

**TOWN OF HAMPDEN
TOWN OF HAMPDEN, MAINE
CEMETERY ORDINANCE**

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ADOPTED: Hampden Town Council September 8, 1981
Effective Date: October 8, 1981

AMENDED: Hampden Town Council November 7, 1983
Effective Date: December 7, 1983

AMENDED: Hampden Town Council September 8, 1986
Effective Date: October 15, 1986

AMENDED: Hampden Town Council November 17, 2003
Effective Date: December 17, 2003

AMENDED: Hampden Town Council September 18, 2017
Effective Date: October 18, 2017

CERTIFIED BY: 
Paula A. Scott, Town Clerk

TOWN OF HAMPDEN, MAINE

CEMETERY ORDINANCE

Section 1. Cemeteries, Definition

The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Hampden for burial purposes including the following locations:

1. Locust Grove (downtown)
2. Riverview (East Hampden)
3. Neally's Corner (Kennebec Road)
4. Lakeview (Western Avenue/Route 9)
5. Old Burial Grounds

Section 2. Definitions

1. **Cemetery Deed** – A document that conveys burial rights, or the right of Interment for a Cemetery Lot. A deed establishes the lot owners and lineage of direct heirs to the lot. The recorded lot owner is determined by the purchaser at the time of the sale. The Cemetery Deed will detail, and not be limited to the following: name of the Cemetery; location of the cemetery lot(s) (row, area/section, plot number and grave or lot number); amount paid; name of person who purchased the lot(s); name of lot owner/grantee; lineage of direct heirs, if applicable; and trustee and witness signatures.
2. **Grave** – An area suitable for the interment of one body, except in the case of parent and child or two infants buried in one casket simultaneously. Further variation may be made in the case of cremations with family lots subject to the placing of markers and upon approval of the Cemetery Sexton.
3. **Lot** – A plot of land approximately 4 feet by 8 feet sufficient for one or more graves.
4. **Resident** – A person who has resided in the Town for at least two years during some point in their life, or is a current resident of the Town.
5. **Grave-stones** – Any stone which marks a grave or grave site.

Section 3. Lot Ownership

1. **Right of Burial** – The term “owner of lot” shall mean an individual who, either through purchase, grant, or transfer, acquired the right and privilege of burial of the dead, of constructing mausoleums and of erecting cenotaphs or other monuments or ornaments in accordance with the provisions of this ordinance as it exists or may hereafter be amended.
2. **Transfer** – The granting, transfer, and sale of lots in municipal cemeteries shall be under the control of the Cemetery Sexton subject to the rules and regulations adopted by the Town Council and the general supervision of the Town Manager. Owners transferring, granting or selling lots in municipal cemeteries must obtain prior consent of the Cemetery Sexton.
3. **Purchase** – Any individual wishing to purchase a cemetery lot shall apply to the Cemetery Sexton and then select from those lots available the lot he/she desires to purchase. Upon payment to the Town Treasurer in accordance with the Fees Ordinance, the Cemetery Sexton shall provide a

Cemetery Deed. A Cemetery Deed may be purchased at a time of need, or may be purchased in advance for pre-planning burial arrangements.

Section 4. Cemetery Sexton

1. **Appointment** – The Cemetery Sexton shall be appointed by the Town Manager. The sexton shall serve until removed by the action of the manager. He/she shall be responsible to the Town Manager for the control and management of all municipal cemeteries; for the direction of all assistants under his/her direct supervision, and for the administration of the Cemetery Ordinance adopted by the Town Council.
2. **Authority** – The Cemetery Sexton or his/her designated assistants have the authority to enter upon any lot with the necessary equipment for the purpose of improving the appearance and condition of any objectionable object that may have been placed contrary to the regulations of the cemetery; to remove any dead or dangerous tree, shrub, vine, neglected vegetation, fence, railing or enclosures; and to remove any artificial floral design or decoration not removed by September 10 of each year.

Section 5. Price Schedule

1. Lot Prices

Lots purchased for non-residents	*
Lots purchased for residents	*
Lots purchased for non-resident infants or cremations	*
Lots purchased for resident infants or cremations	*

*Price Schedule and Fees are in accordance with the Town of Hampden Fees Ordinance in effect at the time of purchase.

(Amended: 11-17-03)

2. Interment Prices

Adult grave opened during weekday	*
Adult grave opened during weekend or holiday	*
Infant or cremation grave opened during weekday	*
Infant or cremation grave opened during weekend or holiday	*

*Price Schedule and Fees are in accordance with the Town of Hampden Fees Ordinance in effect at the time of purchase.

(Amended: 11-17-03)

3. Additional Fees

Funerals will pay an hourly fee* for services required by the Town beyond 3:00 P.M. There will be a fee* for the use of the receiving vault by non-residents.

*Services and Fees are in accordance with the Town of Hampden Fees Ordinance in effect at the time of purchase. *(Amended: 11-17-03)*

Section 6. Care of Cemetery

1. **Cemetery Care** – Any person who purchases a lot is required to pay to the Town Treasurer the sum established in accordance with this ordinance as a reasonable amount for the care of said lots. The care of cemeteries shall include the cutting of the grass on the lot at reasonable intervals, the raking and cleaning of the lot, and such work as may be necessary to keep the grave in a neat condition, and for the care and maintenance of the cemetery. Care by the Town shall not include maintenance or repair of any monuments, planting of flowers or shrubs upon any lot, nor shall the Town be

responsible to move, replant or replace any real or artificial flowers or decorations in conjunction with the maintenance of said lot.

2. One half of all lot sale fees will remain in a capital account for perpetual lot care. Remaining funds shall be used to offset costs of additional maintenance activities for all Hampden cemeteries.

Section 7. Regulations for Improving Lots

1. **Enclosures** - No enclosure of any nature, such as fences, copings, hedges or ditches shall hereafter be erected on any lot.
2. **Grade** – Grave mounds shall not be allowed. No lots shall be raised above the established grade.
3. **Placement** – All flowers/decorations will be placed around the upright monument, or top of the grave. The middle and foot of the grave shall be left clear to allow for maintenance activities.
4. **Trees/Shrubs** – No trees shall be planted in the Town of Hampden cemeteries. Shrubs may be planted in the Town of Hampden cemeteries with the consent of the Cemetery Sexton.
5. **Grave-stones** – All headstones and monuments shall have a foundation. All graves where interment has occurred shall be marked by a grave-stone. All markers shall be no more than 3 ½ feet in length if a single lot is owned; the Cemetery Sexton may authorize wider markers if more than one adjacent lot is in common ownership. Markers may not require a foundation. The location of all grave-stones and markers shall meet the approval of the Cemetery Sexton.
6. **Permitted and Prohibited Activities** – Lot owners may improve, cultivate and care for their lots and existing trees, shrubs and plants in accordance with ordinance and may utilize sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries, nor add any material to his/her lot which is considered by the Sexton to be unfit for the cultivation of grass.
7. **Application of Ordinance to Undertakers, Etc.** – Undertakers, monumental concerns, contractors, florists or other individuals or corporations working within the cemetery must comply with this ordinance. All work done by such individuals or concerns must be preceded by notice provided to the Sexton, and all work is to be performed under the supervision of, and meet the approval of, the Cemetery Sexton.
8. **Vaults** – The casket must be placed in a container of permanent character, such as concrete or other suitable material substance.
9. **Trespass** – No unauthorized person shall be allowed upon the grounds after dark.
10. **Vandalism** – No person shall injure any tree or shrub, or mar any landmarks, marker, memorial or structure, or any way deface the grounds of the cemetery.
11. **Disclaimer** – The cemetery Town of Hampden shall not be responsible for any theft or damage to items present on the grave lots.

12. Vehicles – Any person driving in the cemetery shall be responsible for any damage done by his/her vehicle. Speeds of over 10 mph will not be permitted and no person shall drive his/her vehicle upon the lawns.

13. Dogs – Dogs shall not be permitted within cemetery grounds.