

LISBON CEMETERY ORDINANCE (*Second Reading*) 07/07/2015 VOTE
(2015-193) Councilor Bickford, seconded by Councilor Metivier moved to
adopt the Lisbon Cemetery Ordinance as follows:

Subpart A – General Ordinance – Add new Chapter
below

CEMETERY ORDINANCE

Introduction

This ordinance is for the purpose of regulating the operation and use of cemeteries owned by the Town of Lisbon and shall be known as the "Lisbon Cemetery Ordinance".

Sec. 1. Superintendent – Duties.

The director of parks shall be the superintendent of cemeteries owned by the Town and shall be entrusted with, and be responsible for, cemetery property, including property used in cemetery operations, and for the maintenance of such cemetery property, subject to the direction of the town council, the town manager, and with the advice of the cemetery committee. The superintendent shall be responsible for the administration of the provisions of rules and regulations adopted by the town council under Section 2.

Sec. 2. Adoption of Rules and Regulations.

The town council of the Town of Lisbon may adopt such rules and regulations as in their judgment may be necessary for the governance of cemeteries owned by the Town. Such rules and regulations shall not be inconsistent with state law and Town ordinances. They may be revised from time to time as deemed appropriate by the town council and shall be available in writing from the town clerk.

Sec. 3. Hours of Operation.

All cemeteries operated by the Town of Lisbon shall be open to the public from dawn to dusk every day. Any person found in a cemetery between dusk and dawn may be charged with trespassing.

Sec. 4. Monuments.

Monuments and markers placed on a lot shall be subject to the prior approval of the superintendent and the cemetery committee. There shall initially be no requirements as to the size of the monuments, however, if necessary, the town council may consider restrictions on monument size in the future. All monuments or markers shall be constructed of a durable substance such as marble, granite or bronze. Any exceptions must be approved by the superintendent, with the consent of the cemetery committee, prior to placement upon a lot.

Sec. 5. Removal of trees, shrubs, and items as nuisances.

The Town reserves the right to enter upon a lot and remove any trees, shrubs, items, or any part thereof, in or upon any lot in any Town cemetery which, in the judgment of the superintendent, by means of their roots, branches or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the public. The Town is not responsible for any items removed.

Sec. 6. Applicability to any cemeteries acquired by Town.

The provisions of the rules and regulations adopted by the town council under Section 2 shall also apply to any cemeteries, the ownership and control of which may be acquired by the Town.

Sec. 7. Burial Permits and Authorization.

No interment or disinterment of any dead human body within the Town limits shall be made without a permit from the town clerk.

Sec. 8. Records of Burials.

The town clerk, with the assistance of the cemetery committee, shall record and maintain a record of each interment made within the Town limits, together with the name, age, sex, date and place of death, date and place of burial, and the number of the lot or tomb where buried. Such record shall be kept safely and with the

utmost care in the office of the superintendent. The town clerk shall keep all records in a fireproof vault at all times when not in use.

Sec. 9. Burial receptacles and cremain scattering.

- A. All burials shall be made in graves containing steel, concrete or stone outer burial containers [vaults or liners]. All cremains must be made in non-biodegradable urns.
- B. The scattering of cremains over a cemetery lot is permitted, but is subject to the following procedures and restrictions:
 - 1. A proper cremation certificate must be presented to the superintendent.
 - 2. Cremains must be scattered on a lot in the Town cemeteries. The location of the lot must be approved by the superintendent.
 - 3. The superintendent must be notified 3 days prior to scattering of cremains and must supervise the said scattering.
 - 4. The scattering of cremains must be in accordance with state law.
 - 5. Cremains must be pulverized.
 - 6. Cremains must be released as close to the ground as possible to prevent drift.
 - 7. Cremains will not be allowed to be scattered on lots which are 100 feet or closer to inhabited buildings.

Sec. 10. Burial of unembalmed remains.

For reasons of sanitation, all dead human remains interred in any cemetery owned by the Town of Lisbon must be embalmed by a licensed embalmer unless cremated or buried in a water repellent, airtight out burial container. Unembalmed remains may not be stored in the Town receiving vault while waiting burial.

Sec. 11. Laying out of cemetery lots.

It shall be the duty of the superintendent, together with the cemetery committee, to lay out cemeteries in sections and/or ranges, divided into lots of suitable size, and with avenues of such width for the passage of vehicles, on land hereafter purchased or acquired by the Town for use for the burial of the dead.

Sec. 12. Map of cemetery layout.

The superintendent and the cemetery committee shall make or procure a map or plan of each cemetery owned by the Town, with the streets, avenues sections and/or ranges and lots properly designated and numbered, and place the map on file for the use of the Town. The superintendent shall keep this map currently correct.

Sec. 13. Records of lot sales.

The superintendent with the aid of the cemetery committee shall maintain a record of all lot sales, giving the number, section, name of purchaser, price and date of every lot sold, transferred or exchanged. They shall also keep a complete record of all perpetual care and annual maintenance agreements.

Sec. 14. Deeds; Approval by Town Attorney; Restrictions.

All deeds to any Town cemetery lot shall be approved as to form and as to compliance with law by the town attorney. Such deed shall provide for use of lots for burial of dead human bodies only, any use or attempted use otherwise to make the deed null and void. The deed is subject to all ordinances, rules and regulations of the Town pertaining to cemeteries now in force or as may hereafter be adopted by the cemetery, or accepted by the grantee, recognized as covenants running with the land expressly made part of deed and binding upon grantee and his or her heirs and assigns.

Sec. 15. Opening and Closing of Graves.

The Town of Lisbon does not provide excavation service for opening or closing graves, and will not bear any

associated costs. Excavators and/or funeral directors must contact the Town of Lisbon's cemetery superintendent at least 48 hours prior to any grave opening, interment or disinterment to locate and mark the correct burial space.

Following an interment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded, except where consistent with existing practice. Excavators shall remove all excess material from the site, repair damage to any other plots, and shall repair any settling of the site for one year following any excavation, grave opening or closing.

Sec. 16. Perpetual Care

Persons purchasing lots in a Town cemetery shall enter into a perpetual care agreement for lots purchased by them and shall deposit with the treasurer a sum to be set by the town council for time to time, which sum shall be accepted in trust, the income there from 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 for the care and maintenance of perpetual care lots in accordance with the terms with the terms of this ordinance and the perpetual care agreement.

The definition of "care" shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lots and such work 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 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 or upon 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 of. The Town 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.

Sec. 17. Conduct prohibited on cemetery grounds.

No person shall, in any Town cemetery:

1. Carry any alcoholic liquor or narcotics (controlled substances) into such cemetery or consume or use any such liquor or narcotics therein.
2. Carry any firearms therein, except in connection with funerals or Memorial Day or similar exercises.
3. Explode any fireworks.
4. Trespass upon any cemetery lot.
5. Make use of any loud, threatening, abusive or indecent language.
6. Throw stones or other missiles therein.
7. Exhibit any show or play any game of chance therein.
8. Post any bill, notice or other device on any tree or structure.
9. Do any obscene or indecent act whatever upon or within such cemetery.
10. Allow a domestic animal to roam in a cemetery unless restrained by a leash.
11. 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.

Sec. 18. Injuring monuments.

No person shall willfully destroy any tomb, grave stone, monument, or other object placed or designed as a memorial to the dead, or any fence, railing or other thing placed about or enclosing a burial place or willfully injure,

remove or destroy any tree, shrub or plant within such enclosure.

Sec. 19. Bicycle, motorcycle, recreational vehicle and horseback riding prohibited.

No person shall ride a bicycle, motorcycle, recreational vehicle or ride horseback in any Town cemetery, unless permission shall have been given by the superintendent, the town manager or the town council.

Sec. 20 Pricing.

The Town shall have the authority to establish, by resolution of the town council, prices for various services and lots in accordance with the following:

1. Lots - In accordance with the type and size of lot sold.
2. Resale or reconveyances of lots to the Town.
3. Perpetual care funding and contributions.
4. Rules and regulations for the establishment and maintenance of trust funds.
5. Maintenance rates for perpetual care.

Sec. Penalties.

Any person found guilty of violating Sections 17, 18 or 19 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 Town of Lisbon. **Roll Call Vote: Yeas - Garrison, Metivier, Pesce, Bickford, and Brunelle. Nays - None. Order passed – Vote 5-0.**