

**Town of China
Cemetery Administration and Maintenance Ordinance**

Section 1. Introduction

This ordinance is for the purpose of regulating the operation and use of public cemeteries in the Town of China and shall be known as the “Town of China, Cemetery Administration and Maintenance Ordinance.” This ordinance shall become effective on March 25, 2017.

Section 2. Application

The provisions of this ordinance shall apply to all cemeteries under the town’s jurisdiction. The Select Board may extend its application to other public burial grounds or any additions to existing cemeteries as it may deem appropriate.

Section 3. Supervision

Said cemeteries shall be used exclusively for the burial of the dead and shall be under the supervision of the Town Manager and a committee so called the Cemetery Committee, consisting of at least three community members, whose duties it shall be to supervise the expenditures of sums of money as may from time to time be appropriated or received by the Town for the care, management and improvement of said cemeteries, and who shall have the general supervision of all matters pertaining to the management of same. Members shall be appointed by the select board for a term of one year.

Section 4. Appointment of Superintendent

The Superintendent shall be appointed by the Town Manager with the approval of the Select Board. He or she shall hold office until the removal by the Town Manager. His or her duty shall be to oversee the digging of all graves, the burial of all bodies in said cemeteries, or from place to place in said cemeteries. He shall be under the direction of the Town manager and the Cemetery Committee.

Section 5. Cemetery Plan

All extensions of said cemeteries shall be surveyed and laid out in lots, driveways, and path, to conform as nearly as may be to the general plans of the said cemeteries as they now exist, and no part of said cemetery or cemeteries shall be used for burial purpose until such part shall have been surveyed and an accurate plan of the same made. The lots shall be numbered consecutively, and the subdivisions of the lots shall be known as a single lot. The plan of said cemeteries shall be marked so as to designate the person or family to whom each is assigned, and the location of each grave in each lot shall be marked and the name of each person interred written thereon.

Said plans shall be kept on file at the Town Clerk's office and tracing of said plans shall be available for the use of the Superintendent. A complete index of said plans shall be made, showing the holder of each person interred. The Superintendent of Cemeteries shall mark on the plans in the Town Clerk's office the lots assigned during the year and the location of each interment made as recorded by the Superintendent and enter the same in the index to said plans. All record of said cemeteries now in existence shall be filed with the Town Clerk for safe keeping.

Section 6. Fees and Payments

All schedules of fees, charges and deposits referred to in this ordinance may be adopted and changed by the Select Board. All fees, charges and other deposits for appropriate disposition shall be paid to the Town Treasurer, who will furnish an official receipt to the persons making such payments.

Section 7. Lot Sale

Persons may purchase lots in any public cemetery in China. Lot fees to be charged shall be fixed by the Select Board and may be changed from time to time as the Select Board may determine. The sale of lots shall be subject to such rules and regulations as may be recommended by the Cemetery Committee and adopted by the Select Board. Accurate records of all such sales shall be maintained by the Superintendent and permanently filed in the office of the Town Clerk.

Section 8. Use of Lots

The deeded owners and heirs of such cemetery lots are subject to all rules and regulations that may, from time to time, be adopted for the management and use of the cemetery. The payment of a fee for a cemetery lot shall result in a deed being drawn up by the town and the owner of the lot must record the deed at the Kennebec County Registry of Deeds. The purchaser, also known as the "recorded owner," has a right of use of the lot for burial purposes, subject to such ordinances, rules and regulations as the Town may have previously adopted or approved and promulgated now and in the future.

Section 9. Grave Requirements

All graves, including those for cremation remains, shall be dug and properly back-filled by or under the supervision of the Superintendent. No other person is permitted to perform such tasks except under the supervision of the Superintendent or his authorized representative. All burials, except for cremation remains, shall be in a casket and a cement vault. A maximum of one casket shall be allowed in each plot. From this day forward up to three cremains may be interred in each plot. Each burial including cremains must be approved and recorded at the Town Office prior to burial.

Section 10. Reporting and Records

The Superintendent shall have the responsibility of accurately recording all interments and shall further report all such data to the Town Clerk who shall maintain the permanent records relating to cemeteries and all interments therein in the Clerk's Office. The Town Clerk shall also maintain and preserve all permanent records pertaining thereto.

Section 11. Perpetual Care

The income derived from the sale of a lot or lots will be expended from time to time for the care and improvement of said lot forever. Said sums as previously paid or received hereafter shall be known as the Cemetery Trust Fund.

Section 12. Definition of "Care"

"Care" shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lots and such works as may be necessary to keep the grave in a neat condition. Any holder of a lot shall follow the guidelines of the respective bylaws set forth in their deed. The Town does not accept legal responsibility for the care, restoration and maintenance of monuments, gravestones and markers.

Section 13. Cemetery Access

Access to the public cemeteries shall be limited to such reasonable hours as may be set from time to time by rules and regulations and where gates are provided, they may be locked to bar public access at other times. The use of cemetery streets and roadways by vehicles shall be similarly regulated and may be completely prohibited in all or part of any public cemetery where conditions of weather and ground may require such action for reasonable period of time. Such emergency action may be taken by the Superintendent with the approval of the Town Manager.

Section 14. Prohibited Conduct

The following specified behavior and conduct by any person is prohibited at all times within any public cemetery of the Town of China:

- a. No person shall consume any intoxicating liquor while in such place.
- b. Disorderly conduct, including but not limited to, the creation of disturbances, the making of loud noises, the use of obscene or profane language and the interference with or annoyance of other persons who are present in said cemetery for funeral, committal or memorial services or for the purpose of visiting grave sites is forbidden.

- c. No person shall hunt wild animals or birds within or from public cemeteries and no person shall discharge firearms or air rifles or pistols while within such cemeteries.
- d. Any person driving in any town cemetery shall be responsible for any damage done by his/her vehicle.
- e. During closed hours, persons have no lawful purpose to remain there and shall leave immediately upon the request by a police officer or other duly authorized law enforcement officer.
- f. No person shall willfully damage, injure, deface or carry away any fence, gate, ornamental tree, shrub, marker, flag, flag holder, urn, vase or other improvement, also including improved and built-up grave sites, and the materials used, or to be used, for such improvement.
- g. No person shall allow a domestic animal to roam a public cemetery unless restrained by a leash.
- h. No person shall 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.

Section 15. Repurchase of unused lots

The Select Board is authorized to repurchase any unused lots from owners or descendent as deemed in the best interest of the Town of China. Any expenses associated would be the responsibility of the seller. Proof of ownership must be demonstrated by any and all heirs before a sale will be final. Resale of lots is not allowed. A person may only sell lots back to the town if they no longer desire the lot.

Sale of lots by the lot owner to any other person or entity is prohibited. However, the Town may purchase unused lots from an owner who no longer requires the space, subject to the approval of the Cemetery Committee. The price paid by the Town will be the original price paid to the Town for the lot(s) but not more than seventy-five percent of the current selling price of lots in the cemetery.

Section 16. Adoption and Amendments

This ordinance shall become effective upon passage at town meeting and may be amended in accordance with the general provisions of the Town governing ordinances. The invalidity of any portion of the Ordinance shall not invalidate any other part. The enactment of this ordinance

replaces the previous Town of China Cemetery Administration and Maintenance Ordinance in its entirety.