

TOWN OF SKOWHEGAN

ADOPTED: TOWN MEETING FEBRUARY 15, 1964
AMENDED: TOWN MEETING MARCH 8, 1999
AMENDED: SPECIAL TOWN MEETING AUGUST 8, 2000

BY-LAWS GOVERNING PERPETUAL CARE OF CEMETERY
LOTS AND REGULATIONS FOR ADMINISTRATION OF THE FOLLOWING
PUBLIC CEMETERIES:

OLD BLOOMFIELD CEMETERY: LOCATED WATERVILLE ROAD

OLD RIVER ROAD CEMETERY: LOCATED EAST RIVER ROAD
(HERRIN CEMETERY)

SOUTHSIDE CEMETERY: LOCATED MAIN STREET
(BLOOMFIELD CEMETERY)

NORTH CEMETERY: LOCATED MADISON AVENUE

POOLER CEMETERY: LOCATED OAK POND ROAD

LARONE CEMETERY: LOCATED BIGELOW HILL RD.
(WHITING CEMETERY)

MALBONS MILLS CEMETERY: LOCATED MALBONS MILLS RD

EAST SKOWHEGAN CEMETERY: LOCATED OAK POND ROAD

CEMETERIES

Sec. 1. Selectmen to appoint a sexton of cemeteries.

The Board of Selectmen shall appoint a sexton of cemeteries on the first day of April each year.

Sec. 2. Sexton to take oath.

An appointee to the office of sexton shall subscribe to the prescribed oath of office.

Sec. 3. Selectmen authorized to prescribe duties of sexton.

The Board of Selectmen may prescribe the duties of the sexton.

Sec. 4. Sexton to comply with by-laws.

The sexton shall comply with all by-laws governing public cemeteries.

Sec. 5. Sexton to keep books, records.

All bookkeeping and records referred to in sections 5-7, 5-10 and 5-20 are to be kept by the sexton.

Sec. 6. Sexton authorized to spend monies to care for public cemeteries.

The Board of Selectmen hereby authorize the sexton, for the purpose of caring for public cemeteries, to use the annual appropriations for public cemeteries, the income from the perpetual care deposits as was actually expended for the upkeep of each lot, the income from vault rentals, burials, disinterments, the income from lots privately arranged and other incidental operating income.

Sec. 7. Duty to record burials, disinterments, etc.

The Board of Selectmen shall cause to be reported in books currently and previously kept for that purpose in the town vault, a record of every burial and disinterment of a body in a public cemetery with supplemental information indicated in such records or as may be required in the future.

Sec. 8. Selectmen to supervise care of cemeteries.

Care of public cemeteries and lots therein shall be under the supervision of the Board of Selectmen, which is authorized to engage personnel and provide by purchase or contract necessary equipment and supplies. The payment of monies to implement this section shall be made from income specified in section 5-9.

Sec. 9. Selectmen to receive monies to provide for care of cemeteries.

For the purpose of carrying out the provisions of section 5-8, the Board of Selectmen shall receive the annual appropriation for public cemeteries, income for annual care of lots privately arranged, so much of the income from perpetual care deposits as was actually expended for the upkeep of each lot, the income from vault rentals, burials, disinterments and other incidental cemetery operating income.

Sec. 10. Receipts, expenditures for upkeep of cemeteries, lots to be published.

A detailed summary of all receipts and expenditures for the upkeep of public cemeteries and care of lots therein shall be published in the annual Town report.

Sec. 11. Deposits for perpetual care of cemetery lots shall be received by the Town Treasurer and shall be accompanied by a description in writing to include the title of the lot, its number, and the name of the cemetery in which it is located.

The Town Treasurer shall issue to the depositor or his/her representative a certificate of deposit, which shall contain the name of the depositor, name of the cemetery, amount deposited, title and number of the lot and the date the deposit was received. He/she shall record the certificate in a book kept for that purpose and forthwith forward a copy of it to the person or agency in charge of cemeteries and a copy to the Selectmen.

Sec. 12. The Town Treasurer shall deposit funds received under Section 5-11 in the general fund of the Town. The Selectmen, by their warrant, shall direct the deposit or investment of such funds as prescribed by M.R.S.A. Title 30A, Section 5706, and amendments thereto.

Sec. 13. The Board of Selectmen shall determine minimum deposits for perpetual care of cemetery lots designated in Section 5-11 and may establish conditions governing the acceptance of such deposits.

Sec. 14. Care of public cemeteries and lots therein shall be under the supervision of the Board of Selectmen which is authorized to engage personnel, provide by purchase or contract necessary equipment and supplies, payment to be made from income specified in Section 5-15. The Board of Selectmen may appoint a Sexton to hold office for one year from April 1st and prescribe his/her duties. Such appointee shall subscribe to the prescribed oath of office.

Sec. 15. For the purpose of carrying out the provisions of Section 5-14, the Board of Selectmen shall receive the annual appropriation for town-owned cemeteries, income for annual care of lots privately arranged, so much of the income from perpetual care deposits as was actually expended for the up-keep of each lot, vault rental, burials, disinterments and other incidental cemetery operating income.

Sec. 16. Income from a deposit or investment for the perpetual care of a cemetery lot shall be expended for the up-keep of such designated lot exclusively and only so much thereof shall be withdrawn annually as is required to cover the actual cost of up-keep.

Annual balances in each trust fund deposit or investment account shall be allowed to accumulate and expended for necessary future annual or emergency care of the lot to which it applies.

Sec. 17. The Board of Selectmen shall determine the fee for annual care of burial lots.

No additional expenditures shall be made on any lot under perpetual care without prior authorization from the Board of Selectmen.

Sec. 18. On or before October 1st, the Board of Selectmen shall prepare, or cause to be prepared, an itemized bill indicating the cost of up-keep for the current year of each lot under perpetual care. For payment thereof, the Board of Selectmen shall withdraw income from the corresponding trust fund deposit or investment account the amount indicated.

Sec. 19. The Board of Selectmen shall cause to be reported in books currently and previously kept for that purpose in the town vault, a record of every burial and disinterment of a body in a

Skowhegan public cemetery with supplemental information indicated in such records or as may be required in the future.

Sec. 20. A detailed summary of all receipts and expenditures for the up-keep of cemeteries and care of lots shall be published in the annual town report.

PENALTIES FOR VIOLATIONS:

Any person who violates any provision of this chapter commits a civil violation for which a forfeiture not to exceed one hundred dollars (\$100.00) may be adjudged. In addition to this forfeiture, any person so adjudged shall also be liable for the Town's costs of restoration, repair, or replacement of any property damage caused by the violation.

ADDENDUM #1

1. Suggested Fees and Perpetual Care Deposits as follows. Amended at Regular Selectmen's Meetings held on September 13, 1977, Regular Selectmen's Meeting February 14, 1978, and September 26, 2000.

Deposits for perpetual care shall and fees for graves shall be:

Minimal
Perpetual Grave Total
Care deposits costs cost

1 Grave	\$ 100.00 + \$20.00 = \$ 120.00
2 Graves	150.00 + 40.00 = 190.00
3 Graves – or ½ lot	200.00 + 55.00 = 255.00
4 Graves	250.00 + 80.00 = 330.00
5 Graves	300.00 + 100.00 = 400.00
6 Graves – one lot	350.00 + 110.00 = 460.00

Greater sums for perpetual care may be deposited , however.

2. Suggested fees for annual care of burial lots as follows. Amended at Regular Selectmen's Meeting October 13, 1987, Regular Selectmen's Meeting September 26, 2000, and the Regular Selectmen's Meeting December 28, 2004. (Either perpetual care or privately contracted shall not exceed these amounts).

1 Grave	\$ 8.00
2 Graves	12.00
3 Graves or ½ lot	14.00
4 Graves	16.00
5 Graves	18.00
6 Graves - one lot	20.00

Balances to accrue to principal; annual care shall not exceed the income of designated perpetual care lots.

3. Suggested fees for opening or closing lots - Amended at Regular Selectmen's Meeting December 13, 1994 and Regular Selectmen's Meeting September 26, 2000.

Weekday/Weekend or Holiday \$200.00

Disinterments 225.00

Welfare recipient 45.00

Children or Cremations 50.00

In unusual cases prices may vary.

4. No additional expenditures shall be made on any lot under perpetual care without prior authorization of the Selectmen.

5. All bookkeeping and records are to be kept by the Sexton, as set forth in By-laws of 1964, Sections 5-18, 5-19 and 5-20 as amended.

**ORDINANCE
EAST CEMETERY
TOWN OF SKOWHEGAN**

and

By-Laws governing perpetual care of cemetery lots
and regulations for administration of public cemeteries.

I. Definitions:

Selectmen - The elected officers of the Town.

Sexton - That person appointed by the Selectmen to be in charge of the Town's cemeteries.

Single grave - Plot designated to contain the remains of one (1) adult human being; or two (2) children at the discretion of the Sexton; or the cremated remains of six human beings, provided such remains are the members of the same family or anyone approved for interment within said lot by the owner of said lot.

Double grave - Plot designed to hold the remains of two adult human beings, except as may be provided above.

Half lot - Plot designed to hold the remains of not more than three adults, except as provided above.

Family lot - Plot designed to hold the remains of not more than six human beings, except

as provided above.

Double lot- Two family lots abutting one another.

Owner - Shall refer to burial rights, and title to land.

Burial or Interment - The deposit of the remains of a human being into the ground.

Contractor - Persons, firms, or corporation engaged in the sale and/or erection of vaults, liners, monuments, headstones, etc., subject to the approval of the Sexton, who shall supervise and/or direct such work performed.

Weekends, Holiday - Weekend shall mean Saturday and Sunday; holiday shall mean any State or Federal designated holiday, day of worship, etc.

Town - Shall mean the Town of Skowhegan or its duly elected officers.

Vault - Concrete box large enough to contain the casketed remains of the deceased.

Liner - Approved concrete slabs so constructed and assembled as to prevent sags or hollows in the grave site. Must meet all laws, rules and regulations.

Monument - Granite or other stone block which may have the name of the lot or burial rights owner inscribed on it.

Headstone - Stone, concrete or metal marker used to designate a burial plot.

II. Duties and Responsibilities of Sexton:

1. The Sexton shall also be sworn in as a constable to enforce these ordinances and other applicable laws or rules and regulations.

2. The Sexton may employ such help as he deems necessary to maintain said cemetery and perform such other duties as he deems necessary; and shall be responsible for their compensation, relieving the Town of all obligations, safeguards, compensations, etc.

3. The Sexton shall keep the Selectmen appraised (at least annually) of the condition of the cemetery, proposed work and/or development to be done by the following year, preparing a necessary budget to complete the proposed development.

4. The Sexton shall oversee, supervise and plan all maintenance and development of the cemetery, also interments and disinterments and maintain such records as are required by applicable Town, State and Federal laws, rules and regulations or by-laws.

III. General:

1. No vehicle shall be operated on other than roadways provided, unless authorized by the Sexton; then at not more than fifteen (15) miles per hour or in such a manner as to leave ruts.

2. No vehicle known as a motorcycle, snowtraveler, motorbike, all-terrain vehicle, dune-buggy or any registered or unregistered off-highway motor vehicle shall be operated within the cemetery at any time except as authorized by the Sexton.

3. All vehicles operated within the cemetery must stop on signal or request of Sexton; the registered owner will be deemed to be the operator of such vehicle that fails to stop as required, all operators to identify themselves upon request.

4. The use or possession of firearms, except as part of a military burial is prohibited. Consumption of beer, wine, spirited or other intoxicating beverages is also prohibited.

5. The deposit of any refuse, unsightly flowers, wreathes, or other grave decorations must be made in receptacles provided for such purpose, otherwise such deposits will be considered an act of littering.

6. The owner of any lot is responsible for the removal of any unsightly flowers, wreaths, decorations, etc. from any grave site. If the owner fails to execute such removal, the Sexton may remove same.

7. Vehicles must not stop so as to block or hinder the passage of other vehicles; except that no auto may pass a grave when a burial ceremony is in progress. All vehicles must park on the right side of the roadway.

8. No flowers, shrubs, or trees may be planted within the cemetery, except with permission of the Sexton, except that removable urns or flower boxes may be placed on any grave subject to # 5-6 above.

9. No pets will be permitted within the cemetery.

10. The Town will not be responsible for malicious or vexatious damage to any memorial, monument, decorations, etc., or the theft thereof.

A. The Sexton shall report such damage or theft to the Skowhegan Police Department and to the owner of such property, or their survivors, if known.

11. No one shall damage, injure, remove, or harm any tree, shrub, flowers, monument, marker, etc., except at the discretion of the Sexton.

12. Repairs to graves, trees, etc., to be made at request of Sexton, or the be made by the Sexton at the expense of the owner unless otherwise arranged.

13. Requests for special work shall be made in writing to the Sexton, setting forth such work to be done. Any refusal or denial may be appealed to the Selectmen, who may overrule the Sexton's decision.

14. A copy of this ordinance and by-laws shall be issued with each deed.

15. There shall be no burials after November 15 each year unless the Sexton and the Town Treasurer or Town Manager determine that a fall or winter burial is possible. The fee for a winter burial shall be determined by the Sexton and the Town Treasurer or Town Manager.

IV. BURIAL OR INTERMENT - DISINTERMENT:

A. If disinterment, the Sexton shall be informed as to length of disinterment and such disinterment to comply with applicable laws, rules, and regulations.

B. If disinterment results in permanent removal, the Sexton will determine Town and name of cemetery where new burial is to be made.

SPECIAL TOWN MEETING, JULY 16, 1973, Vol. 17, Pages 34 & 35.

ART. 20. To see if the Town will vote to amend East Cemetery Ordinance to include under Section IV, Art. 2 to read "all burials or interments shall be made in a steel or concrete vault or liner." Voted favorable action.

1. Burials or interments will be made only on human remains, no animal burials will be permitted.

2. Undertakers and/or Funeral Directors shall be responsible for the payment of all burial charges, fees, and burial permits.

V. FEES, PERPETUAL CARE, ETC.:

1. All fees for acquiring grave lots, perpetual care, care of lots by other than perpetual care arrangements, digging of graves, disinterments shall be established by the Selectmen.

A. Grave lots may not be sold, bartered, or exchanged; any transfer of such lots must be made to the Selectmen who reserve the rights to sell, convey, exchange or otherwise dispose of lots within this cemetery as they deem to be in the best interest of the Town.

B. See addendum #1 for fees for Town-owned cemeteries.

VI. MEMORIALS, MONUMENTS, ETC.:

1. No memorial, monument, bench, seat, fence, or other structure may be set or erected in this cemetery without the consent of the Sexton; except, however, the Selectmen may

approve requests for such construction after a hearing on the matter, said hearing to include the Sexton and the person or persons making such request and the general public.

2. No lot may contain more than one monument.

A. Multiple graves may have one monument and one headstone per grave, as defined in addendum #3.

3. Erection or installation of any memorial or headstone may be made only after notification to the Sexton has been made in sufficient time to allow for construction of a proper base, as defined in addendum #3.

VII. ADOPTION AND AMENDMENTS:

1. This ordinance shall become effective on passage at a regular Town Meeting.

2. This ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.

3. Passage of this ordinance and these by-laws shall supersede any and all other rules and regulations governing this cemetery and any unsold burial lots in all Town owned cemeteries.

4. The by-laws contained in addendum #2 shall become a part of the ordinances governing Town of Skowhegan cemeteries.

5. The invalidity of any portion of this ordinance shall not invalidate any other part.

VIII. PENALTIES FOR VIOLATIONS:

Any person who violates any provision of this chapter commits a civil violation for which a forfeiture not to exceed one hundred dollars (\$100.00) may be adjudged. In addition to this forfeiture, any person so adjudged shall also be liable for the Town's costs of restoration, repair, or replacement of any property damage caused by the violation.

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Disinterments	225.00
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Children or Cremations	50.00

In unusual cases prices may vary.

4. No additional expenditures shall be made on any lot under perpetual care without prior authorization of the Selectmen.

5. All bookkeeping and records are to be kept by the Sexton, as set forth in By-laws of 1964, Sections 8, 9 and 10 as amended.

6. Balance of payment due the Sexton from perpetual care between October 1 and the following January 1 will be paid on the following years, year-end-report from earned income.

ADDENDUM #2

By-laws of 1888 repealed at Special Town Meeting, February 15, 1964.

BY-LAWS GOVERNING PERPETUAL CARE OF CEMETERY LOTS AND REGULATIONS FOR ADMINISTRATION OF PUBLIC CEMETERIES.

SECTION 1. Deposits for perpetual care of cemetery lots shall be received by the Town Treasurer and shall be accompanied by a description in writing to include the burial rights to the lot, its number and the name of the cemetery in which it is located.

The Town Treasurer shall issue to the depositor, or his/her representative, a certificate of deposit which shall contain the name of depositor, name of cemetery, amount deposited, burial rights, and number of the lot and the date the deposit was received. He shall record the certificate in a book kept for that purpose and forthwith forward a copy of it to the person or agency in charge of cemeteries and a copy to the Selectmen.

SECTION 2. The Town Treasurer shall deposit funds received under Section 1 in the general fund of the Town. The Selectmen, by their warrant, shall direct the deposit or investment of such funds as prescribed by M.R.S.A. Title 30A, Section 5706 and amendments thereto.

SECTION 3. The Board of Selectmen shall determine minimum deposits for perpetual care of cemetery lots designated in Section 1 and may establish conditions governing the acceptance of such deposits.

SECTION 4. Care of public cemeteries and lots therein shall be under the supervision of the Board of Selectmen which is authorized to engage personnel, provide by purchase or contract necessary equipment and supplies, payment to be made from income specified in Section 5.

The Board of Selectmen may appoint a Sexton to hold office until replaced and prescribe his/her duties. Such appointee shall subscribe to the prescribed oath of office.

SECTION 5. For the purpose of carrying out the provisions of Section 4, the Board of Selectmen shall receive the annual appropriation for Town-owned cemeteries, income for annual care of lots privately arranged, so much of the income from perpetual care deposits as was actually expended for the up-keep of each lot, vault rental, burials, disinterments and other incidental cemetery operating income.

SECTION 6. Income from a deposit or investment for the perpetual care of a cemetery lot shall be expended for the up-keep of such designated lot exclusively and only so much thereof shall be withdrawn annually as is required to cover the actual cost of up-keep. Annual balances in each trust fund deposit or investment account shall be allowed to accumulate and expended for necessary future annual or emergency care of the lot to which it applies.

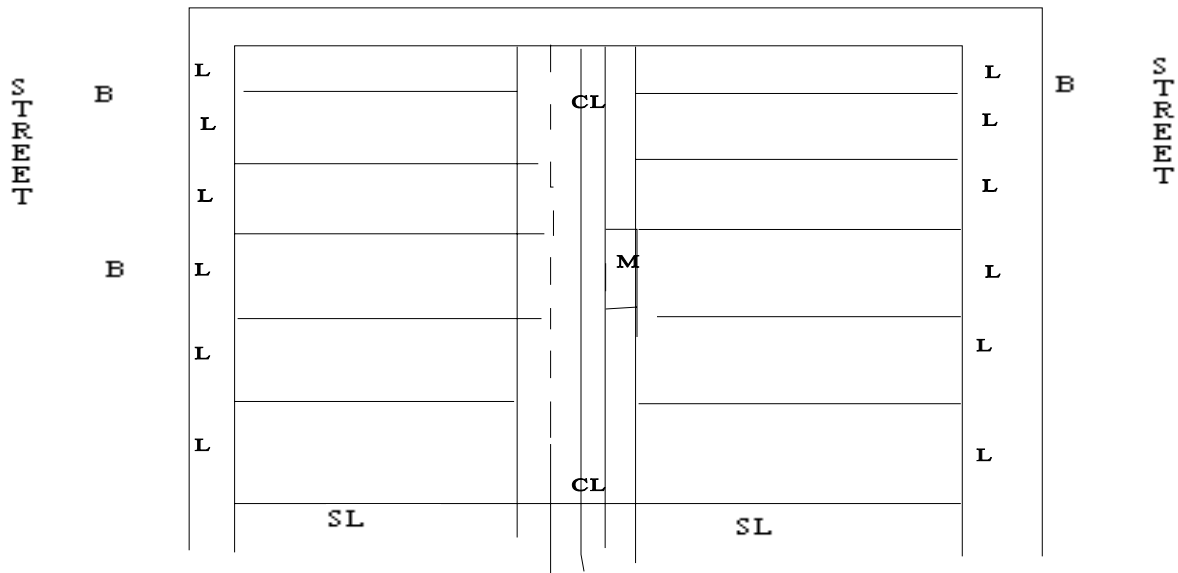
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SECTION 8. On or before October 1st, the Board of Selectmen shall prepare, or cause to be prepared, an itemized bill indicating the cost of up-keep for the current year of each lot under perpetual care. For payment thereof, the Board of Selectmen shall use an annual appropriation, withdraw from income from the corresponding trust fund deposit or investment account the amount indicated.

SECTION 9. The Board of Selectmen shall cause to be reported in books currently and previously kept for that purpose in the Town vault, a record of every burial and disinterment of a body in a Skowhegan public cemetery with supplemental information indicated in such records or as may be required in the future.

SECTION 10. A detailed summary of all receipts and expenditures for the up-keep of cemeteries and care of lots shall be published in the annual Town report.



ADDENDUM #3

Family lot:

21' X 12' = 6 graves - monument centered in lane

Half lot:

10.5' X 12' = 3 graves - monument centered in lane

Double grave:

7.0' X 12' = 2 graves - monument centered in lane

Single grave:

3.5' X 12' = 1 grave- monument centered in lane

Double Family lot = 12 graves -monument centered in lane

Utilization - from street

0 to 1' = buffer zone

1' to 9' = grave

9' to 10.5' = monument zone

10.5' to 12' = open zone (path)

Monuments - one per lot -

Foundations - 4' X 18" maximum (depth dependent on height)

applies to family, half and double lots - flush to ground.

Single lot - 3' - 18" - flush to ground.

Base - to fit foundation

Stone - to fit base or foundation

Markers - 1 per grave to be located 1' from street lot line - parallel to street lot line - parallel to street line - 1' X 2' maximum size to be set flush to ground.

Graves - run East - West (approx. 42"w x 9')

One human body per grave, except two (2) children under ten (10) years of age.