

NEW GLOUCESTER CEMETERY ASSOCIATION

RULES, REGULATIONS AND GUIDELINES

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Rules, Regulations and Guidelines, New Gloucester Cemetery Association

The New Gloucester Cemetery Association (*hereafter called the Association*) is in charge of the care and maintenance of the Town of New Gloucester Cemeteries.

- Lower Gloucester Cemeteries
- Hill Cemetery
- Pineland Cemetery
- Pond Cemetery
- Staples/Dawes Cemetery (inactive)
- Upper Gloucester Cemeteries
- Webber Cemetery
- Witham Cemetery (inactive)

The Association also manages the perpetual care funds established for the benefit of the cemeteries.

From the Preamble of the New Gloucester Cemetery Association, the Association will work carefully preserving the last resting place of all who are or shall be, hereafter, buried in the public cemeteries of the town of New Gloucester.

The purpose of the following Rules and Regulations is to help protect the purchasers and owners of rights of interment or inurnment; family, friends and acquaintances of the deceased buried in New Gloucester Cemeteries and most important of all, **safety of all who enter these Cemeteries.**

RULES, REGULATIONS AND GUIDELINES GENERAL INFORMATION

AMENDMENTS

- The Association hereby reserve the right to adopt additional rules and regulations or to amend, alter, or repeal any rule or regulation at any time they deem appropriate. The Association, Sexton and/or the Superintendent also reserve the right to waive or temporarily suspend or modify a fee and one or more of these Rules and Regulations in unique situations that may arise in which strict enforcement may result in undue and unfair hardship or other unintended consequence. Such waivers or temporary suspensions or modification of Fees and the Rules and Regulations are expected to be very rare, based upon good reasoning and rationale, and not necessarily binding precedent for later situations.

CEMETERY HOURS

- Cemeteries will be open in the spring and closed in the fall at the discretion of the Association.
- Regular hours of operation: Monday – Friday 9:00 AM – 4:00 PM
Saturday 9:00 AM – 1:00 PM
No Sunday Burials.
- Additional fees for Graveside Services may be applicable if not within regular operation hours.

VISITORS

- Cemeteries will be open to the public from Sunrise to Sunset.
- Visitors **must** not drive or park on the grass unless directed by an usher at a funeral.
- Children under the age of 15 will not be admitted unless accompanied by an adult. Children **must** not play on lots nor climb on headstones, monuments or other memorials.

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VEHICLES

- Motorbikes, snowmobiles and all other off the road vehicles are prohibited. **(Per State of Maine Law)**
- Bicycles must stay on the gravel driveways.

FIREARMS

- The discharge of firearms or fireworks in any New Gloucester Cemetery is prohibited. This is not to be construed as prohibiting ceremonial honor guards Military Funerals or by Law Enforcement Officers consistent with their policies and procedures.

RESPONSIBILITY FOR LOSS OR DAMAGE

- The Association disclaims all responsibility for loss or damage from causes beyond its reasonable control; especially from damage caused by the elements, an act of God, vandals and thieves.

BURIAL LOTS – RIGHTS OF INTERMENT/INURNMENTS

RESERVATIONS OF LOTS

- The Association requires payment in full at time of purchase. We cannot and will not take partial payments. An *APPLICATION FOR PURCHASE* must be signed stating that the Association will hold the Lot for sixty (60) days.
- If not paid in full on or before the sixty (60) days the lot will revert back into the cemetery inventory of lots that can be sold.

BURIAL RIGHTS

- A *BURIAL RIGHTS ASSIGNMENT FORM* must be completed at time of purchase to show who will have burial rights on the lot.
- All interments/inurnments in lots shall be restricted to “Next of Kin”. A lot owner must request permission in writing to bury a person other than a “Next of Kin”. Per State of Maine Title 22, Chapter 707, §2843-A Definitions, 1. D.

UNPAID BILLS

- No work will be done, or interments made, on any lot with an outstanding balance due including the lack of perpetual care paid on the lot.

INTERMENT/INURNMENT RULES

- No interments permitted after the first snow fall or frost, until the following spring thaw is complete.
- No interments on Sundays or federal or state holidays.
- There is an additional fee for a Saturday interment **after** Memorial Day.
- A forty-eight (48) hour notice (not counting Sundays or holidays) must be given to the Sexton/Superintendent prior to all interment/inurnments. If a Monday burial is requested the Association **must** be notified before noon on the prior Friday or an additional fee will be required.
- Unless the Association Superintendent and/or Sexton have agreed to other arrangements, all Interments (the full burial of human remains) must be transported to the cemetery by a funeral establishment licensed by the State of Maine.

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- The Association requires for an interment (the full burial of human remains) a funeral director licensed by the State of Maine to be in attendance during the interment and when all funeral or burial parties are entering the Cemeteries and must abide by all Association Rules and Regulations.
- In order to maintain a high standard of care and to eliminate sunken graves, the Association does **NOT** allow GREEN BURIALS, all burials must use outside containers, known as vaults made of natural stone, reinforced concrete or a cement liner.
- Cremated remains must be interred in a permanent container approved by the Association. The scattering of ashes within the boundaries of the Cemetery is prohibited.
- Disinterment (removal of dead human bodies) are governed by Title 22, §2843, M.R.S.A. and a permit for the disinterment or removal of a dead human body must be obtained from the Clerk of the Town of New Gloucester.
- Fee for disinterment is double the regular interment fee.
- The New Gloucester Cemetery Sexton and/or Superintendent will be in charge of opening the grave and the Association and its personnel **SHALL** not assume any liability if any casket, burial case or urn is damaged.
- Once a casket containing a body is with the Cemetery, it shall not be opened except by a licensed funeral director or his or her assistants or on the order signed by a court of competent jurisdiction.

CARE/MAINTENANCE OF LOTS AND DECORATION OF LOTS

CARE/MAINTENANCE

- The Association is responsible for the general care of the cemeteries including cutting of grass, raking and removing the leaves, the trimming around monuments, trimming bushes and trees and the maintenance of the driveways.
- The Association does not assume the responsibility for care or planting flowers, or repairing or replacing monuments or markers.
- The Association reserves the right to remove any plantings, etc., that become unsightly, are planted incorrectly, or infringing on an adjoining lot or obstructing operations of the cemetery.
- The Association will not be held responsible for anything left on lots including but not limited to, floral pieces, potted plants or urns and their contents.
- Winter wreaths or baskets (no trees) will be allowed after December 1, and removed by May 1, to allow for spring cleanup. All lots will be cleared by November 1, to allow for fall cleanup.

DECORATIONS

ACCEPTABLE

- Annuals or artificial flowers (either planted or potted) are allowed from May 15 through November 1.
- Planted flowers – Shall be planted within 12” in the front only of a monument or marker, *no plants allowed in walkways*. Potted flowers will be placed as close to the monument as possible. On lots not having a monument or marker, flowers will be set in line with those of adjoining lots, to facilitate mowing and maintenance.
- Flower containers will not exceed 12” in diameter or 12” in width; and length not to exceed size of marker/monument.
- Only ONE (1) Eternal Solar Light Allowed. **NO** colored solar lights, lights that change color or lights that blink.

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UNACCEPTABLE

- No trees, shrubs, perennials, fruits or vegetables allowed on lots.
- No *lawn ornaments, toys, statues, whirly gigs, windmills, chimes, rocks, balloons, mail boxes, bird houses, birdfeeders, letters, glass containers, fences, alcoholic beverages or so-called ornaments* that are considered injurious to the beauty and dignity of the cemetery.
- No eternal flames or any open flames.
- **Removal** - The Cemetery Superintendent, or his designee has the right to remove all floral designs, vases, urns, decorations, flowers, shrubs, wreaths, plants, and other materials placed in the Cemetery that the rules do not allow or in their opinion, become unsightly, dangerous, detrimental, diseased, or that *interfere with normal maintenance* of the Cemetery.

MEMORIAL/MONUMENT/HEADSTONES/MARKERS

For the mutual protection of lot owners and the cemeteries as a whole the following rules and regulations have been established in all New Gloucester Cemeteries.

INDIVIDUAL AND FAMILY MONUMENT/MEMORIAL (*MONUMENT*) RULES AND SIZE

The owner(s) of a lot shall have the right to erect thereon a **proper** stone or monument subject to the *rules* of the Association for the cemetery and the lot location in that cemetery. Designs, location and materials for all monuments and markers must be submitted to the Superintendent for approval, this should be done prior to contracts being signed or orders given. The Association shall reserve the right to reject any plan or design for any monument which by reason of size, design, inscription, finish or quality of stone is, in the opinion of the Association unsuitable.

While the Cemetery will exercise all possible care to protect a monument on any lot, it disclaims responsibility for any damage or injury thereto. All monuments are the personal property of the owner and not the responsibility of the Association.

Memorial/Monument Dealer: A responsible and reputable monument/memorial dealer shall be used for the setting of monuments in New Gloucester Cemeteries and shall abide by all the rules and regulations of the Association. All work shall be cleared with the Superintendent before work is performed. All dealers and their agents/sub-contractors must maintain adequate insurance for the benefit of the cemeteries. Dealers must provide the cemeteries with a current certificate of insurance before conducting any work in any of the cemeteries.

- *Foundation:* All monuments shall be on a concrete foundation; the location must be determined and marked out by the Superintendent. All monument foundations shall be not less than 4 feet in depth and shall be finished to 2" below the surface of the ground at its lowest point. No foundation for a monument shall be constructed on any lot while the frost is still in the ground, per the Association. The Association reserves the right to inspect and approve all foundations.
- *Monuments:* All monuments and markers shall be constructed of marble, granite, natural stone or real bronze.
- *Pineland Cemetery:* All Rules and Regulations of the Association will apply to Pineland Cemetery. ONLY Flush Monuments will be allowed. Non-resident fee will apply plus the grave opening.

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- *Size:* The maximum size of the monuments shall be governed by the size and location of the lot. Because New Gloucester Cemeteries have existed since the late 1700's, many rows vary in width and are not straight and "standard" grave size has varied over a period of time.

Monuments, headstones and markers shall not exceed the following maximum limits

1 - 3 Grave Lots

Graves	Grave Width Size	Base Percentage	Monument at Base	Monument above Ground	Height
1 Grave	40"	75%	30"	80%	24"
2 Graves	80"	48"	75%	36"	32"
3 Graves	120"	48"	75%	36"	32"

4 - 6 or more Family Lots

Grave	Average Base	Monument at Base	Monument above Ground	Height
4 Graves	14" x 54"	8" x 40"	80%	36"
6 Graves	14" x 60"	10" x 48"	80%	40"

Foundation: SHALL not exceed 75% of grave width.

Height of monument: shall refer to the measurement taken from the top of the monument to the bottom of the monument at ground level.

Width of monument: Shall refer to the measurement taken from side to side of a monument, marker or foundation

A family monument on two or more contiguous graves in keeping with normal tradition of identifying a family grave site will be set at the center head or foot of the graves in conformance with adjacent monuments in the cemetery. In addition to the family monument, no more than one marker may be placed on each individual grave within the family group.

- *Removal of monument/headstone/marker:* No monument/memorial shall be removed from the Cemetery unless the written order or permission of the right of interment owner(s) is presented to the Association.
- *A Fraternal Group or Organization* requesting to place a monument/memorial in a New Gloucester Cemetery must be incorporated and/or registered with the Secretary of State or approved by the Town of New Gloucester.
The placement of the monument will depend on the cemetery and the location within the cemetery. The design, size and graphics must be approved by the Association.
The value of the lot area shall be based on the Association Fees. A perpetual care fund, which is a percentage of the lot area, will be required for the care and maintenance of the lot.

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DEFINITIONS

- ◆ *Bench*: Bench Type Monument permitted shall follow all the rules and regulations applicable to the size of monuments on a lot. NO benches with backs are permitted on lots.
- ◆ *Borders*: Curbing, fencing, hedging, raised lots, or enclosures of any kind around any grave or lot. **All prohibited in New Gloucester Cemeteries.**
- ◆ *Cenotaph*: A monument erected in honor of a dead person whose remains lie elsewhere. Must be approved by the Cemetery Superintendent.
- ◆ *Family Lot*: Two or more contiguous graves and will be restricted to “Next of Kin”. Per State of Maine Title 22, Chapter 707, §2843-A Definitions, 1. D.
- ◆ *Flush/Flat marker*: Are flat and flush with the ground.
- ◆ *Foundation*: Is the in-ground concrete base. Is required for all monuments and stones.
- ◆ *Fraternal Group or Organization*: Any group or organization requesting to put up a large group *monument* must be incorporated or at least registered with the Secretary of State or approved by the Town of New Gloucester.
- ◆ *Green (or natural) Burial*: Emphasizes simplicity and environmental sustainability. The body is neither cremated nor prepared with chemicals such as embalming fluids. It is simply placed in a biodegradable coffin or shroud and interred without a concrete burial vault. *(Not allowed in New Gloucester Cemeteries)*
- ◆ *Headstone*: A monument stone at the head of a grave.
- ◆ *Lot*: Is one grave or a number of contiguous graves such as a Family Lot.
- ◆ *Marker*: A small individual monument placed at the head or the foot of a grave.
- ◆ *Mausoleums/crypt/columbarium/Tombs*: Not allowed in the New Gloucester Cemeteries at this time.
- ◆ *Memorial*: Is a structure built to remember a person who has died. Memorial shall include a grave marker, a tablet or **headstone** identifying a grave or graves with inscription. Memorial/Monument/Headstone sizes are dependent on the number of graves purchased.
- ◆ *Monument*: Is a structure built to honor someone notable or a special event. The size, material characteristics and design of a monument must be submitted for prior approval and are subject to regulations.
- ◆ *Niche*: Bench Type Monument with above ground niche for urn enclosed by sealed panels.
- ◆ Association has conveyed a burial right or rights, or a person or persons who hold such burial right or rights by inheritance.

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- ◆ *Re-Use Fee:* In New Gloucester Cemeteries a full burial grave site will allow 2 cremation burial rights. Two additional cremation burials are allowed with payment of a RE-USE fee. Only one monument can be placed at the head of the grave. Any additional monuments SHALL be flat and a maximum of 75% of the width of the grave and shall be on the end only.
- ◆ *Single Grave:* One full burial right plus one cremation or two (2) cremations.
- ◆ *Statues:* No statues, sculptures or figurines can be placed on a cemetery lot without approval of the Superintendent. Photographs or drawings of such structures must be submitted for approval. Any statue, sculpture, or figurine must be tasteful and suitable for display in a public cemetery in the judgment of the Association. The Association will ensure that such structures DO NOT depreciate the surrounding cemetery lots.
- ◆ *Superintendent:* Under the general supervision of the Association. Supervises grave site preparation and all maintenance activities including the building of concrete foundations for headstones, digging graves for burials, sodding and grading of burial graves and the general maintenance of the cemeteries. Inspects work for conformance to the rules and regulations.