

# TOWN OF LIVERMORE CEMETERY POLICY

## Rules and Regulations for Livermore Cemeteries

**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 Livermore cemeteries<sup>1</sup>. 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 the town's cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

## **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 whenever possible. The Sexton shall hold the office of Cemetery Superintendent. Cemeteries will be open from sunrise to sunset each day.

### **Duties of Employees Defined by Superintendent**

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

### **Fees and How Payable**

- C. All fees or charges for services are payable to the Town of Livermore, through one of its authorized agents or Sexton. No person is required or permitted to pay any fee or gratuity to any employee. Interment charges will be handled only through a reputable funeral director.

### **Manner of Travel by Pedestrians**

- D. Persons within the cemeteries shall use only the defined roadways and walks, and no person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular lot. The Town of Livermore expressly disclaims responsibility for any property damage or any injury sustained by any person violating this rule.

<sup>1</sup>These rules and regulations shall apply, without limitation, to Hillman, Lakeside and Waters Hill Cemeteries. Their application in all other cemeteries shall be limited only by any restrictions contained within the specific deed conveying ownership of a cemetery to the Town of Livermore.

### **Acts of Vandalism Prohibited**

- E. Persons visiting the cemeteries 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. Anyone proven to have caused damage within any Town owned cemetery will be prosecuted to the full extent of the law.

### **Manner of Travel by Vehicles**

- F. 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 any 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 Cemetery Superintendent at the owner's expense.

### **Unleashed Dogs Prohibited**

- G. Unleashed dogs shall not be permitted to go at large in any cemetery.

### **Depositing of Debris Prohibited**

- H. Depositing of rubbish and debris on the grounds of any cemetery is prohibited.
- I. The placing of boxes, shells toys, ornaments, chairs, settees, or similar unauthorized items upon lots will not be permitted, and the Cemetery Superintendent reserves the right to remove any such unauthorized items.

### **Visitor Conduct**

- J. Visitors to the town's cemeteries are expected, at all times, to be respectful and to conduct themselves in a manner that does not disturb other visitors or breach the peace and tranquility.

## **Section 3. Lot Ownership**

### **Prospective Purchasers to Visit Cemetery**

- A. Persons desiring to purchase lots should visit the cemetery with the Sexton or Designee, who 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. Purchase price shall include perpetual care.
- C. Lot descriptions shall be in accordance with cemetery plots, which are kept on file in the Town Office.
- D. Cemetery Plot Deeds will be issued. It shall be the responsibility of the purchaser to have the deed recorded at the Androscoggin County Registry of Deeds.
- E. It shall be the duty of the lot owner to notify the Town Office of any change in address after purchase.

#### **Purchasers Rights in Roads, Drives or Paths**

- F. No easement or right of interment is granted to any lot owner in any road, drive, or path within any cemetery, but any 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 Town**

- G. The right to enlarge, reduce, replot, or change the boundaries or grading of the cemeteries, 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 town reserves to itself, and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purposes of passing to and from the other lots.
- H. The Town retains Fee Simple title to the land on which all burial lots are situated, and has the incontestable right to determine by regulation what is and / or permissible on said lots.

#### **Cemetery Not Responsible for Loss or Damage**

- I. 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 town will not be responsible for any loss or damage.

### **Terms of Agreement with Lot Owners**

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

### **Repurchase or Exchange of Lots**

- K. 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 price.

### **Transfer of Lots**

- L. Transfer of lots will not be recognized without the consent of the Superintendent of the Cemetery and a deeded transfer recorded at the Androscoggin County Registry of Deeds. Should the owner of an un-utilized lot or portion of a lot no longer desire to own same, the Town of Livermore may, at the discretion of the Municipal Officers, repurchase it from the owner. The lots or portions thereof will be purchased by the Town for the original purchase price. Lots may not be re-sold or transferred by the original owner to another person without first offering the repurchase opportunity to the Town.

## **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.

### **Nature of Care Provided**

- 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 park and lawn areas, roads, shrubs, and trees, which have been established by the Town. 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.

### **Investment of Trust and Care Funds**

- C. All care funds held by the Town of Livermore whether by Trust or Perpetual Care will be invested by the Town of Livermore as provided by law and will be expended only as provided by law.

### **Who May Provide Care for Lots**

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

### **Lot Boundaries Not to be Enclosed**

- E. 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**

### **Funeral Director Responsibility**

- A. All funerals and burials entering any cemetery shall be under the direction of the funeral director who shall abide by these rules and regulations.
- B. It shall be the responsibility of the funeral director to make arrangements with the Cemetery Superintendent for all interments. No grave openings or interments shall occur unless authorized or directed by the Cemetery Superintendent.

### **Opening of Caskets**

- C. Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or his assistants or on an order signed by a court of competent jurisdiction.

### **Interments to be authorized by Lot Owners**

- D. 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 the town, telephone permission will be accepted in lieu of signed authorization.

### **Number of Interments in Single Grave**

- E. 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. Further variation may be in the case of cremations within family lots subject to the placing of markers and upon prior approval of the Cemetery Superintendent. For clarification: Only one full burial (vault) shall be allowed on a single plot.

### **Location Within Plot to be designated by Owner**

- F. When an interment is to be made in a plot, the location of such interment shall be designated by the plot owner, or his authorized representative. Should they fail or neglect to make such designation, the Town reserves the right to make the interment in a location designated by the Cemetery Superintendent. The Town of Livermore Cemetery Superintendent or Sexton 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.

### **Graves Opened After Interment**

- G. Once an interment has been made, graves will be opened only by officials and employees of the Town in the sole and exclusive judgment of the Cemetery Superintendent that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery Superintendent. In all cases the responsibility of the Town shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so. The cost of any such opening shall be the responsibility of the party or parties who sought the order and is payable in full in advance.

### **Outside Containers Required**

- H. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials including cremations 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 Cemetery Superintendent. Outside containers may be procured from any source provided they meet the established specifications.

### **Previous Notices Required for Interments, Etc.**

- I. The right is reserved by the Town of Livermore Sexton to insist upon at least seventy-two hours notice of any interment and at least one week's notice of any disinterment or removal. All diligence will be used to accommodate the schedules of the interments; however advance notice must be given in order to ensure the availability of personnel employed by the Town of Livermore to prepare the site for burial. The Sexton 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 Town**

- A. The town will undertake to maintain, as may be practical, the planting of trees and shrubs to preserve its landscape features.

### **Plantings**

- B. No individual beds of shrubbery or trees shall be permitted on the grounds of the cemetery.
- C. All plantings should be contained within pots made of clay, ceramic or other durable material. The town shall not assume responsibility for any flowers planted in the ground that may, for example, be damaged in the course of routine maintenance.

### **Rights of Town Regarding Removal of Flowers and Plants**

- D. The Sexton 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.

### **Removal of Unsightly Vases, Urns, Artificial Flowers**

- E. The Sexton reserves the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June 30<sup>th</sup>. Artificial flowers that are faded or otherwise deteriorated may also be removed at the Sexton's discretion.

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

### **One monument Per Lot Permitted, One Marker Per Grave permitted, Cornerstones Required**

- A. Once a lot is sold, it shall be the responsibility of the owner to denote the boundaries of the lot with appropriate, ground-level corner markers. Markers shall be placed within 60 days of purchase.
- B. All interments shall be denoted with a marker indicating, at least, the name and date of death of the decedent.
- C. The owner of any lot shall have the right to erect thereon any proper stone or monument. 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. Monuments and individual headstones are not permitted.

### **Materials, Size and Design of Structures**

- D. No monument, marker or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone or real bronze.

### **Foundations Required**

- E. 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 2-½ feet in depth. Deeper foundations will be used when deemed advisable by the Superintendent of the Cemetery, Sexton or designee.

### **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 Town of Livermore reserves the right to correct any errors that may be made by its personnel while making any interment, disinterment or removal, or in the description, transfer, or conveyance of any lot. Errors of lot owners in failing to specify proper interment position shall be cause for a fair additional charge if the Sexton has commenced any work prior to a request for any change.

### **Section 10. Enforcement**

- A. The Cemetery Superintendent and authorized representatives are hereby empowered to enforce the foregoing rules and regulations and to exclude from any or all cemeteries any person deliberately violating such rules and regulations. The said Superintendent and authorized representatives shall have charge of the grounds and buildings within the cemeteries and shall have supervision and control of employees and all person visiting the cemetery whether lot owners or otherwise.

### **Section 11. Seasonal Burials**

- A. No Burials will take place after first frost or snowstorm or at the discretion of the Cemetery Sexton. November 15 is the typical cutoff date.



**Section 12. Fees**

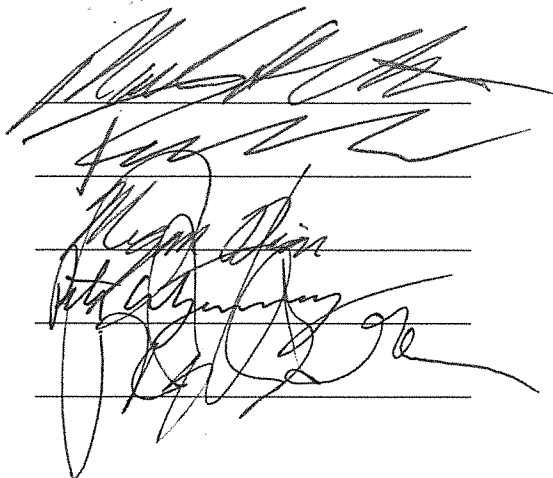
- A. The Livermore Cemetery Committee shall annually, by March 1, recommend to the Board of Selectpersons a schedule of prices for the sale of cemetery lots. No price changes may be made to an existing schedule without an affirmative, majority vote of the Board of Selectpersons.
- B. The Livermore Cemetery Committee shall annually, by March 1, recommend to the Board of Selectpersons a schedule of prices for any and all services to be provided by the Cemetery Superintendent and/or Sexton. No price changes may be made to an existing schedule without an affirmative, majority vote of the Board of Selectpersons.
- C. All payments for Superintendent and/or Sexton services are to be made to the Town of Livermore, either in person at the Town Office or via the Superintendent.

**Section 13. Amendments**

- A. Amendments and/or changes to this policy shall be offered to the Board of Selectpersons upon recommendation of the Livermore Cemetery Committee.

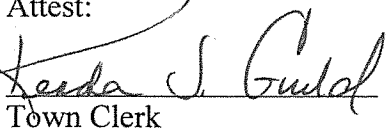
This policy signed and accepted by the Town of Livermore Board of Selectpersons on

May 4, 2015



Four handwritten signatures are written over four horizontal lines. The signatures are cursive and appear to be of different individuals.

A true copy  
Attest:



A handwritten signature in cursive script, which appears to read "Linda J. Gould", is written over a horizontal line.

Town Clerk