

Rules and Regulations for Cemeteries in the Town of Farmingdale, Maine

**First Adopted:
March 28, 1928**

**Revised:
June 28, 1995
December 12, 2007
October 20, 2009
August 20, 2014**

There are three public cemeteries in Farmingdale:

Maine Avenue Cemetery on Maine Avenue.

Northern Avenue Cemetery on Northern Avenue.

Carter Cemetery on Litchfield Road.

GENERAL APPLICABILITY: The Rules and Regulations of Farmingdale Cemeteries are adopted for the common protection of all lot owners and the preservation of the natural beauty of the cemetery grounds.

DEFINITIONS:

SELECTMEN:	The duly elected Municipal Officers of the Town of Farmingdale.
SEXTON:	The person appointed by the Board of Selectmen to manage daily operations of the cemeteries, which include the coordination and oversight with the “Lawn and Ground Maintenance Contractor” and other duties such as showing and selling plots and to oversee the burials. The Sexton shall comply with all town policies and ordinances.
INTERMENT:	The permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.
DISINTERMENT:	To take out of the place of internment; exhume; unearth.
PLOT:	The space required to accommodate an interment.
MONUMENT:	A Headstone or memorial which extends above the surface of the ground.
MARKER:	A memorial that is set flush with the ground.
LOT MARKER:	A permanent means of locating the corners of a lot, set flush with the ground.
LOT OWNER:	A person or persons who hold the right to use a lot or part of a lot, as purchased from the Town of Farmingdale for a consideration for burial purposes only, and under the rules and regulations as prescribed by the Town for such use.
PERPETUAL CARE:	Cutting the grass at reasonable intervals and such general care as may be necessary to keep the plots and cemeteries in neat condition.

GENERAL RULES:

1. The cemetery will be open from sunrise to sunset from May 1st to November 15th of each year.
2. No person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot.
3. The Town disclaims responsibility for property damage or any injury sustained by any person violating these rules.
4. Persons visiting the Cemetery are prohibited from picking any flowers, or from writing upon, defacing, or injuring any memorial, fence, or other structure within the grounds of the Cemetery.
5. Motorcars and vehicles must be kept under control at all times.
6. Animals, (with the exception of Service Animals), bicycles, motorcycles, motorbikes, snowmobiles, and all terrain vehicles are prohibited within the Cemetery.
7. No person shall discard any article in the Cemetery unless so authorized.
8. The bringing of firearms into the Cemetery, except by military escort, is prohibited. The discharge of, or carrying of, any offensive weapon, such as bow and arrow, air rifles, slingshots, or the hurling of rocks or pellets, is strictly prohibited.
9. No Recreational activities are allowed in the cemetery without the permission of the Board of Selectman or their representative.
10. The Town shall take reasonable precaution to protect owners, and the property rights of owners, within the Cemetery, from loss or damage, but it distinctly disclaims all responsibility for loss or 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.
11. The Town of Farmingdale shall have the right to correct any errors that may be made in making interments, disinterment's or the description, transfer or conveyance of any interment property if caused by the Town or its representatives. Any decision shall be the sole discretion of Board of Selectmen and considered the final decision. Corrective action may include, but not be limited to:
 - A. Cancelling such conveyance and substituting other interment property of approximately equal value and similar location.
 - B. Refunding the amount of money paid on account of said purchase.
 - C. In the event such error shall involve the interment of the remains of any person in such property, the Town shall have the right to remove or transfer such remains to the replacement location.
 - D. Any other alternative as determined by the Board of Selectmen.
12. The Selectmen reserve the right to adopt additional rules and regulations, or to amend, alter or repeal any rule or regulation, or any portion thereof at any time.

BURIAL PLOTS:

1. Burial plots may be purchased by (1) A person who has been a legal resident of the Town for at least two years, (2) The estate of a person who is a legal resident of the Town on the date of death, or (3) The estate of a person who is a legal resident of the Town for a majority of that person's life or twenty years, whichever is less at any time prior to death.
2. Any person wishing to allow the burial of a body or bodies other than those of their immediate family may do so in their plot.
3. If the owner of the plot dies intestate, or with no provisions made for disposition and burial after death, the interest in such plots shall descend to the decedent's heirs in provision with Maine Law.
4. An owner of a plot or lot in which no burial has been made, nor monument or marker installed, may surrender the Certificate of Ownership to the Town of Farmingdale or sell or give the plot to any individual that meets the criteria of paragraph #1. The new owner of the plot will be required to complete a new Certificate of Ownership at the town office at no cost.
5. The Town of Farmingdale does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability, or familial status in the admission or access to, or treatment or employment in, its programs and activities.

CARE OF PLOTS:

1. In accordance with Maine law, in any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary Soldiers or Sailors or Veterans of the Armed Forces of the United States of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary Soldiers or Sailors or Veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.
2. The Town of Farmingdale sells plots with perpetual care. Perpetual care includes only cutting the grass at reasonable intervals and such general care as may be necessary to keep the plots and cemeteries in neat condition.
3. The Town of Farmingdale is not responsible for damage to Monuments, Markers, or Lot Markers caused by vandalism, fallen trees, or any weather conditions.
4. All work done in the cemeteries must be done only with permission from the Selectmen. ALL work done with the exception of Burial Duties and Sexton Duties shall comply with ALL Farmingdale Competitive Bidding Policies and Ordinances. In the event that Burial or Sexton Duties conflict with Bidding Policies/Ordinances, Town Policies/Ordinances shall take precedence.

5. Any Head Stone rubbing or like kind activities may be done only with the written permission of the Sexton and/or the Selectmen

BURIAL PROCEDURES:

1. All interments and/or disinterments must be scheduled and confirmed with the Sexton.
2. Town Burials can be performed from May 1st to November 15th of each year. Early spring burials are at the discretion of the sexton.
3. All payments for interments and/or disinterment's must be made payable to the "Town of Farmingdale" in the amount of **\$500.00** for interments and/or disinterment's and **\$200.00¹** for Cremations. If the plot owner's family or representative contacts the sexton with cremation remains and does not go through a funeral home, the sexton will use their best discretion on the burial procedure.
4. Concrete or metal vaults are required for all full interments and non-degradable containers are required for all cremations.
5. Full burials require that a representative of the funeral home remain at the cemetery until the vault is sealed.
6. The burial of the remains of more than one person in one grave shall not be permitted except in the case of mother and infant or of sibling infants.
7. One grave space may contain one body burial or up to 4 cremations. A flat marker must be placed over each cremation interment within a grave space.
8. Once a casket containing a body is within the confines of the cemetery, no Funeral Director, assistant, nor anyone else, shall be permitted to open the casket or to touch the body, without the consent of legal representative of the deceased, or a signed court order that authorizes such activity.
9. No disinterment or removal of the remains of any body will be permitted except under all the following conditions:
 - A. In the presence of the Sexton and with the approval of the Selectmen.
 - B. With a permit required by the laws of the State of Maine.
 - C. With the written consent of the owner of the plot (or his/her heirs), or designated member of the family.
 - D. Payment for any work by the Sexton or Town will be made in advance.
9. If a plot is found to be unusable, the Town will offer another plot and Certificate of Ownership at no additional charge.
10. Before any burial is made in a plot, full payment for the plot must be made to the Town. All checks must be made payable to "The Town of Farmingdale"
11. The Sexton will arrange for a contractor to perform the burial service. The contractor will be paid directly by the town. All grave diggings will be performed under the supervision of the Sexton.
 - A. In the case of cremation the family of the deceased shall be allowed to dig the interment site. The Sexton shall lay-out and mark the interment location and observe the interment. The Family of the deceased shall meet with the Sexton prior to the interment to receive instruction on how to perform the interment (i.e. site dimensions required and proper back filling of the site).

12. The contractor will be required to lay planking or at least ¾” plywood sheathing under any equipment that is used in the interment or disinterment.
13. The contractor will be required to mow and cut the sod prior to digging the grave and replace the sod as the final top layer.
14. The contractor will be required to compact the soil around the vault and while backfilling the hole to avoid the soil from sinking at a later date. The surface of any final digging activity shall be level with adjacent ground surface.
15. The contractor will be required to seed the soil if needed and rake the area where the planking or plywood was located.
16. Excess soil may be stockpiled on site at the cemetery if needed.

¹- This fee may not be waived when the family of the deceased personally digs the internment site (cremations only).

MONUMENTS AND MARKERS:

1. Monuments, memorials and plot markers shall be made of durable natural stone or Bronze. None shall be installed on any plot until the lot owner is in possession of the Certificate of Ownership.
2. Only one monument will be allowed on a lot.
3. All markers must be set level with the ground.
4. No structures of any kind other than grave markers or lot monuments may be placed on lots and single graves.
5. The placing of boxes, shells, toys, metal designs , ornaments, chairs, settees, vases, fences, edging materials, shepherd’s hooks, trellises or other similar articles upon plots will not be permitted.

PLANTINGS:

1. All work and all planting of any kind on all lots and graves is prohibited, with the exception of the planting of flowers which may be done within 1 foot (12”) from the base of the monument stones and must be maintained by the owners of family. The Sexton and/or Selectmen have the right to direct the removal of (1) any inappropriate decorations or (2) any flowers, potted plants, trees, shrubs or wreaths when they become withered or unsightly as determined by the sexton.
2. Urns or flowers boxes, no more than 3 feet in length must be placed within 1 foot (12”) from the base of the monument, but must not be placed on other parts of the lots.
3. The Town is not responsible for the loss or damage of floral pieces or decorations.
4. No plastic or wax flowers are allowed in the cemetery. Silk flowers are allowed.

5. No flower mounds are allowed in the cemetery. All plantings will be at ground level.

RECORDS:

1. The Town Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care funds separate and apart from any other records of the Town and same shall be open to public inspections at all reasonable business hours.

AMENDMENTS/REVISIONS:

These rules and regulations may be amended by the selectmen at any time during a regular scheduled public meeting when the best interests of the cemeteries and the owner of the plot(s) may demand. Public notice of any changes will be posted at the town office.

In all matters not covered by these Rules and Regulations, the Selectmen reserve the right to do what they determine to be fair and reasonable.

Ratified and accepted by the Board of Selectmen:

David Sirois

James Grant

Nancy Frost

August 20, 2014