

**CHAPTER 1202**

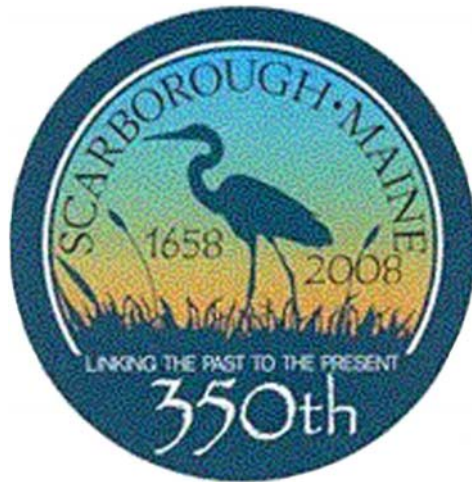
**TOWN OF SCARBOROUGH**

**ORDINANCE ESTABLISHING RULES**

**AND REGULATIONS FOR**

**SCARBOROUGH MEMORIAL**

**CEMETERY AND DUNSTAN CEMETERY**



**Revised 9/11/67**  
**Adopted as Ordinance January 18, 1978**  
**Amended February 19, 1992**  
**Amended 09/06/95**  
**Amended 08/15/2007**  
**Amended 11/02/2011**

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**CHAPTER 1202**  
**TOWN OF SCARBOROUGH**  
**Rules and Regulations for Scarborough Memorial Cemetery**  
**and Dunstan Cemetery**

**Section 1. Purpose and Intent.**

For the mutual protection of lot owners and the cemeteries as a whole, the following rules and regulations are hereby established for Scarborough Memorial Cemetery and Dunstan Cemetery. As used in these rules and regulations, the term cemetery includes both the Scarborough Memorial Cemetery and the Dunstan Cemetery, and the term “Superintendent of the Cemetery” or “Superintendent” includes his or her authorized representative. All lot owners and persons visiting the cemetery will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this cemetery as a peaceful and beautiful area as well as a reverent symbol of respect for the dead. [amended 08/15/2007]

**Section 2. General Rules.**

Office and Cemetery Hours

- a. All business pertaining to the cemetery shall be processed through the Town Office during regular business hours. The Town Manager shall hold the office of Superintendent of the Cemetery. The cemetery will be open from 8:00 A.M. to sunset each day.

Workdays of Employees

- b. Employees of the cemetery are not expected to work on Sundays, Holidays, or Saturdays. All other times will be by special request and at an additional charge.

Duties of Employees Defined by Superintendent

- c. Employees of the cemetery are not permitted to do any work for lot owners or other persons except upon order of the Superintendent of the Cemetery but are required to be civil and courteous to all persons visiting the cemetery.

Fees and How Payable

- d. All fees or charges for services are payable at the Town Office, except as herein listed below. No person is required or permitted to pay any fee or gratuity to any employee.
  1. Interment charges may be handled through any reputable funeral director.
  2. Foundation charges for monument and marker emplacements may be handled through any reputable monument dealer.

Manner of Travel by Pedestrians

- e. Persons within the cemetery shall use only the Avenues, walks, and alleys and no person shall walk upon or across lots or lawns unless it is necessary to gain access to a

particular lot. The cemetery expressly disclaims responsibility for any property damage or any injury sustained by any person violating this rule.

#### Acts of Vandalism Prohibited

f. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or injuring any memorial, fence, or other structure within the grounds of the cemetery.

#### Manner of Travel by Vehicles

g. Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemetery, and all such vehicles shall comply with the following rules:

1. Maximum speed limit - 10 miles per hour.
2. No vehicle may be driven or parked across or upon any grave, lot or lawn.
3. Parking or leaving any vehicle on any road or drive in such a way as to prohibit any car or vehicle from passing is prohibited and a violation of this rule will be cause for the removal of such vehicle by the Superintendent of the Cemetery at the owner's expense.
4. Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

#### Minors Prohibited in Cemetery: Exception

h. Children under 15 years of age are not permitted within the cemetery except when accompanied by proper persons or by a written note of permission signed by a parent or guardian, giving his or her telephone number or address.

#### Unleashed Dogs Prohibited

i. Unleashed dogs shall not be permitted to go at large in the cemetery. All animal owners shall abide by the rules of the Town of Scarborough Animal Control Ordinance. [amended 08/15/2007]

#### Depositing of Debris Prohibited

j. Receptacles for waste material are located at convenient places within the cemetery and the depositing of rubbish and debris on the grounds of any cemetery is prohibited.

#### Unauthorized Items Removed from Lots

k. The placing of boxes, shells, toys, ornaments, chairs, settees, or similar unauthorized items upon lots will not be permitted, and the Superintendent of the Cemetery reserves the right to remove any such unauthorized items.

### Firearms, Weapons, etc., Prohibited

l. The bringing of firearms into the cemetery, except by a military escort, is prohibited. The discharging of, or carrying, any offensive weapons, such as bow and arrows, air rifles, slingshots, or the hurling of rocks or pellets, is strictly prohibited.

### Proprieties to be Observed

m. It is of the utmost importance that there should be a strict observance of the proprieties in the cemetery, and all persons within the cemetery should avoid conduct unbecoming a sacred place.

## **Section 3. Lot Ownership**

### Prospective Purchasers to Visit Cemetery

a. Persons desiring to purchase lots should visit the cemetery where the Superintendent of the Cemetery will aid them in making a selection. Special rules relating to such lots will be explained and a copy of these rules and regulations will be given to each purchaser.

### Details of Purchase

b. 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 with the deed for the lot(s) to be sent to the purchaser once the appropriate signatures are obtained. Purchase price shall include perpetual care. Description of lots 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. [amended 08/15/2007]

### Lots Not Subdivided or Sold Jointly

c. Lots of various sizes are available in the cemetery and therefore, no lots will be subdivided. No single lot will be sold to joint purchasers.

### Purchasers Rights in Roads, Drives or Paths

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

### Rights Reserved to Cemetery

e. The right to enlarge, reduce, replot, or change the boundaries or grading of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives or walks, or any part thereof, is hereby reserved. The right to lay, maintain, and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemetery reserves to itself, and to those lawfully entitled

thereto, a perpetual right of ingress and egress over lots for the purposes of passing to and from other lots.

#### Cemetery Not Responsible for Loss or Damage

f. All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemetery from loss or damage, but the cemetery will not be responsible for any loss or damage.

#### Terms of Agreement with Lot Owners

g. These rules and regulations, including amendments thereto, constitute the sole agreement between the cemetery, the Town of Scarborough, and lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemetery or the Town of Scarborough shall in no way bind the cemetery or the Town of Scarborough.

#### Repurchase or Exchange of Lots by Superintendent

h. The Town reserves the right when the Municipal Officers deem it to be in the best interest of the Town to purchase outright, or by exchange for other lots, any unoccupied lot or lots, at the original purchase price.

#### Transfer of Lots

i. Transfer of lots will be recognized without the consent of the Superintendent of the Cemetery and a certificate of transfer may be obtained at the Town Office.

#### Lost or Destroyed Deeds

j. A lost or destroyed deed will be replaced by a new deed upon request upon payment of \$1.00.

### **Section 4. Care of Lots**

#### Perpetual Care

a. Perpetual Care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs trimmed, subject to the available income from the perpetual care fund.

#### Nature of Care Provided by Cemetery Without Cost

b. The general care of the cemetery is the responsibility of the Town by and through the Superintendent of the Cemetery and includes reasonable and practical care of the unsold areas of the cemetery, such as park and lawn areas, roads, shrubs, and trees, which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemetery.

#### Additional Care No Longer Available for Purchase

c. After August 15, 2007, the Town will no longer provide special care in addition to the care provided under subsections (a) and (b) above and will no longer establish any new Perpetual Care accounts for special care. [amended 08/15/2007]

#### Investment of Perpetual Care Funds

d. All existing Perpetual Care Funds held by the Town of Scarborough for Perpetual Care will be invested by the Town of Scarborough as provided by law, with funds used solely for the purpose of supporting the cemeteries. [amended 08/15/2007]

#### Who May Provide Care for Lots

e. No person except a lot owner, his authorized representative, or an employee of the cemetery, acting under the direction of the Superintendent of the Cemetery, is permitted to enter the cemetery for the purpose of caring for lots without special permission of the Superintendent of the Cemetery secured in advance.

#### Lot Boundaries Not to be Enclosed

f. On and after the effective date of these rules and regulations no lot or grave shall be either partially or fully enclosed by a fence, rail, curb, hedge, trees, or shrubs.

### **Section 5. Interments**

#### Times for Interments

a. The Cemetery will be open for interments from 8:00 A.M. to 4:30 P.M. Monday through Friday. Requests for opening prior to 10:00 A.M. on Mondays must reach the Town Office before noon on Friday. Any requests for a Saturday and Sunday interment must reach the Town Office at least two days prior to interment, except when an individual's faith requires a shorter time-frame. (Amended 11/02/2011)

#### Funerals in Charge of Cemetery

b. All funerals entering the cemetery shall be under the direction of the funeral director who shall abide by the rules and regulations of the cemetery, and funeral directors upon arrival at the cemetery must present to the Superintendent the necessary burial permit from the City or Town Clerk. [amended 08/15/2007]

#### Interments to be Authorized by Lot Owners

c. All order for interments in lots must be signed by the owner of the lot, or his authorized representative. When this is impossible because of absence from the Town, telephone permission will be accepted in lieu of signed authorization. [amended 08/17/2007]

#### Number of Interments in Single Grave

d. No interment of two or more bodies shall be made in one grave, except in the case of mother and child, or two infants, buried in one casket simultaneously. [amended 08/15/2007]

#### Location Within Lot to be Designated by Owner

e. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his authorized representative. Should they fail or neglect to make such designation, the cemetery reserves the right to make the interment in a location designated by the Superintendent of the Cemetery. The cemetery shall not be responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.

#### Deaths and Burials

f. Once an interment has been made, a disinterment will only be made pursuant to Title 22, Chapter 707, of the Maine Revised Statutes, as amended. In all cases, the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so. [amended 08/15/2007]

#### Outside Containers Required

g. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Superintendent of the Cemetery. Outside containers may be procured from any source provided they meet the established specifications.

#### Previous Notices Required for Interments, etc.

h. The right is reserved by the cemetery to insist upon at least twenty-four hours' notice of any interment and at least one-week's notice of any disinterment or removal. The cemetery reserves the right to postpone interment time due to acts of nature, God, Civil and national emergencies.

### **Section 6. Plants, Shrubs and Flowers**

#### Responsibility of Cemetery

a. The cemetery will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve its landscape features. [amended 08/15/2007]

#### Plantings: Permission may be Granted

b. No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemetery. [amended 08/15/2007]

### Floral Displays on Graves

c. Only one floral display is permitted on a grave at any one time. Exceptions to this rule will be permitted during one week prior to and one week following Memorial Day and at the time of interment. From November 1<sup>st</sup> through to April 30<sup>th</sup> shall be a period for which special floral displays may be permitted on a lot. No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended. [amended 08/15/2007]

### Regulations Covering Memorial Park or Non-Monumental Areas

d. In the Memorial Park or non-monumental sections of the cemetery the primary aim is to create a beautiful expanse of park like grounds, bordered by appropriate shrubs, trees, and gardens. Within such areas, all markers shall be flush with the surface. No individual plants within the burial areas will be permitted, with the exceptions as set forth under (c) above. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas. [amended 08/15/2007]

### Rights of Cemetery Regarding Flowers and Plants

e. The cemetery shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemetery. The cemetery shall not be responsible for floral pieces, baskets, or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemetery and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals. The cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind without prior approval. [amended 08/15/2007]

## **Section 7. Monuments and Other Structures**

### One Monument Per Lot Permitted: One Marker Per Grave permitted

a. The owner of any lot shall have the right to erect thereon any proper stone or monument outside of the memorial park area upon authorization by the Superintendent of the Cemetery. Only one monument shall be permitted on a lot which must be located in the center or center rear unless special permission is granted by the said Superintendent for placing it otherwise. Only one individual marker per grave is allowed in the cemetery. In certain areas, however, a monument and individual headstones are permitted.

### Materials, Size and Design of Structures

b. No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of 60% of the width of the lot.

Foundations Required: By Whom Constructed

c. No stone, monument, or other super-structure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than 4 feet in depth. Deeper foundations will be used when deemed advisable by the Superintendent of the Cemetery. As a guarantee of good work, for the general welfare of the cemetery, and for protection to lot owners, the cemetery reserves the right to construct all foundations for such structures. The Superintendent of the Cemetery may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.

**Section 8. Descent of Title**

a. The laws of the State of Maine govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot, the heirs or devisees of such person should file in the Town Office full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of Wills are normally sufficient.

**Section 9. Correction of Errors**

a. The cemetery reserves the right to correct any errors that may be made by them in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemetery for a fair additional charge in the event a change is requested.

**Section 10. Enforcement**

a. The Superintendent of the Cemetery is hereby empowered to enforce the foregoing rules and regulations and to exclude from the cemetery any person deliberately violating such rules and regulations. The said Superintendent shall have charge of the grounds and buildings within the cemetery and shall have supervision and control of employees and all person visiting the cemetery whether lot owners or otherwise. [amended 08/15/2007]

**Section 11. Price Schedule [amended 08/15/2007]**

Sale of Lots

The fees for the sale of lots are as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council

Grave Opening Charges

The fees for grave openings are as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council