

Cemetery Ordinance
May 2022, Adopted August 22, 2022

Article I.

This ordinance is called the Cemetery Ordinance of the Town of Sullivan, Maine, hereinafter referred to as the “ordinance.”

Article II. Definitions

1. Ancient burying ground. A private cemetery established before 1880.
2. Cemetery, private. Any burying ground owned and operated privately, by a cemetery corporation or a cemetery association.
3. Cemetery, public. A burying ground or cemetery where the general public has direct access and in which any person may be buried without regard to religious or other affiliation and includes a cemetery owned and operated by a municipality.
4. Cremains. The cremated remains of a deceased person.
5. Lot/Plot. A small piece of land within a cemetery used for the interment of human remains. The size of a lot or plot, and the number of remains in each is determined by the cemetery.
6. Grave. An area suitable for the internment of the remains of one body.
7. Burial permit. A permit obtained from the Town Clerk to open the ground for interment or disinterment.
8. Cenotaph. A monument or empty tomb honoring a person buried elsewhere.
9. Abandoned lot. A cemetery lot, or portion of a cemetery lot, which has not been used for interment purposes for 75 consecutive years and has not been cared for and maintained by the record owner for 75 consecutive years.
10. Perpetual care fund. A fund held in perpetual trust by the Town for the maintenance of a cemetery forever and created by depositing at least 50% of the proceeds from the sale of lots or plots.

Article III. Purpose and Administration

Section 301. The purpose of this ordinance is to provide the inhabitants of the Town of Sullivan with a management policy for administration and maintenance of public and private cemeteries, and the establishment of a Cemetery Committee. This Ordinance is adopted pursuant to Title 30-A, Maine Revised Statutes, Section 3001.

Section 302. The administration of this Ordinance, and the care of public cemeteries and lots shall be under the supervision of the Town Manager or his/her designee, who is authorized to engage personnel and provide by purchase or contract necessary equipment, supplies and services.

Section 303. Appeal of decisions made by the Town Manager's designee under authority granted by this Ordinance, shall be made in writing to the Town Manager, within fifteen days of the disputed decision. Appeal of decisions made by the Town Manager under authority granted by this Ordinance, shall be made in writing to the Board of Selectmen, within fifteen days of the disputed decision. The Selectmen or Town Manager (whichever is appropriate) shall schedule a hearing as soon as possible, and render a written decision on the appeal within fifteen days.

Section 304. The following cemeteries are Sullivan's public cemeteries for purposes of this ordinance.

Birch Tree Cemetery, East Sullivan

Johnson Cemetery, East Sullivan

York Hill Cemetery, Sullivan Harbor

Gordon Cemetery, West Sullivan

Blaisdell Cemetery, North Sullivan

Article IV. Cemetery Committee

Section 401. The Town of Sullivan's meeting in October 2020 created a Cemetery Committee, which shall serve as an advisory committee to the Town Manager.

Section 402. The Cemetery Committee shall consist of a minimum of five members who are residents of the Town of Sullivan, appointed by the Selectmen to three year terms, without limit to the number of terms served.

Section 403. Any vacancy on the Cemetery Committee shall be filled for the balance of the term by appointment by the Selectmen with recommendation from the Cemetery Committee.

Section 404. At its first meeting after the annual meeting of the Town of Sullivan, the Cemetery Committee shall elect one of its members as Chair.

Section 405. The Cemetery Committee shall submit a report annually to the Selectmen and the Town Manager on the condition of the public cemeteries, with recommendations for maintenance and repairs, and a proposed cemetery budget for the next fiscal year.

Section 406. The Cemetery Committee shall submit a report annually to the Selectmen and the Town Manager on the condition of Sullivan's ancient burial grounds and private cemeteries.

Section 407. The Cemetery Committee shall periodically review cemetery-related fees and provide the Town Manager with recommendations on any changes to the fee schedule. The final authority to set the amount of fees required by this ordinance shall rest with the Selectmen.

Article V. Recordkeeping

Section 501. The Town Clerk and the Cemetery Committee shall create and maintain a record of all lots selected and assigned, as well as those transferred. There shall be a record of plans for each cemetery and the Town shall enter upon such plans all lots selected and the names of the holders.

Section 502. The Town Clerk shall keep an accurate record of the name, age and sex of each person interred, the lot number of the grave where such remains is deposited, the date of death, the purchaser of the lot, veteran status and other vital information as appropriate.

Section 503. Cemetery records shall be kept at all times in the Town Office.

Article VI. Permits and Fees

Section 601. Any person or entity opening or causing a grave to be opened must obtain a Burial Permit and pay the applicable fees to the Town Clerk in advance of opening the grave, whether for burial or disinterment.

Section 602. A schedule of fees and charges are maintained by the Town Clerk and will be updated periodically by the Selectmen upon recommendation of the Cemetery Committee.

Article VII. Ownership of Lots in Public Cemeteries

Section 701. Individuals may purchase a cemetery lot in a public cemetery for the full the cost of the lot, perpetual care, recording fee, and administrative fee.

Section 702. All lot sales must be conducted through the Town Office by deed from the Town of Sullivan to the purchaser and recorded by the Town Clerk in the Hancock County Registry of Deeds.

Section 703. The private transfer of a lot shall be made only upon application to the Town Manager in one of two ways.

- A. A lot owner may have a deed prepared privately, executed and recorded in the Hancock County Registry of Deeds with a copy of the recorded deed attached to the application to the Town Clerk.

- B. A lot owner may transfer the lot to the Town by deed. The lot owner will pay for the Town's preparation of the deed and the recording of the deed. The Town then issues a new deed to the purchaser who will pay for the preparation and the recording of the new deed.

Section 704. *Abandoned Lots.* A lot which has not been used for interment purposes for 75 consecutive years and has not been cared for and maintained by the record owner for 75 consecutive years is an abandoned lot. The Town Manager is authorized to repurchase or obtain a release from the owner or the legal heirs of the owner. The lot is then available for sale.

Article VIII. Veterans

Section 801. *Grave sites of veterans in ancient burying grounds.* In any ancient burying ground, as referenced in Maine Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with the veterans' organizations, civic and fraternal organizations and other interested persons, shall keep in good condition all graves, headstones, monuments and markers designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year.

Section 802. *Grave sites of veterans in public burying grounds.* A municipality, cemetery corporation or cemetery association owning and operating a public burying ground shall, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, keep the grave, headstone, monument or marker designating the burial place of Revolutionary soldiers and sailors and any veteran of the Armed Forces of the United States in that public burying ground in good condition and repair. The municipality, in collaboration with veterans' organizations,

cemetery associations, civic and fraternal organizations and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year.

Section 803. *Private land.* A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality or its caretaker designated by the Town, shall assume the duties as described in Article VIII, Section 801 of this ordinance and Maine Title 30-A, section 2901, subsection 1. Maintenance of veterans' graves in an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.

Article XIX. Finances

Section 901. The payment of monies to maintain Sullivan's public cemeteries shall be made from Town Appropriation, Sale of Lots, and Perpetual Care deposits. All lots in public cemeteries shall have perpetual care (mowing, trimming). All stones and upkeep of stones shall be the responsibility of the owners, except as set forth in Maine Revised Statutes Title 13, Section 1101. Permission of the Town Manager or designee shall be required before any extensive maintenance work is performed.

Section 902. Any and all income from the cemetery Perpetual Care Fund must be devoted to the maintenance of cemeteries, according to Title 13 M.R.S.A. Section 1306.

Approved at Town Meeting June 27, 2022