

## **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).]

**TOWN OF OTISFIELD**  
**POLICIES, RULES AND REGULATIONS FOR TOWN CEMETERIES**

These policies and rules and regulations have been adopted for the mutual protection and benefit of all lot owners as well as the Town of Otisfield and all its cemeteries.

All lot owners and persons visiting the cemeteries shall abide by these policies, rules and regulations and as hereafter amended which is intended to assist our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the deceased.

Cedarcrest Cemetery, Oak Hill Cemetery, and the South Otisfield Cemetery are open for interments under supervision of the Select Board and such others as they may appoint to act in their behalf.

**PURCHASE OF CEMETERY LOTS**

The purchase of a cemetery lot(s) authorizes the owner the RIGHT TO INTER human remains within the lot boundaries. No other rights are granted except as stated in these rules. Title to the real estate remains with the Town.

Burial lots are purchased with provisions of perpetual care, defined as regular cutting and trimming of grass and other wild growth, the raking and cleaning of grounds and such to the best of the Towns ability and to the satisfaction of the Select Board and its appointees.

Lots may be reserved by residents and former residents of Otisfield on full payment of nominal charge set by the Select Board. In exceptional cases, as may be determined by the Select Board, a non-resident with a particular connection to the Town may be permitted burial in one of the cemeteries.

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

Each lot sold will include the cost of corner markers to be set by the Town Sexton to ensure proper boundaries of lots and dually recorded. Corner stones may be replaced by other stone markers at owner's expense with Sextons approval.

Eligible persons desiring to purchase lots are referred to the Town of Otisfield office personnel for information and assistance. Upon having made a lot selection and full payment of fees and charges are received the person will be issued an Otisfield Cemeteries Reservation form.

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(s) of unwanted spaces may be made ONLY with the consent of the Select Board.

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 Select Board 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 be reserved to others.

## **INTERMENTS**

Lots herein granted are to be used and occupied as places of human burial and subject to these and such other policies, rules, and regulations as may now be prescribed by the Town or its Select Board.

Prior notification to the Town IS REQUIRED before burial so as to locate and mark all interments on maps so that future generations do not dig up burial plots by accident.

A charge will be made for the opening and closing of a grave.

A concrete vault or its approved equivalent (i.e. synthetic polymer, metal, stone) is required for all burials in order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes.

Bodies may be buried without a coffin but a burial vault must be placed upside down over the body.

A vault is not required for cremated remains.

The interment of two bodies in one single grave will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time, unless under special circumstances provided by the Select Board.

Cremations are limited to a maximum of four (4) per single plot. Flush markers are required above each cremation burial. No cremations will be allowed on top of casket burials.

Double deep or full burial vaults may not be placed on top of one another.

No interment will be allowed until such time as the lot has been paid for in full.

There will be no interments from November 15th to April 15th of each year depending upon seasonal conditions and the discretion of the Town Sexton.

All interments, disinterments and removals including cremated remains shall be submitted to the Town and its Sexton in writing before any action, for prior approval and proper record keeping.

Removal of bodies, including cremations, from graves in any cemeteries will be in accordance with the requirements of the Statutes of the State of Maine. All removals will be made under the direct supervision of a licensed funeral director and the Town Sexton. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.

## **MARKERS AND MONUMENTS**

The Town is not responsible for procurement, placement, or repair of any monument, marker, headstone or such.

The Town takes great care but assumes no liability for loss or damage to headstones, markers, monuments and such, or decorations, fixtures, foundations or any other article caused by cemetery equipment or personnel.

The Town is not responsible for any loss or damage from causes beyond its control as a result of the elements, Acts of God, or war, thieves and vandals and such.

If any monument, effigy, or inscription or structure is placed or is to be placed on any lot or portion thereof, be determined by the Select Board to be offensive or improper or injurious to the surrounding grounds the Town shall have the authority to order the removal of the same by the owner or have it done at the owners expense.

## **LANDSCAPING AND DECORATIONS**

Fresh and artificial arrangements may be placed on graves at any time.

All arrangements must be anchored and shall not interfere with normal mowing and trimming operations.

NO GLASS CONTAINERS OF ANY TYPE ALLOWED, as these present a hazard if broken to visitors and cemetery workers. Any found will be removed and discarded immediately.

All American flags placed by the Town to commemorate those who served in our Armed Forces will be removed after Veterans Day and will be replaced before Memorial Day.

Evergreen and flowering shrubs may be planted by owners. Since such plantings have the potential of interfering with adjacent or nearby lots belonging to others, ALL plantings must be kept trimmed and within one (1) foot of boundaries and within reasonable height. In cases where the aforementioned restrictions are not observed the Select Board or its appointed will take corrective actions, whether trimming or removal.

Please bare in mind the Town and its appointees shall have the authority to enter upon any plot at any time and remove any floral designs, flowers, trees, shrubs, plants or herbage of any kind from the cemeteries as soon as in the judgment of the Sexton they become unsightly, dangerous, detrimental or diseased or when they do not conform to the standards maintained.

Any flowers or other arrangements which are used for decoration of lots should be removed by individual or family members by the end of October. Any displays after that date shall be removed by cemetery personnel as part of Fall cleanup. Wreaths or other winter arrangements are welcome but shall be removed by the 15th of April or Spring cleanup.

Personal mementos are acceptable on or at the base of the monument GLASS IS PROHIBITED. Wood or other designs made of materials impervious to weather conditions must be maintained or will be removed and discarded at the Sextons discretion. Again, please remember any object that interferes with normal mowing and trimming operations can be removed.

No mounds shall be raised on any grave above the general level of the lot.

A grass lawn will be maintained in the cemeteries. No bark mulch, marble chips, gravel, or similar material shall be spread over any lot in place of grass or other ground cover such as moss. Fertilizing any plot is prohibited.

No curbing, fencing, hedging, grave mound boarders or enclosures of any kind shall be allowed around any lot. No walk of bricks, cinders, tile, stone, marble, sand, cement, gravel, wood or such shall be allowed on any lot.

## **GENERAL RULES**

Individuals shall only enter a cemetery through designated entrances and shall only use such authorized avenues, roads and walks.

No person shall destroy, mutilate, deface, injure or remove any monument, gravestone, marker or other structure placed within any cemetery; or any fence, railing, or other work for the protection or ornamentation of any of the aforesaid.

No snow machines, ATVs, bicycles or other off highway vehicle shall be allowed.

No horses allowed within the cemeteries. No dogs unless leashed and curbed and under full control.

No person shall pick any flower, wild or cultivated, injure any shrub, tree or plant.

There shall be NO SMOKING, or any other open flame of any type in any of the cemeteries.

No person shall be in possession of any alcoholic beverage within any cemetery.

The bringing of firearms into any cemetery is prohibited, except in the case of military escort.

No discharging or carrying weapons of any type, or the hurling of rocks, or pellets or discharging of fireworks. This is NOT to be construed as prohibiting ceremonial volleys by properly supervised military honor guards as a tribute to a veteran.

Because of the fragile nature of many of the headstones in our cemeteries and the real possibility and danger of stones breaking or tipping over, there will be NO GRAVESTONE RUBBINGS ALLOWED without direct supervision of the Town Sexton. No vigil/eternal lights allowed. No person shall behave in a loud, indecent or disorderly manner or create any unnecessary disturbance; nor shall any person conduct or participate in any sport, game or contest in any cemetery. Please Have Respect for the lot of others.

Special cases may arise in which literal enforcement of a rule may impose unnecessary hardship. The Town reserves the right without notice to make exception, or modifications in any of these Policies, Rules and Regulations when in its judgment, the same appear advisable. Such temporary exceptions, suspensions, and/or modification shall in no way be construed as affecting the general application of the Policies, Rules and Regulations.

The Town reserves the right at any time to adopt new Policies, Rules and Regulations, or to amend, alter, or repeal any policy, rule, regulation or article, section, paragraph or sentence in these Policies, Rules and Regulations.

**TAFT**  
**05.05.14**