper, and such decision is concurred in by the City Manager, the offensive or improper object shall be removed by the owner forthwith; if the owner fails to do so within the time limit specified in a written notice by the Director of Public Works, the City shall have the right to enter upon the premises and remove the offensive or improper object.

4. Removal Of Nuisance. If any trees or shrubs in or upon any lot in the cemetery shall, in the judgment of the Director of Public Works, by means of their roots, branches or otherwise become detrimental to the adjacent grounds or unsightly or inconvenient to the public, the City shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.

5. Injury To Monuments And Places Of Burial. Whoever willfully destroys or injures any tomb, gravestone, monument, or other object placed or designed as a memorial of the dead, or any fence, railing, or other thing placed about or enclosing a burial place; or willfully injures, removes, or destroys any tree, shrub, or plant within such enclosure, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for less than one (1) year, as provided by the Revised Statutes of Maine.

State Law Reference: 13 M.R.S. §§ 1101-1349.

Sec. 5-103 Cemeteries Not Owned By City

1. No City Appropriations. The City Council shall not appropriate any funds for, nor shall any City funds be expended on any cemetery not owned by the City.

2. Maps Required. Any person, firm, association or corporation owning any cemetery in the City shall, within sixty (60) days after the passage of this Article, furnish to the City Clerk a map showing the location and number of each lot therein, and the name of every person buried therein so far as known to the owner or owners. Such owner or owners shall, within the same sixty (60) day period, make arrangements with the City Clerk, for monthly reports or otherwise, to the end that such map may be kept currently correct by the City Clerk.

3. Trust Funds Previously Accepted. Trust funds officially accepted by the City Council prior to the effective date of this Article for the care of lots in cemeteries not owned by the City shall be retained by the City in perpetuity in accordance with the trust originally reposed in the City; such funds shall be separately recorded, but may be invested jointly with other like funds; interest thereunder shall be expended according to the terms thereof, under the control of the City Manager, by the Director of Public Works, the work to be performed by him or under his direction.

4. Trust Funds Accepted in Future; Terms. Trust funds officially accepted by the City Council on and after the effective date of this Article for the care of lots, excluding the stone and sinking a grave, in cemeteries not owned by the City shall be accepted only on the following terms:

A. No such fund shall be less than \$1,000.

B. Such fund must be retained by the City in perpetuity;

C. Such fund shall be entered on the books of the Director of Finance and invested and held in accordance with the provisions

of the Revised Statutes of Maine; it shall not, however, be required that each fund be invested separately; any fund may be merged with other similar funds for joint investment;

D. Unless otherwise specifically provided by the terms of the grant or bequest, the annual income (actually earned) only shall be expended in performance of the requirements of the trust, and only such portion thereof as is necessary, in the opinion of the said Director of Public Works, to do so. A reasonable portion of the annual earned income may be gradually reserved for extraordinary repairs;

E. All expenditures for cemetery lot care must be for work actually performed, under the control of the City Manager, by or under the direction of the Director of Public Works;

F. Consent in writing to all of the applicable provisions of this Article and any amendments thereof, and any rules adopted under authority thereof.

State Law Reference: 13 M.R.S. § 1222.

Sec. 5-104 Utilization Of Burial Record Permits

The City Clerk shall compare burial permit records with all cemetery maps in his office, keep such maps currently correct, and report any possible violations of law to the City Attorney.

Sec. 5-105 Record of Burials

The City Clerk shall record in a book to be kept for that purpose, each interment made within the City's limits, together with the name, age, sex, color, occupation, condition, cause of death, date and place of death, date and place of burial, birthplace, parents' names, resident or non-resident, and the number of the lot or tomb where buried. Such book shall be kept safely and with the utmost care in the office of the City Clerk. The City Clerk shall keep all completed books of record in a fireproof vault at all times except when actually in use, as required by State Law.

State Law Reference: 22 M.R.S. § 2702; 5 M.R.S. § 95-B.