

## **CEMETERY ORDINANCE**

### **4-601 Introduction**

This ordinance is for the purpose of regulating the operation and use of public cemeteries in the City of Calais and shall be known as the “Calais Cemetery Ordinance”.

### **4-602 Application**

The provisions of this ordinance shall apply to the Calais Cemetery of South Street and the Red Beach Cemetery on U. S. Route One in the Section of Calais known as Red Beach. The City Council may extend its application to other public burial grounds or any additions to existing cemeteries as it may deem appropriate.

### **4-603 Supervision**

Said cemeteries shall be used exclusively for the burial of the dead and shall be under the supervision of the City Manager and a committee of the City Council, namely the Property Committee, consisting of three members, whose duties it shall be to supervise the expenditures of such sum of money as may from time to time be appropriated or received by the City for the care, management and improvement of said cemeteries, and who shall have the general supervision of all matters pertaining to the management of same.

### **4-604 Cemetery Plans**

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, and no part of said cemetery or cemeteries shall be used for burial purpose until such part shall have been surveyed and an accurate plan of the same made. 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. 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. Said plans shall be kept on file at the City Clerk’s office and tracing of said plans shall be furnished to the Superintendent of Cemeteries for his use. A complete index of said plans shall be made, showing the holder of each person interred. The City Engineer, or if none, the Superintendent of 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 Superintendent and enter the same in the index to said plans. All records of said cemeteries now in existence shall be filed with the City Clerk for safe keeping.

### **4-605 Lot Sale**

Persons may purchase lots in any public cemetery in Calais. Lot fees to be charged shall be fixed by the City Council and may be changed from time to time as the Council may determine. The sale of lots shall be subject to such rules and regulations as may be recommended by the Property Committee and adopted by the City Council.

Accurate records of all such sales shall be maintained by the Superintendent and permanently filed in the Office of the City Clerk.

#### **4-606 Use of Lots**

The Holders 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. The payment for a fee for a cemetery lot shall not be construed as the sale and conveyance of a fee title in the lots 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 approved and promulgated now and in the future.

#### **4-607 Perpetual Care**

Persons are required to enter into perpetual care agreement for lots purchased by them and shall deposit with the City Treasurer a sum to be set by the city Council for time to time, which sum shall be accepted in trust, the income therefrom to be expended from time to time for the care and improvement of said lot forever. Said sums as previously paid or as received hereafter shall be known as the Cemetery Trust Fund. These funds, as pooled together, shall be invested in a reasonably prudent manner, subject to applicable Maine law, and the net income annually expended the care and maintenance of perpetual care lots in accordance with the terms of the Ordinance and the Perpetual Care Agreement.

#### **4-608 Definition of “Care”**

“Care” perpetual, shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lots and such works as may be necessary to keep the grave in a neat condition, and for the care and maintenance of the cemetery, but shall not include maintenance or repair of monuments, not the planting of flowers or shrubs upon any lot, not the repairs necessitated by any acts of vandalism. Any holder of a lot shall not plant trees or shrubs, or flowers and shall not in any manner encroach upon the driveway and walk on any adjoining lot. Potted and artificial plants and flowers are allowed but must be removed each year by October 1 or they shall be removed by the cemetery crew and disposed thereof. The City does not accept legal responsibility for the care, restoration and maintenance of monuments, gravestones and markers which shall be installed and maintained only on permanent masonry or approved cement blocks.

#### **4-609 Appointment of Superintendent**

The Superintendent shall be appointed by the City Manager with the approval of the City Council. He or she shall hold office until the removal by the City Manager. His duty shall be to superintend the digging of all graves, the burial of all bodies from said cemeteries, or from place to place in said cemeteries, he shall, under the direction of the City manager and Committee on cemeteries, have the supervision and care of all cemeteries and receiving tombs, of all work, improvements and repair 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 observed and carried out. He shall have the care and custody of all machines, tools and implements used in the burial of the dead cemetery

which may belong to the City and shall keep the same, safely, in suitable places and in good order and repair.

#### **4-610 Grave Requirements**

All graves, including for cremation remains, shall be dug and properly backfilled by or under the supervision of the Superintendent. No other person is permitted to perform such tasks except under the supervision of the Superintendent or his authorized representative. All burials, except for cremation remains, shall be in a casket and a vault constructed of a durable material excepting wood.

#### **6-611 Cemetery Access**

Access to the public cemeteries shall be limited to such reasonable hours as may be set from time to time by rules and regulations and where gates are provided, shall they shall be locked to bar public access at all other times. 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 reasonable period of time. Such emergency action may be taken by the Superintendent with the approval of the City Manager.

#### **6-612 Reporting and Records**

The Superintendent shall have the responsibility of accurately recording all interment and shall further report all such data to the City Clerk who shall maintain the permanent records relating to cemeteries and all interments therein in the Clerk's Office. The City Clerk shall also maintain and preserve the Perpetual Care Agreements and all permanent records pertaining thereto.

#### **4-613 Payment of Fees and Charges**

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.

#### **4-614 Prohibited Conduct**

The following specified behavior and conduct by any person is prohibited at all times within any public cemetery of the City of Calais:

- (a) No person shall consume any intoxicating liquor while in such place.
- (b) 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.
- (c) 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 for purpose.

- (d) During the hours of closing, persons have no lawful purpose to remain there and shall leave immediately upon the request by a police officer or other duly authorized law enforcement officer.
- (e) 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 improvement.
- (f) No person shall allow a domestic animal to roam a public cemetery unless restrained by a leash.
- (g) No person shall fail to immediately remove and lawfully dispose of any feces left in a cemetery by a dog under his/her control unless a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.

#### **4-615 Schedules**

All schedules of fees, charges and deposits, referred to in this ordinance and as the same may be adopted and changed by the City Council, are made a part thereof.

#### **4-616 Calais Property Committee**

The Calais Property Committee, with approval of the City Council, shall have the authority to promulgate and issue rules and regulations pertaining to cemetery maintenance, operation and administration, subject to the provisions of Section 4-603 above.

#### **4-617 Penalties**

Any person found guilty of violating Section 4-614 of this ordinance shall be subject to a fine of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, to be reserved for the use of the City of Calais.

**Adopted: 6-10-2010**

**Amended: 2-10-2022**

**Repealed:**