

Town of Bridgton

Cemetery Rules & Regulations

**Town of Bridgton, Maine
3 Chase Street, Suite 1
Bridgton, ME 04009**

Adopted by the Board of Selectmen on March 21, 2017

Table of Contents

| | | | |
|----------------------------------|-----|----------------------------|-----|
| General | Pg. | Plants | Pg. |
| 1.1 Purpose | 1 | 5.1 Shrubs | 5 |
| 1.2 Amendment | 1 | 5.2 Trees | 5 |
| 1.3 Reserved Rights | 1 | 5.3 Burials | 5 |
| 1.4 Access | 1 | 5.4 Landscape | 5 |
| 1.5 Vehicles | 1 | 5.5 Flowers | 5 |
| 1.6 Enforcement | 2 | Monuments | |
| 1.7 Waste | 2 | 6.1 Definitions | 6 |
| 1.8 Functions | 2 | 6.2 Location | 6 |
| 1.9 Corrections | 2 | 6.3 Single Burial Site | 6 |
| 1.10 Sexton | 2 | 6.4 Multiple Burial Sites | 6 |
| 1.11 Town Clerk | 2 | 6.5 Repair | 6 |
| 1.12 Losses | 2 | 6.6 Selection | 6 |
| Rights of Interment | | 6.7 Installation | 6 |
| 2.1 Rights | 3 | 6.8 Temporary | 6 |
| 2.2 Contact | 3 | Disinterment | |
| 2.3 Payment | 3 | 7.1 Law | 7 |
| 2.4 Grantee | 3 | 7.2 Fee | 7 |
| 2.5 Repurchase | 3 | 7.3 Opening | 7 |
| 2.6 Address Change | 3 | Rules of Conduct | |
| Care of Burial Sites | | 8.1 Mischief | 7 |
| 3.1 General | 3 | 8.2 Dogs | 7 |
| 3.2 Burial Site | 3 | 8.3 Insurance | 7 |
| 3.3 Boundary | 4 | 8.4 Prohibited | 7 |
| 3.4 Clean-up | 4 | 8.5 Substance | 7 |
| 3.5 Removal | 4 | 8.6 Peace | 7 |
| Interments and Inurnments | | 8.7 Dignity | 7 |
| 4.1 Timing | 4 | 8.8 Horses | 7 |
| 4.2 Notice | 4 | Appeals | |
| 4.3 Delay | 4 | 9.1 Authority | 8 |
| 4.4 Location | 4 | 9.2 Decision of the Sexton | 8 |
| 4.5 Instructions | 4 | | |
| 4.6 Grave Liners | 4 | | |
| 4.7 Limits | 5 | | |
| 4.8 Prohibited | 5 | | |
| 4.9 Movement | 5 | | |
| 4.10 Directors | 5 | | |
| 4.11 Casket | 5 | | |
| 4.12 Fee | 5 | | |

ARTICLE 1: GENERAL

1.1. Purpose. The Town works to preserve and protect the Cemeteries as peaceful and beautiful areas that serve as reverent symbols of the citizens' respect for the deceased. To accomplish these goals, rules and regulations ("Rules and Regulations") are used to influence the conduct of individuals while they visit the Cemeteries. In formulating these Rules and Regulations, a balance of the interest of the various stakeholders (purchasers and owner of rights of interment or inurnment; family, friends, and acquaintances of the deceased buried therein; Bridgton citizens and taxpayers; maintenance workers; and commercial service providers) is taken into consideration. In particular, the Rules and Regulations are based upon a proper fit of the Cemeteries in Bridgton, aesthetics of the park like spaces, the cost of maintaining them, historical preservation, civic pride, and, most important of all, safety of all who enter these Cemeteries. All persons visiting the Cemeteries will be expected to abide by these Rules and Regulations.

1.2. Amendment. The Board of Selectmen hereby reserve the right to adopt additional rules and regulations or to amend, alter, or repeal any rule or regulation at any time they deem appropriate. The Board of Selectmen also reserve the right to waive or temporarily suspend or modify one or more of these Rules and Regulations in unique situations that may arise in which strict enforcement may result in undue and unfair hardship or other unintended consequence. Such waivers or temporary suspensions or modifications of Rules and Regulations are expected to be very rare, based upon good reasoning and rationale, and not necessarily binding precedent for later situations.

1.3. Reserved Rights. The Sexton reserves the right to enlarge, reduce, re-plot, or change the boundaries or grading of the Cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or re-grade roads, drives, or walks, or any part thereof. The Sexton also reserves the right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes and to use cemetery property, but not inconsistent with Rights of Interment already sold to Grantees, for cemetery purposes, including interment and inurnment of the dead, or for anything necessary, incidental, or convenient thereto. The Town reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over burial sites for the purpose of passing to and from other burial sites.

1.4. Access. The Cemeteries shall be open to the public seven days per week from one half hour prior to sunrise and to one half hour after sunset. No individual shall walk across lots or lawn unless it is necessary to gain access to a particular burial site. The Town expressly disclaims responsibility for any property damage or injury sustained by any person violating this rule. Town Officials, or their agents, maintenance workers, and funeral workers may enter the Cemeteries outside of these hours if necessary for the timely completion of their tasks.

1.5. Vehicles. Motor vehicles must stop when meeting a funeral cortege and only resume movement when the procession passes. Maximum speed is ten (10) miles per hour. No vehicle may be driven or parked across or upon any burial site or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted. Snowmobiles and unregistered motor vehicles such as motor scooters and all-terrain vehicles are prohibited within the Cemeteries except on the designated trail.

1.6. Enforcement. Any violation of these Rules and Regulations will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Police Chief accordingly. Violations of the Rules and Regulations may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of Rules and Regulations by anyone may result in a request to leave the Cemeteries.

1.7. Waste. Individuals who enter the Cemeteries must deposit waste in the designated receptacle.

1.8. Functions. The only group functions that are allowed within the Cemeteries are funerals, burials, memorial services, and educational tours. Other types of functions are not permitted unless permission is sought and granted by the Cemetery Sexton or his/her designee.

1.9. Corrections. The Town reserves and shall have the right to correct any errors that may be made by it or its agents in making interments, disinterment's or removals, or in the description, transfer or conveyance of any Right of Interment or interment property. Such corrections may include cancelling such conveyance and substituting and conveying in lieu thereof other Rights of Interment or other interment property of equal value and similar location as far as possible, or as may be selected by the Sexton, or, by the sole discretion of the Sexton, by refunding the amount of money paid to the Town on account of said conveyance. In the event such error shall involve the interment of the remains of any person in such property, the Sexton reserves the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

1.10. Sexton. The Sexton chosen by the Town Manager shall have charge of the grounds and property within the Cemeteries assigned to them and shall have supervision and control of employees or agents and all persons visiting the Cemeteries, whether Grantees of Rights or otherwise, except that the Sexton shall be bound to the Town's best interests and not compete through his/her private business endeavors directly or indirectly in any manner whatsoever with operations of the Cemeteries or application and enforcement of these Rules and Regulations including, but not limited to, monuments, cremation and urns. The Sexton reserves the right to make final decisions regarding the application and enforcement of these Rules and Regulations in accordance with the appeals process set forth in Article 9 herein.

1.11. Town Clerk. Town Clerk is the official Town Clerk of Bridgton.

1.12. Losses. Reasonable precautions will be taken to protect the Grantees from loss or damage, but the Sexton and the Town will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the same be direct or collateral.

ARTICLE 2: RIGHTS OF INTERMENT

2.1. Rights. The Town will issue a Right of Interment (“Right”) (right to bury human remains or to bury the ashes of a human being (“cremated remains” or “cremains”), the latter hereinafter referred to as an Inurnment) upon the payment in full of the current price for such rights. Purchase of a Right in no way grants any other rights or privileges to the purchaser, and a Right is subject to these Rules and Regulations. No Right shall be used for any purpose other than the burial of the memorializing of the human dead, or the cremains of the human dead. The statement of any employee or agent of the Town, unless confirmed in writing by an authorized representative of the Town, shall in no way bind the Sexton or the Town.

2.2. Contact. Individuals considering the purchase of a Right should contact the Town Clerk at the Bridgton Town Office.

2.3. Payment. Complete payment of the purchase price for the Right must be made to the Town Clerk before any burial is permitted. No partial payments will be accepted. Upon full payment for the Right, and signing the Grantee Acknowledgement Form, the Town of Bridgton will issue an executed document signifying the granting of the Right. The payment shall be added to the Cemetery Perpetual Care Fund. It shall be invested and subject to the “Town of Bridgton Ordinance Concerning Withdrawals from Certain Trust Funds.”

2.4. Grantee. The Grantee is the individual who has purchased the Right, or has inherited the Right from a deceased Grantee. The Grantee “owns” the rights, but does not own the real property, just the right to use one or more specific burial sites in the Cemeteries subject to all of the Rules and Regulations as well as applicable laws and ordinances. The Grantee, in a writing filed with the Town Clerk, may grant permission to other named individuals to utilize a burial space that the Grantee has a right to. Such name or list of names may be amended from time to time or withdrawn at the discretion of the Grantee.

2.5. Repurchase. The Town has no obligation to repurchase Rights from Grantees. Each and every request to repurchase shall be considered by the Town and will be decided on a case by case basis. Prior decisions to repurchase or not to repurchase Rights will not have any bearing or influence on any subsequent request to repurchase. If the Town decides to repurchase Rights, it will pay the Grantee no more than the price originally paid by the Grantee for the Right.

2.6. Address Change. The Grantee must notify the Town Clerk of any change of address.

ARTICLE 3: CARE OF BURIAL SITES

3.1. General. The general care of the surface conditions of the Cemeteries is the responsibility of the Town and includes cutting the grass, trimming bushes and trees, and raking and cleaning the grounds. The Town does not assume the responsibility for caring for or planting flowers or ornamental plants, or repairing or replacing Monuments or Markers.

3.2. Burial Site. Burial Site is the basic unit of space within the Cemeteries used or intended to be used for the burial of human remains. It is also commonly referred to a single “grave site” or “burial space.”

3.3. Boundary. No burial site shall be defined by a fence, railing, hedge, crypt, or enclosure of any description. Boundaries that existed prior to the adoption of this rule (March 2017), around burial sites may be maintained as a boundary, but no one is allowed to add to or replace them.

3.4. Cleanup. The Sexton shall commence a fall cleanup the day immediately following Columbus Day of every year, and a spring cleanup between April 1 and May 15 of every year. Any items of value to the Grantees must be removed by the Grantee prior to the cleanup periods.

3.5. Removal. The Town, Sexton, or their agent/designee has the right to remove all floral designs, vases, urns, decorations, flowers, shrubs, wreaths, plants, and other materials placed in Cemeteries that, in their opinion, become unsightly, dangerous, detrimental, diseased, or that interfere with normal maintenance of Cemeteries.

ARTICLE 4: INTERMENTS AND INURNMENTS

4.1. Timing. Cemeteries shall be open for interments at the discretion of the Sexton. There shall be no interments permitted after December 1st until the following spring thaw is complete.

4.2. Notice. A minimum of forty-eight (48) hour's notice (not counting weekends or holidays) must be given to the Sexton or the Town Clerk by the funeral or burial service provider prior to all interments.

4.3. Delay. The Town shall not be responsible or held liable for any costs or damages for any delay in an interment/inurnment due to a written, timely protest to the interment or inurnment by a third party, or where the Rules and Regulations or any law or ordinance has not been complied with. The Town is under no obligation to recognize any protest or an interment or inurnment unless it is in writing and delivered to the Sexton or the Town Clerk.

4.4. Location. When an interment is to be made, the location of such interment shall be designated by the Grantee of the Right or their representative or agent. Should the Grantee or their representative fail or neglect to make such designation, particularly when the Grantee owns rights in multiple burial sites, the Town reserves the right to make or direct the interment in a location designated by the Sexton. An individual who presents himself or herself as having the authority of the Grantee for this purpose of locating an interment or inurnment shall certify in writing that they have such authority (e.g., Affidavit of Authority) and accept full responsibility and liability for their actions, and will hold the Sexton and Town harmless from any liability, including legal costs, on the account of such authority and disposition.

4.5. Instructions. Prior to the interment or inurnment, Grantees or their heirs or representatives are encouraged to provide the Sexton or Town Clerk a written communication as to the location of the burial. The Town cannot be responsible for a mistake as to the particular space or location in the plot resulting from lack of precise and proper written instructions (for example, mistake caused by any order given by telephone).

4.6. Grave Liners. In order to maintain a high standard of care and to eliminate sunken graves, all burials must be made using rigid and durable outside containers (commonly known as "vaults", "grave liners" and "concrete boxes") made of natural stone, reinforced concrete, or any similar container approved by the Sexton. Cremated remains must be interred in a container approved by the Sexton.

4.7. Limits. No interment of two (2) or more bodies shall be made in one (1) burial site except in the case of a mother or father and a child, or two (2) infants buried in one (1) casket (or two (2) caskets if small enough to fit within the burial space), or two (2) cremated remains, or one (1) full burial and one (1) cremation. All interments of multiple bodies/cremains shall be located and made by the Sexton. No double depth standard interments will be made.

4.8. Prohibited. Interments and inurnments are to be performed only by the Sexton or individuals or entities approved by the Sexton. Grantees and other parties not approved by the Sexton are specifically prohibited from performing interments or inurnments. The Town will take all reasonable action to rectify any such prohibited burials and seek damages and costs from violators of this rule. The Town will not be responsible for recording the unauthorized burial, including the identity of the deceased.

4.9. Movement. Monuments and Markers may have to be moved or removed to gain access to burial sites for purposes of interment or inurnment. The Sexton will restore the moved items to their initial position as soon as time and weather permits.

4.10. Directors. All funeral or burial parties entering Cemeteries shall be under the direction of a funeral director licensed by the State of Maine who shall abide by the Rules and Regulations.

4.11. Casket. Once a casket containing a body is within the Cemeteries, it shall not be opened except by a licensed funeral director, his or her assistants, or on an order signed by a court of competent jurisdiction.

4.12. Fee. The Town will charge an administrative fee for all interments and inurnments.

ARTICLE 5: PLANTS

5.1. Shrubs. Prior to planting any shrub, approval of the Sexton must be obtained. Shrubs growing on any burial site may be pruned or removed by the Town or its agents at the discretion of the Sexton. Generally, no shrubs or evergreens will be permitted on a single burial site, or at individual Monuments or Markers. Plantings on two (2) abutting burial sites, or larger plots, may be permitted, subject to pre-approval of the Sexton.

5.2. Trees. Planting of trees on or near burial sites is prohibited.

5.3. Burials. Planted materials may have to be moved to gain access to burial sites. The Town is not responsible for damage or losses resulting from removal of plant material during any interment or inurnment process.

5.4. Landscape. The Town will undertake to maintain, to the extent practicable, the planting and pruning of trees and shrubs to preserve the general landscape features of the Cemeteries, but will not undertake to maintain individual plantings, or containers of plants.

5.5. Flowers. Any planting of flowering plants is restricted to non-spreading varieties. Any perennial plantings must be pre-approved by the Sexton.

ARTICLE 6: MONUMENTS AND MARKERS

6.1. Definitions. Monument shall mean any above grade level burial site identification object made of stone or stone and bronze. Marker (also commonly called “headstones” or “flush markers or memorials”) shall mean any grade level burial site identification object made of stone or stone and bronze. Bench style monuments require prior approval by the Sexton.

6.2. Location. The location of all Monuments and Markers shall be determined and marked out by the Sexton or his designee at the Grantee’s expense. The Grantee has no authority, either specific or implied, to locate or mark out the Monument or Marker by himself or herself or to cause his or her agent to do so. The Grantee is responsible for any and all costs incurred for remedying any error in their locating a Monument or Marker independently of the Sexton. All Monuments must have a foundation as specified by the Sexton.

6.3. Single Burial Site. A single burial site shall have no more than one (1) Monument and no more than two (2) Markers. The foundation base on a single burial site generally shall be no wider than thirty-two (32) inches. At the discretion of the Sexton, a Monument or Marker may have a base size of up to seventy-five percent (75%) of the width of the burial space.

6.4. Multiple Burial Sites. Multiple burial sites that abut each other may have a larger Monument than a single burial site, if approved in advance. The Sexton has authority to approve applications for such Monuments.

6.5. Repair. Monuments and Markers that are placed in the cemeteries remain the property of the Grantee or party purchasing them. Monuments and Markers erected by Grantees shall be maintained in a safe condition by the Grantee (including heirs and assigns), and the repair and replacement of same, after damage from any cause, shall be at the expense of the Grantee. Notwithstanding the primary maintenance responsibility of the Grantee, the Town may, at its sole discretion, undertake to clean Monuments and Markers and to resolve safety concerns.

6.6. Selection. The Sexton must approve all Monuments and Markers based upon durability, safety, aesthetics, quality of workmanship, and installation technique. Grantees should seek the Sexton’s approval of Monuments and Markers prior to purchasing them.

6.7. Installation. Monuments and Markers may not be installed until all relevant fees and expenses have been paid. The Sexton must approve all installations.

6.8. Temporary. Temporary markers may remain on a burial site for up to 120 days of an interment or inurnment. The Sexton may remove such markers at the end of this period if the Grantee fails to do so. If a Monument or Marker is on order by the end of the 120-day period, the Sexton will allow the Temporary Marker to remain.

ARTICLE 7: DISINTERMENTS

7.1. Law. Disinterments are governed by Title 22, Section 2843, M.R.S. A permit for disinterment or removal of a dead human body must be obtained from the Clerk of the Town of Bridgton.

7.2. Fee. Cost of the disinterment shall be the responsibility of the party causing or seeking the disinterment. The Town may charge an administrative fee at the discretion of the Sexton.

7.3. Opening. The Sexton will allow and observe the opening of a grave upon showing, to his or her satisfaction, of requisite identification, authorization documentation and permit. In all disinterment cases, the responsibility of the Town shall be limited to identifying the grave only and the actual disinterment must be made by the person authorized to do so.

ARTICLE 8: RULES OF CONDUCT

8.1. Mischief. No person shall destroy, mutilate, deface, injure or remove any Monument, Marker, gravestone, fence, railing, other structure, plant, or other Town or Town properties within the Cemeteries.

8.2. Dogs. Dogs brought into the Cemeteries must be on leash at all times. Persons walking dogs in the Cemeteries must pick up any of their droppings and dispose of it outside of the Cemeteries, and will be strictly liable for any personal harm or property damage caused by the dog.

8.3. Insurance. All commercial service providers entering the Cemeteries to perform services or deliver commercial products must have liability and workers' compensation coverage consistent with the Town's requirements.

8.4. Prohibited. Some articles are considered injurious to the beauty and dignity of the Cemeteries, can create safety hazards, and reduce the peaceful ambiance therein. The following objects are not permitted in the Cemeteries: breakable items; unsightly items; eternal flames or any open flames.

8.5. Substance. No person shall be in possession of or consume any alcoholic beverage or illegal substance within the Cemeteries.

8.6. Peace. No person shall behave in a loud, indecent, or disorderly manner in the Cemeteries or create any unnecessary disturbance therein. It is of the utmost importance that there should be a strict observance of the proprieties in the Cemetery. The discharge of firearms or fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the Sexton.

8.7. Dignity. Picnics, horseplay, games, contests, sports activities, or any similar activity or gathering not in keeping with the purpose and dignity of a cemetery are prohibited within the Cemeteries.

8.8. Horses. Horses are prohibited from the Cemeteries except for the purpose of funeral, ceremonial, or memorial functions. Owners are responsible for cleaning up after their horses.

ARTICLE 9: APPEALS

9.1. Authority. The Sexton is hereby vested with the supervision and control of the grounds, property, and visitors of the Cemeteries and the employees and agents of the Town pursuant to Section 1.10 above; however, the Municipal Officers of the Town hereby reserve the right to review and act upon disputes or grievances resulting from actions of the Sexton as authorized herein.

9.2. Decisions of the Sexton. In the event that a Grantee or their representative or agent has been aggrieved by the Sexton's application or enforcement of these Rules and Regulations, the Grantee or their representative or agent may appeal the Sexton's decision to the Municipal Officers of the Town. The grievance must be received in writing by the Municipal Officers of the Town within twenty-one (21) calendar days of the cause of action for the grievance. The Municipal Officers of the Town will respond to the appeal in writing within ten (10) calendar days. The decision issued by the Municipal Officers of the Town shall be final and binding.

GRANTEE ACKNOWLEDGEMENT FORM

I understand that it is my responsibility to read and follow the Rules and Regulations of the Bridgton Cemetery Town which are published on the Town of Bridgton’s website and also available in hard copy from the Town Clerk. I also understand and acknowledge that the Rules and Regulations may be amended from time to time and that it is my responsibility to learn and follow such amended Rules and Regulations.

Grantee’s printed name: _____

Grantee’s signature: _____

Date of Acknowledgement: _____