

MAPLETON CEMETERY POLICY

ADOPTED NOVEMBER 09, 2022


Sandra L. Fournier, Town Manager

Mapleton Cemetery Policy - Contents

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Article I. Purpose and Intent

For the mutual protection of lot owners and the Mapleton cemeteries, 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 intend to assist in the maintaining our cemeteries as a peaceful and beautiful area s well as a reverent symbol of respect for the dead.

Article II. Hours of Operation

Cemeteries operated by the Town of Mapleton 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 III. 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 riles and regulations will be made available to prospective purchasers. Sale of lots will to Mapleton residents, Mapleton tax payers, or immediate family members. Lot owners must request in writing, permission to bury persons not immediate members of the family.

- (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.) The Town Office will issue a Lot Conveyance to the purchaser. Description of lots contained in such conveyance shall be in accordance with cemetery plots, which are kept on file in the Town Office.
- (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 so long as it shall be devoted to such purpose.
- (d) **Select Board's Rights**

The Select Board and/or designee reserves the right to:

 - i) Enlarge, reduce, re-plot, or change the boundaries or grading of the cemetery.
 - ii) Modify or change the location of, or remove or regrade roadways or walks.
 - iii) Install, maintain, and operate drainage systems.
 - iv) 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 Mapleton 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) **Lot Conveyance**

The Lot Conveyance and these regulations, including amendments hereto, constitute the sole agreement between the Town of Mapleton and lot owners.
- (g) **Purchase or Exchange of Lots**

The Mapleton Select Board and/or designee shall have the authority to purchase outright, or by exchange for other lots, on behalf of the Town of Mapleton. 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**

Ownership transferring, granting, or selling lots in Mapleton cemeteries must obtain the consent of the Select Board and/or designee. 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 Manager and/or designee. No animal remains are to be buried in the cemetery lots.

Article IV. 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 and regulations as a reasonable amount for the care of said lots per M.R.S.A. Title 13, section 1305. Perpetual care of cemeteries shall include ordinary care such as the cutting of 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, section 1306m the 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 Mapleton 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 Mapleton 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 V. Lot Improvements

(a) Plants, Shrubs, and Flowers

- i) 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.

- ii) 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.
- iii) 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.
- iv) The Town reserves the right to remove vases or urns not properly cared for.
- v) No enclosure of any nature, such as fences, hedges, or ditches shall be erected on these lots.
- vi) Any grave decoration, flowers, or other decorative or commemorative ornamentation must be removed by October 15th, annually.
- vii) The lot owner may improve, cultivate, and care for their lots and existing plants and flowers in accordance with the rules and regulations, and may set out 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 unfit for the cultivation of grass.
- viii) No trees or shrubs shall be plant on any lots.

(b) Gravestones/Markers

Prior to placing a gravestone or marker, permission must be obtained from the Town Manager and/or designee. All gravestones shall have a foundation. All markers shall be not more than 3 ½ 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 mee the approval of the Town Manager and/or designee.

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

- i) 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.
- ii) 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 in the center, and 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 erected until a suitable foundation is laid. All foundations for gravestones shall be no less than 3 feet in depth. The Town Manager and/or designee 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 Manager and/or 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 VI. Cemetery Conduct

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

- (a) No person shall, in accordance M.R.S.A. Title 13, Chapter 83 and Title 17-A, Chapter 17, §402:
 - i) Enter the cemetery except through an established gate or entrance way.
 - ii) Deposit rubbish or debris on cemetery grounds
 - iii) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.
 - iv) Be in possession of, or consume, any alcoholic beverage within the cemetery.
 - v) 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.
 - vi) Allow any dog or other domestic animal to run at-large within any cemetery.
 - vii) Injure any tree or shrub, mar any landmarks, markers, memorials, structures, or fence or in any way deface the grounds of the cemetery.
 - viii) Behave in a loud, indecent, or disorderly manner in the cemetery or create any unnecessary disturbance.
 - ix) Drive or part across or upon any grave, lot, or lawn.
- (b) Operation of unregistered motorbikes within or through cemeteries is prohibited.

- (c) Operation of snowmobiles and ATV's in the cemeteries is prohibited.
- (d) No burial is to take place without the knowledge and consent of the Town Manager and/or 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 with the Town Manager and/or designee.

Article VII. 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 VIII. Adoptions & Amendments

The Mapleton Cemetery Policy shall become effective upon the adoption by the Select Board.

The Mapleton Cemetery Policy may be amended as needed.

The invalidity of any portion of this Policy shall not invalidate any other part. If any provisions of this Policy are held to be invalid by appropriate judicial or other authority, this invalidity does not affect other provisions or applications of this Policy, 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 this Policy contradicts Federal or State law, then such Federal or State law shall supersede the offending provision.

Article IX. Definitions

- (a) Cemeteries - The term cemeteries used in this Policy, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Mapleton for burial purposes, including the following locations:
 - i) South Side Cemetery
 - ii) Village Cemetery
- (b) Sexton – The term shall mean the Town Manager, 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 on casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to placing of markers and upon approval of the Town Manager and/or designee.
- (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 shall mean the owner of rights of interment.
- (g) Right of Burial – The term shall mean an individual who has acquired the right and privilege of burial of the dead/or cremation remains.
- (h) Memorial – The term shall mean any marker or structure upon or in any lot, placed thereupon or partially therein, for the purpose to memorialize the interred.
- (i) Lot – The term shall mean a plot of land approximately 4' x 10', sufficient for one gravesite.
- (j) General Care – The term 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.
- (k) Perpetual Care – The term shall mean the obligation of the Town to maintain and care for all the Town of Mapleton cemetery sites from the net annual income of the Perpetual Care Fund.
- (l) Non-resident – The term shall mean a person who does not currently reside in the Town.
- (m) Remains – The term shall mean a deceased human body or ashes.
- (n) Cremains – The term shall mean the remains of a body that has been cremated.
- (o) Resident – The term shall mean a person who is currently residing in the Town of Mapleton.
- (p) Select Board – The term shall mean the Board of elected Selectpersons for the Town of Mapleton.

TOWN OF MAPLETON
CEMETERY LOT PURCHASE APPLICATION

Date: _____

Applicant: _____

Address: _____

Phone (s) _____

Email: _____

Cemetery: _____

Lot # _____

In consideration of:

\$225.00 (1-lot)

\$450.00 (2-lots)

\$675.00 (3-lots)

\$900.00 (4-lots)

Purchaser's Signature: _____

Town of Mapleton: _____

TOWN OF MAPLETON, MAINE
CEMETERY LOT CONVEYANCE

The Inhabitants of the Town of Mapleton, a body corporate, located at 103 Pulcifer Road, Mapleton, Maine, Aroostook County, State of Maine, for consideration of the sum of \$ _____ paid, release to

_____, whose mailing address is _____, their heirs and assigns, the right to occupy for the purpose of burial, lot number(s) _____, in South Side Cemetery in the Town of Mapleton, being the lot(s) described by this number on a plan of this cemetery on file in the Mapleton, Castle Hill, and Chapman Town Office.

The Owner of said lot(s) agrees not to sell or convey this Lot without the prior approval of the Town Manager and/or designee. Said Lot is to be used for burial purposes only.

The Inhabitants of the Town of Mapleton have caused this instrument to be signed in its corporate name by the Select Board, acting through the Town Manager duly authorized.

Date:

Inhabitants of the Town of Mapleton, Maine by:

Town Manager

State of Maine, AROOSTOOK, ss

Personally appeared before me the above named and acknowledged the foregoing instrument to be their free act and deed.

Notary Public

Printed Name

TOWN OF MAPLETON
CEMETERY LOT TRANSFER

Name of Lot Owner: _____

Address: _____

Cemetery Name: _____

Lot Location: Section _____ Lot# _____

Transferred To: _____

Address: _____

Lot Owner Signature

Date: _____

New Owner Signature

Date: _____

Town of Mapleton

Date: _____

All lot transfers must be approved by the Town of Mapleton.