

TOWN OF NORTHPORT CEMETERY RULES & REGULATIONS

ARTICLE 1. Purpose and Intent:

For the mutual protection of lot owners and the Northport cemeteries as a whole, the following rules and regulations are hereby established. Lot owners and persons visiting the cemetery shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

ARTICLE 2. HOURS OF OPERATION:

Cemeteries operated by the Town of Northport are 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. (M.R.S.A. Title 17)

ARTICLE 3. LOT OWNERSHIP:

A. Sale of Lots.

For purposes of these rules and regulations, persons desiring to purchase lots must contact the Town Office and complete a Lot Purchase Application. Selection will be from available lots. Having made a lot selection and paid all fees, the lot sale will be made and the lot conveyance completed. Rules relating to such lots will be explained and a copy of these rules and regulations will be made available to prospective purchasers. Sale of lots will be to Northport residents, past or present; Northport tax payers past or present; or immediate family members. Lot owners must request in writing, permission from the Select Board to bury persons not immediate members of the family. If the grave purchased requires ledge removal, the purchaser shall pay any extra charges required, or the grave may be exchanged for another available grave.

B. Purchase Price.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. (See attached Fee Schedule.) Within thirty days thereafter, or a date set by the Town Administrator or his or her designee, the Town of Northport will send a Lot Conveyance to the purchaser. Description of lots contained in such conveyances shall be in accordance with cemetery plots, which are kept on file in the Town Office. It shall be the duty of the lot owner to notify the Town Office of any change in address after purchase.

C. Easement or Right of Interment.

No easement or right of interment is granted to any lot owner in any walks or roadways within the cemetery, but such roadways or walks may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

D. The Select Board's Rights.

The Select Board reserves the right to:

- 1.Enlarge, reduce, re-plot, or change the boundaries or grading of the cemetery.
- 2.Modify or change the location of, or remove or re-grade roadways or walks.
- 3.Install, maintain, and operate drainage systems.
- 4.Have a perpetual right of ingress and egress for itself and to those lawfully entitled thereto, over lots for the purpose of passing to and from other lots.

E. Loss or Damage.

All reasonable precautions will be taken to protect lot owners within the cemetery from loss or damage, but the Town of Northport is not responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, act of God, thieves or vandals.

F. The Deed

The Lot Conveyance and these regulations, including amendments hereto, constitute the sole agreement between the Town of Northport and lot owners.

G. Purchase or Exchange of Lots.

The Town of Northport Select Board shall have the authority to purchase outright, or by exchange for other lots, on behalf of the Town of Northport, any unoccupied lot or lots, at such price mutually agreed upon by the owner or owners and the Town, if such transaction benefits the Town.

H. Transfer of Lots.

Owners transferring, granting or selling lots in Northport cemeteries must obtain the consent of the Select Board. A Certificate of Transfer application is available from the Town Office. The purpose is so the Town Office at all times has a complete and accurate record of all owners.

I. Right of Burial:

The term "owner of lot" shall mean an individual who, whether through purchase, grant or transfer, acquired the right and privilege of burial of the dead and cremation remains. These activities are to be arranged with the Town Administrator or his or her designee. Animals may be buried with their owners only if prior arrangements have been made. Otherwise, no animal remains are to be buried in cemetery lots.

ARTICLE 4. CARE OF CEMETERIES:

A. PERPETUAL CARE:

Any person who purchases a lot is required to pay the Town Treasurer the sum established in accordance with these rules & regulations as a reasonable amount for the care of said lots per M.R.S.A Title 13, 1305. Perpetual care of cemeteries shall include

ordinary care such as the cutting of the grass on lots at reasonable intervals, trimming, raking and cleaning lots, and such work as may be necessary to keep the cemetery in a neat condition. Such care and maintenance of the cemetery shall not include maintenance or repair of any stones, markers and planting of flowers upon any lot.

B. PERPETUAL CARE FUND:

Under M.R.S.A. Title 13, 1306, towns that control cemeteries are required to establish a cemetery perpetual care fund. The income derived from the perpetual care fund must be devoted to maintenance of the cemeteries.

C. GENERAL CARE:

The general care of the cemetery is the responsibility of the Town of Northport by and through its Select Board. This includes reasonable and practical care of the unsold areas of the cemetery; lawn areas, roadways, walls, or fences which the cemetery has established. In no case shall it mean the maintenance, repair, or replacement of any stone, plaque, or marker erected or placed upon a lot, nor the performing of any special or unusual work in the cemetery.

D. INDIGENT PERSON(S)

The Town of Northport shall, upon request, provide a lot for cremains, without charge, for the interment of indigent person(s) on a case-by-case basis.

E. GRAVE DEFINITION:

No lot or grave shall be defined by a fence, rail, stone, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.

ARTICLE 5. GREEN BURIALS:

A. GREEN BURIALS PERMITTED:

Green burials are permitted only in a designated portion of Beech Ridge Cemetery.

B. REQUIREMENTS:

1. In a green burial, the human remains (body) shall be placed in a biodegradable shroud, body bag, biodegradable wooden box, or cardboard box and placed at the bottom of a three-foot-deep grave.
2. In a green burial, an additional one and a half feet of dirt shall be added above the height of the surrounding ground when backfilling the grave, so that the additional earth can accommodate the settling of the earth during decomposition.
3. All other rules and regulations of this Policy and applicable local, state, and federal law shall apply to green burials.

ARTICLE 6. LOT IMPROVEMENTS:
Plants, Shrubs, and Flowers

- A. The Town will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants.
- B. The Town shall have the right to remove all floral designs, flowers, weeds, or plants of any kind from the cemetery as soon as they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said cemetery.
- C. The Town shall not be responsible for any floral arrangements or other ornamentation and shall not be responsible for any theft or damage to anything placed on a grave or lot.
- D. The Town reserves the right to remove vases or urns not properly cared for.
- E. No enclosure of any nature, such as fences, copings, hedges or ditches shall be erected on these lots.
- F. Any grave decoration, flowers or other decorative or commemorative ornamentation must be removed by April 30th, annually. Ten days prior to the Memorial Day holiday, graves can be redecorated for the season.
- G. The lot owner may improve, cultivate and care for their lots and existing plants and flowers in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as to not interfere with the adjacent lots. Glass containers are not allowed. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping nor add any materials to their lot which is considered to be unfit for the cultivation of grass.
- H. No trees or shrubs shall be planted on any lots.

Gravestones/Markers:

Prior to placing a gravestone or marker, permission must be obtained from the Town Administrator or his or her designee. All gravestones shall have a foundation. All markers shall be no more than 3½ feet in length and shall be flush with the surface of the ground and may not require a foundation. The location of all gravestones and construction of foundations shall meet the approval of the Town Administrator or his or her designee.

The owner of any lot shall have the right to erect thereon any proper gravestone or marker subject to the following criteria:

- 1. For a single lot, the gravestone or marker shall be no more than 38 inches high, including the base, no more than 34 inches in base length, and no more than 16 inches in width.

2. For a double lot, the gravestone or marker shall be no more than 38 inches high, including the base, no more than 4 feet in base length, and no more than 16 inches in width.

Only one gravestone shall be permitted on a lot. The gravestone must be located in the center rear, set in 8 inches from the lot boundary. One individual marker per grave is allowed in the cemetery, so long as the marker is recessed to ground level. In the case of cremation interment, one marker, at ground level, will be allowed for each cremation.

No gravestone shall be constructed of any material other than cut marble, granite, natural stone, bronze or other material as approved by the Town Administrator.

No gravestone shall be erected until a suitable foundation is laid. All foundations for gravestones shall be no less than 3 feet in depth. The Town Administrator reserves the right to inspect and approve all foundations for such structures.

If any memorial, or any structure whatsoever, or inscription to be placed on same, shall be determined by the Town Administrator or his or her designee to be offensive, they shall have the right and it shall be their duty to enter upon such lot and remove, change or correct the offensive or improper object or objects, at the expense of the lot owner.

ARTICLE 7. CEMETERY CONDUCT

The following shall be the general rules and regulations for use of municipal cemeteries.

1. No person shall, in accordance with title 13, MRSA Chapter 83 and Title 17-A MRSA, Chapter 17 §402:
 - a. Enter the cemetery except through an established gate or entrance way.
 - b. Deposit rubbish or debris on cemetery grounds.
 - c. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material
 - d. Be in possession of, or consume, any alcoholic beverage within the cemetery.
 - e. Discharge firearms in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States.
 - f. Allow any dog or other domestic animal to run at-large within any cemetery.
 - g. Injure any tree or shrub, mar any landmarks, markers, memorials, structures, or fence or in any way deface the grounds of the cemetery.
 - h. Behave in a loud, indecent or disorderly manner in the cemetery or create any unnecessary disturbance.
 - i. Drive or park across or upon any grave, lot or lawn.

2. Operation of unregistered motorbikes within or through cemeteries is prohibited.
3. Operation of snowmobiles and ATV's in the cemeteries is prohibited
4. No burial is to take place without the knowledge and consent of the Town Administrator or his or her designee, and all conditions of law and ordinance are met. The Town must be notified of any burial or interment by submitting An Intent to Bury notice to the Town Administrator.

ARTICLE 8. VIOLATIONS:

Any violation or infraction of these rules will be subject to all the rights and liabilities reserved to municipalities and as duly provided for under Maine State Law.

ARTICLE 9. ADOPTION, AMENDMENT:

1. These Rules & Regulations shall become effective upon adoption by the Select Board.
2. These Rules & Regulations may be amended as needed.
3. The invalidity of any portion of these Rules & Regulations shall not invalidate any other part. If any provisions of these cemetery rules & regulations are held to be invalid by appropriate judicial or other authority, this invalidity does not affect other provisions or applications of these cemetery rules & regulations, which can be given effect without the invalid provision or application, and for this purpose the provisions of these are severable. If any of the provisions of these personnel policies contradicts Federal or State law, then such Federal or State law shall supersede the offending provision.

ARTICLE 10. DEFINITIONS:

A. Cemeteries: The term cemeteries, as used in these regulations, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Northport for burial purposes, including the following locations:

1. Beech Hill Cemetery
2. Horse Jockey Lane (Eastside) Cemetery
3. Knights Pond Cemetery
4. Beech Ridge Cemetery
5. Pitcher Pond Cemetery

B. Sexton: The term shall mean the Town Administrator, appointed by the Select Board, who is given authority over burial within Town cemeteries, and includes his/her designee.

C. Grave: The term shall mean an area suitable for the interment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further

variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon the approval of the Select Board.

D. Gravestones: The term shall mean any stone that marks a grave or gravesite requiring a foundation.

E. Marker: The term shall mean any stone that marks a gravesite, is flush to the ground and does not require a foundation.

F. Owner: The term Owner shall mean the owner of rights of interment.

G. Interment: The term interment shall mean cremation with inurnment, entombment, or burial of the remains of a deceased person.

H. Right of Burial: The term right of burial shall mean an individual who has acquired the right and privilege of burial of the dead/or cremation remains.

I. Memorial: the term memorial shall mean any marker or structure upon or in any lot, placed thereupon or partially therein, for the purpose to memorialize the interred.

J. Lot: The term shall mean a plot of land approximately 4'x10', sufficient for one gravesite.

K. General Care: The term general care shall mean the reasonable and practical care of the unsold areas of the cemetery, lawn areas, roadways, walls, fences or trees which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial, plaque or monument erected or placed upon a lot, nor the performance of any special or unusual work in the cemetery.

L. Perpetual Care: The term perpetual care shall mean the obligation of the Town to maintain and care for all the Town of Northport cemetery sites from the net annual income of the Perpetual Care Fund.

M. Non-resident: The term shall mean a person who does not currently reside in the Town.

N. Remains: The term shall mean a deceased human body or ashes.

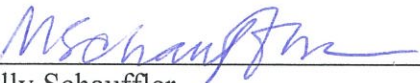
O. Cremains: The term cremains shall mean the remains of a body that has been cremated.

P. Resident: The term shall mean a person who is currently residing in the Town of Northport.

Q. Select Board: The term shall mean the Select Board for the Town of Northport.

R. Green Burial: The term shall include a burial in which the human remains (body) are not cremated, embalmed, or altered in any manner except for the harvesting of donated organs.

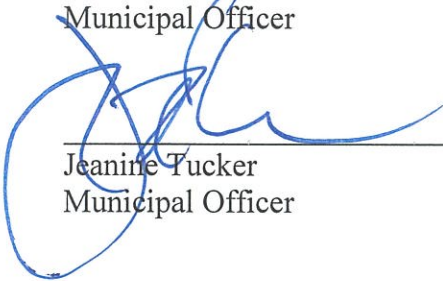
Approved:



Molly Schauffler
Municipal Officer



Date



Jeanine Tucker
Municipal Officer



Date