

# **CEMETERY ORDINANCE**

Chapter 15

From the

CODE

of the

TOWN OF WINDHAM

COUNTY OF CUMBERLAND

STATE OF MAINE

## Table of Contents

**CEMETERY ORDINANCE**

## Chapter 15

§ 15-1.	Title.....	3
§ 15-2.	Purpose .....	3
§ 15-3.	Hours of Operation .....	3
§ 15-4.	Restricted Activities .....	4
§ 15-5.	Cost of Burial Plots.....	<del>4</del> 3
<u>§ 15-6.</u>	<u>Transfer of Ownership.....</u>	<u>4</u>
§ 15- <del>6</del> 7.	Opening and Closing of Graves.....	4
<u>§ 15-8.</u>	<u>Vaults and Concrete Boxes.....</u>	<u>4</u>
§ 15- <del>7</del> 9.	Placement of Headstones, Lot Markers and Corner Markers.....	4
§ 15- <del>8</del> 10.	-Cremains Garden Memorials.....	4
§ 15- <del>9</del> 11.	- Adornment of Gravesites.....	<del>4</del> 5
§ 15- <del>10</del> 12.	Authority for Removal of Items Placed On Gravesites.....	5
§ 15- <del>11</del> 13.	Administration, Enforcement and Appeal .....	5
§ 15- <del>12</del> 14.	Effective Date.....	<del>6</del> 5

## ~~CEMETERY ORDINANCE~~

### ~~Chapter 15~~

#### ~~Section.....Description~~

~~§ 15-1 ..... Title.~~

~~§ 15-2 ..... Purpose.~~

~~§ 15-3 ..... Hours of Operation.~~

~~§ 15-4 ..... Restricted Activities.~~

~~§ 15-5 ..... Cost of Burial Plots.~~

~~§ 15-6 ..... Opening and Closing of Graves.~~

~~§ 15-7 ..... Placement of Headstones, Lot Markers and Corner Markers.~~

~~§ 15-8 ..... Cremains Garden Memorials.~~

~~§ 15-9 ..... Adornment of Gravesites.~~

~~§ 15-10 ..... Authority for Removal of Items Placed on Gravesites.~~

~~§ 15-11 ..... Administration, Enforcement and Appeal.~~

~~§ 15-12 ..... Effective Date.~~

#### **§ 15-1. Title.**

This Article shall be known and may be cited as the “Cemetery Ordinance of the Town of Windham, Maine.”

#### **§ 15-2. Purpose.**

The purpose of this chapter is to set fees for cemetery burial plots; establish regulations and procedures to govern burials, placement of monuments and decorations; ensure the safety of employees; and provide a beautiful and dignified resting place for deceased loved ones.

#### **§ 15-3. Hours of Operation.**

All cemeteries operated by the Town of Windham shall be 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.

**Winter operations:** The cemeteries will remain open until the first snow that covers the ground or until the ground is frozen whichever comes first, and reopen the following spring once the snow has melted and the ground dry enough to support activity without causing damage to the grounds.

**§ 15-4. Restricted Activities.**

No dogs or other domestic animals shall be allowed in cemeteries. Picnics, horseplay, sports activities, or any gatherings not in keeping with the purpose and dignity of a cemetery are prohibited.

**§ 15-5. Cost of Burial Plots.**

Persons desiring to purchase a cemetery plot(s) should contact the Building and Grounds Supervisor by phone (207) 892-1904 or at 185 Windham Center Rd.

The cost for one standard gravesite shall be ~~\$200~~ \$400 per grave for a resident of the Town of Windham and ~~\$350~~ \$500 for a non-resident.

The cost of one lot comprised of (four (4) adjoining gravesites), shall be ~~\$800~~ \$1,600 for a resident of the Town of Windham and ~~\$1,400~~ \$2,000 for a non-resident.

Cremation Garden: ~~The~~ cost for one cremains site, which ~~will~~ will accommodate two (2) cremains, shall be ~~\$100~~ \$200 for a resident of the Town of Windham and ~~\$175~~ \$275 for a non-resident.

All proceeds from the sale of sites shall be deposited into the Cemetery Trust Account.

**§ 15-6. Transfer of Ownership/Permission to Bury**

Transfers of ownership will not be recognized without the consent of the Buildings and Grounds Supervisor.

In order to be buried on a family plot there must be proper documentation stating permission from the owner granting permission, i.e. such as a will or notary-signed document.

**§ 15-7. Opening and Closing of Graves.**

The Town of Windham does not provide excavation service for opening or closing graves, ~~and~~ will not bear any associated costs. Excavators and/or funeral directors must contact ~~the~~ Town of Windham's Building and Grounds Maintenance Supervisor at least 48 hours prior to any grave opening, interment or disinterment to locate and mark the correct burial space.

Proper documentation – i.e. a copy of burial transit permit, cremation certificate or other required authorizations for any interments or disinterments within Town of Windham cemeteries is required.

Following an interment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded, except where consistent with existing practice. Excavators shall remove all excess material from the site, repair damage to any other plots, and shall repair any settling of the site for one year following any excavation, grave opening or closing.

**§ 15-8. Vaults and Concrete Boxes.**

In order to maintain a high standard of care and to eliminate sunken graves all burials, whether standard or cremation, must use rigid and durable outside containers (commonly known as “vaults”) constructed of reinforced concrete.

**§ 15-79. Placement of Headstones, Lot Markers and Corner Markers.**

The location of headstones, lot markers and corner markers shall be approved by the Town's Building and Grounds Maintenance Supervisor prior to placement. The supervisor shall be contacted at least 48 hours prior to placement of headstones, lot markers or corner markers.

Headstones shall be no larger than 42” in width for a single grave. All grass markers shall be no less than 4” in thickness.

**§ 15-810. Cremains Garden Memorials.**

Above ground memorials are prohibited in the Arlington Cemetery Cremains Garden. Markers must be installed flush to the ground and shall be no larger than 12” x 30”. No more than two markers shall be placed on a single lot. All other planting and decoration restrictions apply to this section.

**§ 15-911. Adornment of Gravesites.**

To ensure the cleanliness and the beauty of the cemeteries the use of artificial flowers, solar lighting or alcohol containers are not permitted. Trinkets are allowed to be placed only on the headstone.

Any planting of flowers is restricted to non-spreading annual varieties. Shepherd hooks shall be placed as close to the headstone as possible with a maximum of two (2) allowed.

The planting of shrubs and trees is not permitted in any cemetery without granted permission from the Building and Grounds Supervisor.

~~In order to ensure the safety of the Town's grounds crew, artificial flowers must be placed in containers. Glass containers are prohibited.~~

The Town reserves the right to remove trees or shrubs planted on a gravesite which become dangerous, or detrimental to the adjacent grounds because of encroachment of

roots or branches. ~~Such trees or shrubs may be removed only after reasonable attempts have been made to contact the lot owner or other responsible party.~~

No hedges, fencing, walls, curbing, railings, or similar structures or enclosures shall be erected around gravesites following adoption of this ordinance. Existing structures or enclosures may be maintained, but not expanded or replaced.

All winter decorations shall be removed prior to mowing season.

**§ 15-~~10~~12. Authority for Removal of Items Placed ~~On~~on Gravesites.**

The Town reserves the right to trim or remove any items which are contrary to this ordinance, or which have become unsightly and no longer contribute to the beauty and dignity of the cemetery. The Town is not responsible for any items removed.

**§ 15-~~11~~13. Administration, Enforcement and Appeal.**

This Ordinance shall be administered and enforced by the Town Manager or his/her designee.

Appeal of decisions made by the Town Manager's designee under the authority granted by this ordinance may be made in writing to the Town Manager. Appeal of decisions made by the Town Manager under the authority granted by this ordinance may be made in writing to the Town Council. The Town Council or Town Manager (whichever is appropriate) shall schedule a hearing as soon as possible and render a written decision on the appeal within fifteen (15) days.

**§ 15-~~12~~14. Effective Date.**

Adopted December 14, 1999 by Council Order 99-285, effective ~~The provisions of this ordinance shall take effect as of~~ January 14, 2000.

Amended July 9, 2019 by Council Order 19-119, effective August 9, 2019.