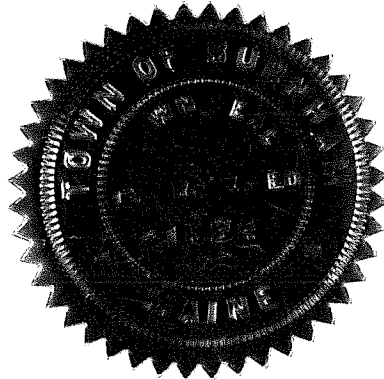


RULES AND REGULATIONS
of the
BURNHAM TOWN CEMETERIES
BURNHAM, MAINE

Amended March 19, 2011

AMENDED BURNHAM TOWN MEETING MARCH 19, 2011

ATTEST: Carolyn Hamel
Carolyn/Hamel, Clerk



FOREWARD

It is the desire of the Town of Burnham, to make the Burnham Town Cemeteries a quiet, beautiful resting place for the deceased where a sense of repose will be obtained by dignified landscape effects on a well-maintained lawn. To secure these effects, the Town has spent and will continue to expend considerable sums of money. Preserving these effects will require the cooperation of every lot owner. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail, and the sacredness of the place must be maintained at all times. It is to this end that these rules and regulations have been made effective, and the suggestions as contained herein are offered.

The following Cemeteries exist in the Town of Burnham;

Town of Burnham Cemeteries;

Mount Road Cemetery	1 Mile North of Troy Rd on Mount Rd. From Town Hall turn left on Horseback Rd. to Troy Rd, turn left on Troy road and follow to Mount Rd, turn right and follow to Cemetery on the right.
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Reynolds Cemetery 1 Mile South of Winnecook Rd on South Horseback Rd.
From Town Hall Turn right on Horseback Rd. and drive 1
mile to cemetery on the left.

Chandler Cemetery .2 Miles East of Pond Rd on Waterman Lane. From Town
Hall follow Pond Rd. two miles to Waterman Lane, turn
right on Waterman Lane cemetery is .2 miles on the right.

Town Cemetery Behind the Church on Troy Rd. From Town Hall turn left
onto Winnecook Rd. and follow until reaching Troy Rd.
Turn left onto Troy Rd. and follow to the Church on the
left, cemetery is behind the church.

Mudget Cemetery 1.2 Miles south on Rt. 100 from Troy Rd turn left just past
156 Rt. 100 and follow path .2 Miles back into the woods.
From Town Hall turn left onto Winnecook Rd. and follow
until reaching Troy Rd. Turn left onto Troy Rd. and follow
to Rt. 100, turn left on Rt. 100 and follow 1.2 Miles south
on Rt. 100 turn left just past number 156 Rt. 100 and follow
the path .2 Miles back into the woods.

Private Cemeteries in Burnham

Huff Family Cemetery Next to the Mount Rd. Cemetery

Morgan Cemetery .1 Miles from Troy Rd on Morgan Rd

The Ronello Reynolds
Family Cemetery Southwest of the Reynolds Cemetery on
South Horseback Rd.

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Section 1

PURCHASE OF LOTS

The Town of Burnham Selectmen decreed all Cemeteries as full and closed to further burials with the exception of the Town Cemetery Annex on Troy Rd. If a person desires burial in any other town cemetery, and they can prove other family members are buried in that Cemetery, the process is listed in Section 1.2 to petition for burial in that Cemetery.

1.1 Persons desiring to purchase a lot in the Town Cemetery Annex or Annex "A" are referred to the Town Treasurer. The Treasurer will have available suitable plots showing size and price of lots and such other information as may be required and will contact the Cemetery Sexton to render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Treasurer will complete the sale and the deed issued. Once a plot is sold, the Cemetery Sexton will stake out the plot.

1.2 If burial is desired in any Town Cemetery other than the Village Annex follow these procedures.

- a. Contact the Cemetery Sexton for help determining where an empty plot *might* be found in the cemetery and how to get in touch with a company capable of checking for an empty plot.
- b. Contact a company capable of using ground-penetrating radar to verify the desired space or some other space is empty of human remains and available. (This is at the petitioners cost.)
- c. The Company must provide a notarized statement to the effect that the space in question is clear of human remains to a depth of six feet (6').

d. Call Burnham Town Hall and schedule time on the Selectmen Agenda for a Monday night to Petition the Selectmen.

e. Bring the Statement from the Ground Penetrating Radar and state the request for burial.

f. If the petitioner wants to be buried in an urn within another family members plot, or wants to bury a cremated family member within another family members plot, they should petition the Selectman for permission to bury the urn in the closed cemetery.

1.3 There are certain plots which were identified as available and marked prior to the closing of the cemetery; these still require petitioning the Selectman before a cemetery committee member may open the plot for burial.

Section 2 OWNERSHIP AND TITLE OF LOTS

2.1 The term "Lot Owner" or "Ownership" shall be construed to mean the rights to use a lot or part of a lot, as purchased from the Town for a consideration for burial purposes only, and under the rules and regulations as prescribed by the Town for such use.

2.2 Upon full payment of the purchase price of a lot, a deed will be issued will be recorded in the records as evidence of ownership of the lot.

2.3 All burial rights in cemetery lots purchased from the Town occupy the same position as real estate at the death of the owner. Only such persons as names appear on the Cemetery records of the Town will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the Cemetery lot is disposed of by will, a certified

copy of the will shall be delivered to the Cemetery Committee before the Town will recognize the change in ownership. If the deceased lot owner left no will, a certified copy of the proof or heirship made in the District Court must be presented to the Cemetery Committee. Lot owners, in making their wills, should include the cemetery lot and assign the rights for it to one person.

2.4 The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only, for themselves, their heirs, or for any such persons as they may choose to admit, provided such admission is free of charge and without compensation and in accordance with the Cemetery Rules and Regulations.

2.5 The lot owner cannot resell or transfer their lots to any person or persons whomsoever, without written notification to the Cemetery Committee. However, such unused portions of the lot as the owner may desire to dispose of may be listed for sale with the Cemetery Committee. The Town, however, assumes no obligations for making a satisfactory sale of such lots or portions of lots.

2.6 Lots will be of such size as to accommodate one or two graves. The cost of said lots will be as specified herein.

Section 3

CARE OF LOTS

3.1 All Town Cemeteries will be maintained in accordance with Maine Statute Title 13 Chapter 83, Cemetery Corporations. Grass will be mowed, leaves will be raked, trees and bushes cut and trimmed and the cemetery generally kept neat and trimmed.

3.2 If a lot owner or heir to a lot owner does attempt to maintain said lot themselves, the Town shall be held harmless, and in no case will said person trespass onto adjacent or other lots.

3.3 Snow will not be removed from the cemetery or the cemetery entrances.

3.4 American Flags will be placed on all graves of Revolutionary Soldiers and Sailors and all U.S. Veterans of war in accordance with Maine Statute Title 13 Chapter 83. Flags will be placed one week before Memorial Day and removed one week following Veterans Day.

3.5 All Decorations must be removed by April 15th and shall not be permitted until the Saturday before Mothers Day. A local notice will be made in March reminding Town residents of the removal requirement. All decorations in place as of April 15th will be disposed of as part of the spring clean-up of the Town Cemeteries by the Cemetery Committee.

Section 4 PRIVILEGES AND RESTRICTIONS

4.1 Each lot in the cemetery will, prior to its sale, be suitably marked by the Town with iron pins, placed on each lot corner and set level with the adjacent ground.

4.2 No mounds shall be raised upon any grave above the general level of the lot.

Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by heat, drought, and frost. The Town reserves the right at any time to remove unsightly mounds and to resod the grave at the general level of the lot.

4.3 No hedges, fences or enclosures of any kind will be permitted on or around lots.

4.4 All Decorations must be removed by April 15th and shall not be permitted until the Saturday before Mothers Day. A local notice will be made in March reminding Town Residents of the removal requirement. All decorations in place as of April 15th will be disposed of as part of the spring clean-up of the Town Cemeteries by the Cemetery Committee.

4.5 Fresh flowers in vases or baskets are allowed anytime, however, as soon as flowers, wreaths, emblems, etc. become unsightly and faded, they will be removed. No responsibility for the protection or maintenance of decorations left in the cemetery is assumed by the town, the Cemetery Sexton or the workers maintaining the cemeteries..

4.6 Plants in beds adjacent to monuments are permitted, but all maintenance is assumed by whoever made the planting. If said planting dies, becomes overgrown or becomes unsightly, they will be removed and no responsibility for their protection or maintenance is assumed by the town, the Cemetery Sexton or the workers maintaining the cemeteries.

4.7 All general maintenance and all work on lots will be done by the Town, but it is desired that each lot owner feel free to consult with the Cemetery Committee or Cemetery Sexton in charge of the cemeteries at any / all times. Their advice and assistance will be cheerfully given (without charge) and may be of much value to those contemplating the purchase of monumental work or of making lot improvements.

4.8 The Cemeteries reserve the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemeteries in the performance of such duties.

4.9 The Cemeteries or their employees assume no liability for damage, actual or mental anguish, in the performance of their normal operations, or loss by vandalism or other acts beyond reasonable control.

Section 5

RULES FOR VISITORS

5.1 The cemeteries will be open to visitors at all times between sunrise and sunset.

5.2 Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians, or with the written permission of a Town of Burnham Selectman or Town of Burnham Cemetery Committee Member. Reference Town of Burnham Ordinance dated May 17, 1965.

5.3 Persons or picnic parties with refreshments will not be admitted. Dogs, with the exception of Seeing Eye dogs, are not to be allowed in the Cemeteries.

5.4 Firearms will be allowed in the Cemeteries only at military funerals.

5.5 Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, or pick any flowers (either wild or cultivated) or injure any shrub, tree, or plant, or mar or deface any monument, stone, or structure in the Cemeteries.

Section 6

INTERMENTS

6.1 All interments in lots shall be restricted to members of the family. If there is any doubt regarding the relationship of the deceased to the family who owns the lot, a copy of the deed will be reviewed by the Cemetery Committee before the grave is opened. The Cemetery Committee may request a meeting with family members if there are any questions pertaining to ownership or placement of the deceased on the lot.

6.2 Graves can be dug by anyone, but must be done under the direction of the Cemetery Sexton or a Cemetery Committee member. Vaults will be buried at a depth of no less than 54 inches. Urns will be buried at a depth of at least 30 inches.

6.3 A charge for opening and closing a grave and the sodding and seeding of the grave will be made as provided herein. The fee for opening the grave will be collected from the family prior to the grave opening or from the funeral director on the day of the interment.

6.4 Funeral directors must present a burial permit to the Cemetery Sexton on the day of interment. Said copy to be signed by the Cemetery Sexton and delivered to the Town Clerk.

6.5 The lot owner or funeral director shall designate the location of the grave on the lot to the Cemetery Sexton and any change of location made after the opening of the grave has begun shall be at the expense of the lot owner. The Cemetery Sexton shall be given as much notice as possible, but at least twenty-four hours notice.

6.6 Burials shall normally take place from May 1 through November 1, any burial requested between November 1 through May 1 will be at the discretion of the Cemetery Sexton. No snow removal will be accomplished in order to facilitate a burial.

6.7 An additional charge as provided herein shall be made for interment service on Saturday, Sunday or legal holidays.

6.8 The interments of more than one deceased in one single grave space will be allowed, in the following circumstances:

In the case of a parent and infant buried at the same time.

Two children buried at the same time.

Four cremated remains.

In the event that a husband or wife is buried in a vault and the surviving spouse desires to have their cremated remains buried in the same plot it will be allowed.

If a spouse desires to be buried on top of the other spouse and the first deceased spouse can be buried deeply enough to allow the second interment of a vault 54" deep, then two vaults can be buried in a single plot.

6.9 If a double plot is purchased and the spouse desire to be buried one on top of the other, if the first deceased can be buried deeply enough to allow the second vault to be buried at a depth of the 54 inches, then two vaults will be allowed in a single plot. The disposition of the remainder of the double plot will be the task of the living spouse before death or their heirs in accordance with Section 2 of this Ordinance.

6.10 No interment of any body other than that of a human being will be permitted in any Town Cemetery under any circumstances.

6.11 In all interments the casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults, and sectional concrete crypts.

6.12 As soon as flowers, wreaths, emblems, etc. used at Funerals or placed on graves at other times become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.

Section 7

REMOVALS

7.1 Removal of bodies from graves in the cemeteries will only be made by the Town in accordance with the requirements of the Statutes of the State of Maine. Charges for disinterment will be made in accordance with the difficulty of the task and in no case will be less than the charges for interment.

7.2 Plot owners or their heirs desiring disinterment shall secure all necessary permits from the State and Town and deliver them to the Cemetery Committee.

7.3 All disinterments will be accomplished by the Town via the Cemetery Sexton.

7.4 For sanitary reasons graves will only be reopened for inspection for official investigations.

7.5 If disinterment is to be permanent, any Markers and/or Monuments designating the location of an interment will be removed at the time disinterment is accomplished and at the cost of the person or entity requesting disinterment.

7.6 Disposition of an empty plot will be in accordance with section 2 of this document.

Section 8

STONE AND MONUMENTAL WORK

8.1 All Plots which have been used to inter the deceased will be properly and permanently marked with a non movable permanent Monument.

8.2 All stone and monumental work shall be subject to the following regulations and requirements.

8.3 Flat at ground markers are exempt from the need for a foundation, but must still meet all other parts of this section.

8.4 All memorial foundations shall be placed on solid ground not included in actual grave space, except where grave liner is of permanent type and sufficient strength to support weight of foundation and memorial.

8.5 Each monument or grave marker 12"x24" or over, or one foot (1') high or over, shall rest on a concrete foundation. On any lot sold after the adoption of these rules and regulations, each monument or grave marker 10"x20" or over, or one foot high or over shall rest on a concrete foundation. Large monuments or those monuments requiring special foundation design shall be specifically approved by the Cemetery Sexton and/or the Cemetery Committee. before construction. Plans and specifications for such monuments should be submitted to the Cemetery Committee and Cemetery Sexton for approval.

8.6 The foundation for grave markers and monuments will, in general be carried to a depth of not less than one (1) foot below the ground level. For large monuments, the Town reserves the right to require the construction of a foundation of such size and design as will provide ample insurance against possible settlement or injury to the stone work. The top of the concrete foundation will be constructed approximately two (2) inches below the grade level.

8.7 The setting of monuments, stones and markers and the transportation of all tools, Materials, etc., within the Cemetery grounds shall be subject to the supervision and control of the Cemetery Sexton. Heavy teaming or trucking will not be permitted within the Cemeteries when in the opinion of the Cemetery Sexton such work might cause injury to the driveways.

8.8 Stone or monumental work will not be permitted on a lot until the lot is fully paid for, and the Town reserves the right to refuse permission to erect any monumental work not in keeping with the good appearance of the grounds.

8.9 Stone work or monumental work once placed on its foundation shall not be removed, except by permission of the Cemetery Committee or the Cemetery Sexton.

8.10 Markers shall be placed within the plot. No markers shall be placed nearer than 4 inches to a lot line.

8.11 Certain designated portions or the older parts of the Cemeteries have restricted monument privileges, which permit the erection of monuments or grave markers of any selected size and design.

8.10 Flush Markers shall be set so that the top is flush with the ground. Flush markers or horizontal monuments may not exceed seven(7%) of the lot area. All flush markers must be made of a materiel capable of withstanding the harsh natural elements encountered in the Burnham Maine area.

Section 9 VAULTS AND MAUSOLEUMS

9.1 The Town of Burnham does not have a Cemetery which meets the provisions of Title 13, Chapter 83, Sub part 4, paragraph 1341 of the Maine State Statute governing Vaults and Mausoleums; to wit a 5 acre cemetery. Therefore Vaults and Mausoleums will not be allowed.

Section 10 TREES AND SHRUBS AND FLOWERS

10.1 All general maintenance in the Cemeteries will normally be done by the Town but lot owners may feel free at any time to consult with the Cemetery Committee regarding matters pertaining to permissible plantings or the general care and upkeep of lots.

10.2 No person will be permitted to trim, prune or remove branches from any tree of ornamental shrub in the Cemeteries except on his own lot. All work of pruning or trimming trees and shrubs shall be done under the guidance of the Cemetery Sexton or Cemetery Committee. Upon request, the Cemetery Committee will do any pruning needed without charge to the lot owner.

10.3 Permission to plant trees or shrubs on lots shall in all cases be obtained from the Cemetery Sexton or Cemetery Committee and the Town reserves the right to remove any tree, shrub, or vine, or any part thereof which may have become unsightly, dangerous, or not in keeping with the landscape design. Many plants, especially vines, interfere with the proper care of the lots and graves and injure grass. Such plants will be removed when found interfering with the adjacent lots.

10.4 Individual lot plantings may not exceed (5%) five percent of the total lot area and must be placed adjacent to the monument. For a single lot this is two and one half square feet or an area two and one half feet (2.5') by one foot (1'). For a double lot this is five square feet or an area two and one half feet (2.5') by two feet (2').

Section 11 FEES, CHARGES, AND PAYMENTS

11.1 The payment of all fees and charges for burials shall be made to the person providing the service at the time of the burial.

11.2 The schedule of fees and charges is set periodically by the town at the customary Annual Meeting; the Town Clerk can provide a copy of the fees upon request.