

**TOWN OF MINOT**  
**CEMETERY ORDINANCE**

**Adopted March 6, 2010**  
**Amended March 2, 2019**  
**Amended March 9, 2020**

## **Table of Contents**

<b>SECTION 1.</b>	<b>Purpose and Intent</b> .....	2
<b>SECTION 2.</b>	<b>Administration</b> .....	2
<b>SECTION 3.</b>	<b>Fees</b> .....	2
<b>SECTION 4.</b>	<b>Rules of Cemetery Conduct</b> .....	2
<b>SECTION 5.</b>	<b>Purchase of Burial Rights</b> .....	4
<b>SECTION 6.</b>	<b>Care of Lots</b> .....	5
<b>SECTION 7.</b>	<b>Interments</b> .....	5
<b>SECTION 8.</b>	<b>Plants, Shrubs and Flowers</b> .....	7
<b>SECTION 9.</b>	<b>Monuments</b> .....	8
<b>SECTION 10.</b>	<b>Correction of Errors</b> .....	9
<b>SECTION 11.</b>	<b>Enforcement</b> .....	9
<b>Appendix A:</b>	.....	10

## **SECTION 1. Purpose and Intent**

For the mutual protection of lot owners, Burial Rights owners, and the Town of Minot Cemeteries as a whole, the following Ordinance is hereby established. All lot owners and persons visiting any Cemeteries shall abide by such Ordinance as herein enacted and as hereafter amended, which ordinance is intended to assist in maintaining our Cemeteries as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

## **SECTION 2. Administration**

- A. The Town of Minot Cemeteries shall be administered by the Board of Selectmen who may appoint a Designee, Cemetery Committee, and/or Cemetery Custodian to oversee Cemetery sales, maintenance, improvements and any other functions of any Cemetery operation. The Cemetery Committee members shall serve without remuneration.
- B. Conflict, Validity:
1. Conflict of Laws. Except as otherwise specifically provided herein, nothing contained in this Ordinance shall be construed as repealing or invalidating any existing law, ordinance or regulation of the State of Maine or Town of Minot, but shall operate in addition thereto.
  2. Validity. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

## **SECTION 3. Fees**

- A. All Cemetery fees charged for purchase of any burial lot(s), perpetual care, certificate preparation, recording expenses and/or lot boundary location, shall be set by the Board of Selectmen and shall be payable to the Town of Minot.
- B. The Town of Minot does not perform interment or disinterment services nor does it furnish monuments or markers. The public may contract and pay for such services through any reputable funeral director or a monumental works company approved by the Cemetery Custodian.

## **SECTION 4. Rules of Cemetery Conduct**

- A. No person shall enter, exit, or trespass upon any Town Cemetery after dark or before dawn without express permission from the Board of Selectmen or their appointed agent. All cemeteries shall be closed to vehicular traffic from December 1 through April 30, or as weather or conditions permits.
- B. Persons visiting any Cemetery shall use only the walks and roadways provided, and no person shall walk or drive upon or across lots or lawns unless necessary.

- C. No person shall destroy, mutilate, deface, injure, alter or remove any monument, gravestone, marker, fence, railing, urn, vase, ornamentation, vegetation or other structure or growth placed within any Cemetery or any lot within the Cemetery.
- D. Maximum speed limit is 10 miles per hour.
- E. No vehicle may be driven or parked across or upon any grave, lot or lawn.
- F. 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.
- G. No person shall be in possession of or consume any alcoholic beverage within any Cemetery.
- H. No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any Cemetery nor shall any person engage in any commercial enterprise in any Cemetery except such as is directly involved in the business of the Cemetery.
- I. No person shall deposit in any Cemetery garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.
- J. No person shall behave in a loud, indecent or disorderly manner in any Cemetery or create any unnecessary disturbance.
- K. No person shall conduct or participate in any sport, game, or contest in any Cemetery.
- L. No person shall cause or permit any animal or dog owned by him, in his custody, or under his control, to roam at large within any Cemetery. Dogs allowed only in driveways on leash. All persons are required to clean up after their dogs.
- M. No sign, notice or advertisement of any kind except directional identification signs placed by Cemetery personnel shall be permitted in any Cemetery.
- N. The bringing of firearms into any Cemetery, except by a military escort or law enforcement officer, is prohibited. The discharging of, or carrying offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of 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.
- O. Riding or driving of ATVs, snowmobiles, bicycles, or other recreational vehicles within the boundaries of any Town Cemetery is strictly prohibited.

## **SECTION 5. Purchase of Burial Rights**

- A. Persons desiring to purchase Burial Rights should contact the Minot Town Office. A copy of this Ordinance will be made available to prospective purchasers. (Amended March 2, 2019)

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. The purchase price shall be established by the Board of Selectmen. The Selectmen shall allocate an appropriate portion of the purchase price for perpetual care. A single lot shall accommodate one burial except as allowed in paragraph 7F below. Descriptions of lots shall be in accordance with Cemetery survey descriptions and designations which are kept on file at the Minot Town Office. It shall be the duty of the lot owner to notify the Minot Town Office of any change in address after purchase. No lot or grave shall be defined by a fence, rail, curb, hedge, tree or shrubs for the purpose of describing its corners or boundaries.

- C. No easement or right of interment is granted to any lot owner in any walks or roadways within any Cemetery, but such roadways or walks maybe used as a means of access to any Cemetery or buildings so long as it shall be devoted to such purpose.
- D. The Town of Minot reserves the right to:
1. Enlarge, reduce, replot, or change the boundaries or grading of any Cemetery.
  2. Modify or change the location of, or remove or regrade roadways or walks.
  3. Install, maintain, and operate sprinkler and drainage systems.
  4. Use unsold Cemetery property for any purposes deemed necessary.
  5. Have a perpetual right of ingress and egress for itself and others over lots for the purpose of passing to and from other lots.
- E. All reasonable precautions will be taken to protect lot owners within any Cemetery from loss or damage, but the Town of Minot will not be responsible for loss or damage. The Town of Minot shall take reasonable precaution to protect owners, and the property rights of owners, within any Cemetery, from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosion, unavoidable accidents, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
- F. The Burial Rights and this Ordinance, including amendments hereto, constitute the sole agreement between the Town of Minot, and the Purchasers. The statement of

any employee or agent, unless confirmed in writing by an authorized representative of the Town of Minot shall in no way bind the Town of Minot.

- G. The Town of Minot shall have the authority to purchase outright, or exchange for other lots, on behalf of the Town of Minot, any unoccupied lot or lots, at such price or prices as may be agreed upon by the owner or owners and the Town of Minot.
- H. 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, upon the death of an owner of a lot, the heirs or devisees of such person should file full proof of ownership in the Municipal Offices for the purpose of correcting the record. Notarized statements as to relationship and certified copies of Wills are normally sufficient. Except in the case of a deceased lot owner who passes title by law or Last Will and Testament to legal heirs or devisees, transfers of Cemetery lots, whether oral or written, recorded or unrecorded, shall not be effective without the written verification that the transferee meets the ownership requirements specified in the Town of Minot Cemetery Ordinance adopted March 6, 2010 and amendments thereto. This written verification may be obtained from the Minot Town Office. The preceding restriction must be included in all certificates conveying Burial Rights to Cemetery lots. This provision is intended to allow the Town to provide affordable lots to Minot taxpayers and Minot residents while controlling the resale of this limited resource. Transfer certificates are available at the Minot Town Office.
- I. The Town of Minot shall have authority to classify lots or sections of any Cemetery and to put special restrictions thereon as to the permissibility, number, kind, size, and location of memorials, plantings, decorations and structures or other objects.

## **SECTION 6. Care of Lots**

The general care of all Cemeteries is the responsibility of the Town of Minot. This shall include any reasonable and practical care of the sold and unsold areas of any Cemetery, park and lawn areas, roadways, walks, fences, shrubs or trees which have been established by the Town of Minot. 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 performing of any special or unusual work in any Cemetery.

## **SECTION 7. Interments**

A. All Cemeteries will be open daily for interments from 8:00 a.m. to 4:30 p.m., Monday through Sunday.

- a. **SATURDAY AND SUNDAY CHARGES:** An extra charge will be made for all burials on Saturday and Sunday
- b. **LATE ARRIVAL CHARGES:** An additional charge will be made for funerals arriving after 3:30 P.M.

- c. **HOLIDAYS:** No interments will be made on the following legal holidays – Memorial Day, Independence Day, and Veteran’s Day.
- B. All funerals entering any Cemetery shall be under the direction of the funeral Director, or other person(s), deemed responsible by the Town of Minot or their appointed agent. Said funeral Directors and/or other responsible person(s), shall abide by this Ordinance.
- C. Burial permits must be obtained from the Town of Minot prior to burial of caskets and urns. The Town of Minot must be notified prior to any interment. Since the Town staff is not always informed of transfer of ownership of Cemetery lots, this procedure is necessary so that the Town has accurate documentation regarding the name of persons interred in each Cemetery lot and the date of interment. This information will aid historical and genealogical researchers as well as family members and loved ones who seek to determine the exact location of burial.
- D. Once a casket containing a body is within the confines of any Cemetery, it shall not be opened, except by a funeral director or his assistant(s), or on an order signed by a court of competent jurisdiction.
- E. All orders 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 town, telegraphic or electronic permission will be accepted in lieu of signed authorization.
- F. **INTERMENTS PER GRAVE:** No interment of two or more bodies shall be made in one grave except in the case of parent and infant child, or two infants, or an infant and two cremations, or an adult and a cremation, or up to four cremations vaults, provided only one marker/stone is used with all inscriptions on same.
- G. When an interment is to be made, the location and position of such interment shall be designated by the lot owner, or his authorized representative. Should they fail to make such designations, the Town reserves the right to make the interment in a location and position designated by the Town of Minot. The Town of Minot shall not be responsible for errors from information as to particular space, location and position in a lot where interment is desired.
- H. Once an interment has been made, graves will be opened only in accordance with Laws of the State of Maine. When any Cemetery is directed to make a disinterment, by an order of a court of competent jurisdiction, a certified copy of such order must be filed with the Town of Minot. In all cases the responsibility of the Town shall be limited to confirmation of lot location only, and the actual disinterment must be made by the person authorized to do so. The Town shall not be liable for any expenses incurred.

- I. 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, metal, reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by Laws of the State of Maine. (See paragraph K of Section 7 for restrictions regarding burial of urns.)
- J. The Town reserves the right to insist upon at least **forty-eight (48)** hours notice of any interment and at least one week's notice of any disinterment or removal. The Town reserves the right to postpone interment, disinterment or removal due to acts of nature, God, civil and national emergencies.
- K. Ashes shall be buried in an urn vault. Urn vaults will be buried at a depth of 24 inches. A funeral director's presence is necessary for any urn vault burial. Burial permits must be obtained from the Town of Minot for burial of ashes for the reasons outlined in paragraph 7C above.
- L. **WINTER BURIAL OR CREMATIONS:** Will not be allowed from November 15 through April 15; only as weather allows at the discretion of the Town of Minot.

## **SECTION 8. Plants, Shrubs and Flowers**

- A. The Town of Minot will undertake to maintain, as may be practicable, the maintenance of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or containerized potted plants.
- B. Evergreen shrubs are allowed in certain sections. Each must be approved by cemetery management. The Town of Minot reserves the right to remove any plantings, etc. that become unsightly, are planted incorrectly, or are infringing upon an adjoining lot or obstructing operations of the cemetery. Window boxes, tubs, urns and other similar containers kill the grass and will not be allowed, outside permitted areas. No white marble, granite chips or other rock materials will be allowed in flowerbeds. Only bark mulch or wood chips will be allowed
- C. The Town shall have the right to remove all floral arrangements, flowers, weeds, shrubs, or plants, of any kind from any Cemetery as soon as they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said Cemetery.
- D. The Town shall not be responsible for any floral arrangements or other ornamentation.
- E. The Town reserves the right to remove vases or urns not cared for properly.



## **SECTION 9. Monuments**

A. The owner of any lot shall have the right to erect thereon any proper stone or monument subject to the following criteria:

- a. For a single lot, the stone or monument shall be no more than 38 inches high, including the base, no more than 34 inches in base length, and the base must be 16 inches in width.
- b. For a double lot, the stone or monument shall be no more than 38 inches high, including the base, no more than 4 feet in base length, and the base must be 16 inches in width.
- c. Cenotaphs, a memorial/marker where an interment is not present, must be registered at the Town Office to ensure accuracy of records. A documentation fee may be implemented as set by the Board of Selectmen. (Adopted March 2, 2019)

**B. The location of head stones and lot markers shall be approved by the Town of Minot prior to placement. The Town of Minot must be notified at least forty-eight (48) hours prior to placement.**

a. Only one monument shall be permitted on a lot. Two individual markers per grave are allowed, so long as the markers are recessed to ground level. In the case of cremation interment, one marker, at ground level, will be allowed for each cremation vault.

b. Upon request, the Town of Minot will consider special provisions for multiple monuments and/or markers as may be required for multiple burials allowed in paragraph 7F above.

**c. Failure to follow these set rules may incur a fine and/or the cost of correcting the error per section 10.**

C. No monument shall be constructed of any material other than cut marble, granite, natural stone, bronze or other material as approved by the Town of Minot.

D. No stone or monument shall be erected until a suitable foundation is laid. Foundation shall consist of a 2” (two inch) rigid Styrofoam base beneath 4” (four inch) concrete reinforced pad. Concrete pad will extend 4” (four inches) beyond all sides of the monument and top of pad will be flush with the ground surface. (See Appendix A) (Amended March 2, 2019)The Town of Minot reserves the right to inspect and approve all foundations for such structures.

E. No corner markers at this time. (Adopted March 2, 2019)

F. The Town of Minot reserves the right to require monuments be installed by an approved vendor/individual. (March 2, 2019)

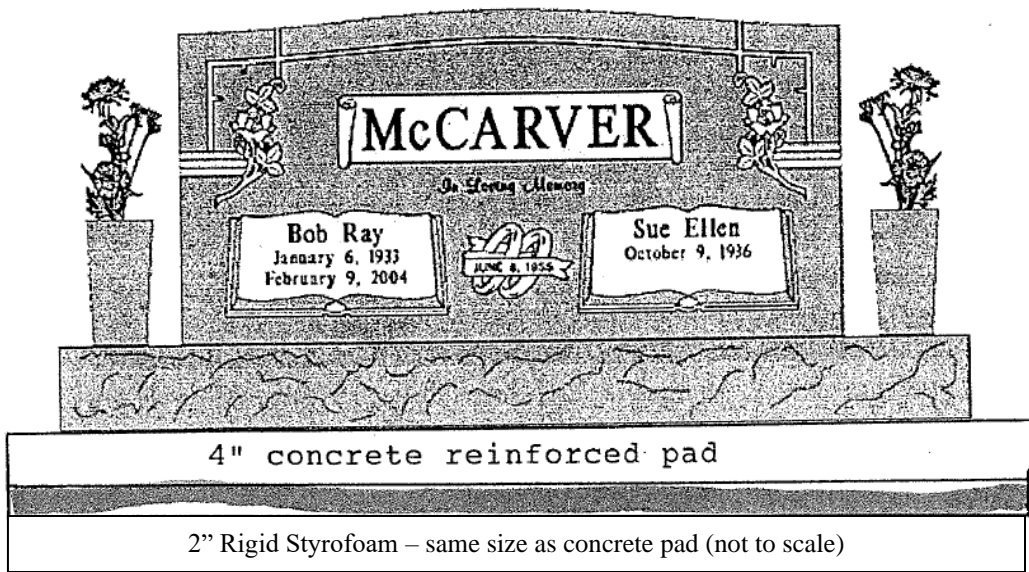
## **SECTION 10. Correction of Errors**

The Town of Minot reserves the right to enforce correction of any errors that may have been made in making interments, disinterments, or in the description, transfer, or conveyance of any lot or Burial Rights. Lot owners who fail to specify proper interment position or monument dealers who fail to clearly specify monument or marker foundation positions will be required to correct any such errors at their own expense.

## **SECTION 11. Enforcement**

- A. The Town of Minot and its Board of Selectmen are hereby empowered to enforce the foregoing Ordinance and to exclude from any Cemetery any person deliberately violating such Ordinance. The Town of Minot and its Board of Selectmen shall have charge of the grounds and buildings within any Cemetery and shall have supervision and control of employees and all persons visiting any Cemetery, whether lot owners or otherwise.
  
- B. Any person willfully violating any section(s) of this Ordinance through acts, which do not result in damage to Cemetery property, appurtenances, fixtures, or other installations therein, shall be subject to a fine of not more than one hundred dollars (\$100). Any person willfully violating any portion or portions of this Ordinance by actions which result in damage to Cemetery property, appurtenances, fixtures, or other installations therein, shall be subject to a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1000). The Town additionally reserves the right to pursue legal remedies to obtain full restitution for damages sustained.

**Appendix A:**



**Note:** Concrete pad will extend 4" beyond all sides of monument base.  
Top of pad will be flush with ground surface.