

OTISFIELD HOME BURYING GROUND ORDINANCE

A home burying ground may be created within the Town of Otisfield with a maximum size of one-quarter (1/4) acre. A burying ground can be established or enlarged no less than one hundred (100) feet from a house or improved land used for recreational purposes, no less than two hundred (200) feet from a well, and no less than one hundred (100) feet from the boundary lines. The boundaries of the burying grounds must be clearly and permanently marked. A plot plan must be approved by the Otisfield Planning Board and a copy filed with the Oxford County Registry of Deeds.

Ordinance became effective March 6, 1999

LAWS OF MAINE – TITLE 13, MRSA RELATING TO FAMILY BURYING GROUNDS

Section 1142, Family burying grounds -

When a person appropriates for a family burying ground a piece of land containing not more than 1/4 of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds of the burying ground or encloses it with a fence, it is exempt from attachment and execution. No subsequent conveyance of it is valid while any person is interred in the burying ground; but it must remain to the person who appropriated, recorded and marked that burying ground and to that person's heirs as a burial place forever. If property surrounding a burying ground appropriated pursuant to this section is conveyed, the property is conveyed by the person who appropriated the property or by an heir of that person and the conveyance causes the burying ground to be inaccessible from any public way, the conveyance is made subject to an easement for the benefit of the spouse, ancestors and descendants of any person interred in the burying ground. The easement may be used only by persons to walk in a direct route from the public way nearest the burying ground to the burying ground at reasonable hours.

Section 1181, Restrictions and conditions -

The municipal officers of any town may on petition of 10 voters enlarge any public cemetery or burying ground or incorporated cemetery or burying ground within their town by taking land of adjacent owners, to be paid for by the town or otherwise as the municipal officers may direct, when in their judgment public necessity requires it. The limits thereof shall not be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner made to the officers at the time of the hearing on the petition. Nor shall any person, corporation or association establish, locate or enlarge any cemetery or burying ground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner. Nothing in this section shall prohibit the sale or disposition of lots within the limits of any existing cemetery or burying ground, nor the extension thereof away from any improved land used for recreational purposes or dwelling house or well. This section shall not apply to land acquired under Title 37-A, section 15. [1981, c. 33 (amd).]

OTISFIELD CEMETERY POLICIES, RULES & REGULATIONS

The operation and administration of the three Cemeteries; Cedar Crest Cemetery, Oak Hill Cemetery & South Otisfield Cemetery are under the supervision of the Board of Selectmen and such others as they may appoint to act on their behalf.

The cemeteries are reserved for residents and former residents of Otisfield. In exceptional cases, as may be determined by the Board of Selectmen, a non-resident with a particular connection to the town may be permitted burial in one of these cemeteries.

All income, both from the proceeds realized from the sale of reserved spaces to individuals or from donations or others sources, will be placed in trust and the proceeds there from will be used to provide perpetual care and maintenance of the cemeteries.

1. Spaces may be reserved by residents and former residents of Otisfield on payment of nominal charge set by the Board of Selectmen.
2. Prior notification to the Town before burials is required.
3. A charge will be made for opening and closing a grave.
4. A concrete vault is required for all interments with exception of cremated remains.
5. Any shrubs or permanent plantings can be trimmed, pruned, or removed at the Towns discretion. Fresh and artificial arrangements may be placed on graves at anytime. All arrangements must be anchored and shall not interfere with normal mowing and trimming operations. The Board of Selectmen or those appointed on their behalf shall have the authority to remove any plantings or fixtures that become unsightly or detrimental to the maintenance of the grounds. .
6. No glass containers of any type are allowed. Any found will be immediately removed and disposed of.
7. The Town is not responsible for procurment, placement or repair of monuments or headstones.
8. The Town assumes no liability for damage to headstones, decorations, fixtures, foundations, or other articles caused by equipment or personnel.
9. Lots herein granted are to be used and occupied as place of human burial subject to these and such other policies and regulations as may now be prescribed by the Town or its Selectmen.
10. The Town will provided perpetual care to all spaces within the cemetery to the limits of its abilities and resources.
11. Reserved spaces no longer wanted or needed by a reserve may be disposed of by release to the Town in which case a refund will be made from the operating fund created by proceeds from the trust Funds of any monies previously deposited. Transfer to any other person of unwanted spaces may be made with the consent of the Selectmen.
12. If, after a period of 50 years from the date of this contract, the space(s) have not been utilized by the person(s) for whom reserved, and the intent to use the space(s) by such person(s) is unknown, an attempt will be made by the Selectmen to determine such intent. If there is no response or other confirmation of intent to use the space(s), the space(s) will revert to the Town and may then be reserved to another.