

# **Town Of Newry**

## **Cemetery Ordinance**

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This Ordinance shall be known as the Town of Newry Cemetery Ordinance (hereinafter the "Ordinance").

## **Section 1: Definitions**

### **A. Cemeteries:**

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 Newry for burial purposes, including the following locations:

1. Sunday River Cemetery
2. Old Powers Cemetery
3. New Powers Cemetery
4. Head of the Tide Cemetery
5. Black-Smith Cemetery

### **B. Select Board:**

The term shall mean the Select Board of the Town of Newry.

### **C. Grave:**

Grave: An area of a Cemetery Lot measuring approximately 4'x8' and suitable for the interment of one human body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, and with family lots, subject to the placing of markers and upon approval of the Select Board.

### **D. Gravestones:**

Any stone which marks a Grave or Grave site.

### **E. Marker:**

Any stone flush with the ground.

### **F. Cemetery Lot: (or "Lot"):**

A plot of land containing one or more Graves. Newry Cemeteries have available one, two, four and eight Grave Lots.

## **G. Resident:**

A person who has resided in the Town for at least 2 consecutive years during some point in his/her life, an infant of a resident, or is a current resident of the Town.

## **H. Non-Resident:**

A person who has not resided in the Town for at least 2 consecutive years during some point of his/her life, an infant of a non-resident, or is not a current resident of the Town.

**I. Town:** "Town" shall mean the Town of Newry

## **Section 2: Lot Ownership**

### **1. Right of Burial:**

The term "Owner of a Lot" shall mean an individual who, through purchase, grant or transfer, acquired the right and privilege of burial of the dead, of erecting gravestones, markers, monuments and ornaments in accordance with the provisions of this Ordinance as it exists or may hereafter be amended.

### **2. Right of Burial:**

The granting, transfer and sale of Lots in Town Cemeteries shall be under the control of the Select Board, subject to the rules and regulations adopted by a vote of the Town and under the general supervision of the Town Administrator. Owners of a Lot or Lots transferring, granting, or selling Lots in Town cemeteries must obtain the consent, of the Select Board and a Certificate of Transfer from the Town Administrator.

### **3. Purchase:**

Any individual wishing to purchase a Cemetery Lot shall apply to the Town Administrator and then select from those Lots available the Lot he/she desires to purchase. The Select Board may designate areas in each Cemetery for single lot sales. Upon having made a Cemetery Lot selection, the Lot sale will be made, and a deed issued. A receipt from the Town Treasurer will serve as the right of burial. If the Grave purchased requires ledge removal, the purchaser must pay any extra charges required, or the Grave may be exchanged for another available Grave.

## **Section 3: Select Board to Supervise Care of Cemeteries**

Care of Town Cemeteries and Lots therein shall be under the supervision of the Select Board and under the general supervision of the Town Administrator who will engage personnel to care for the Town Cemeteries. The payment of moneys to implement this section shall be made from Town Appropriation, and sale of Lots.

## **Section 4: Cemetery Sexton**

1. APPOINTMENT; The Cemetery Sexton shall be appointed by the Select Board. The Sexton will work closely with the Town Administrator for the administration of the Cemetery Ordinance adopted by the Town of Newry.

2. AUTHORITY: The Sexton has the authority to enter upon an Lot with the necessary equipment for the purpose of improving the appearance and condition of the Lot and the general appearance of the Cemetery; to remove any objectionable object that may have been placed contrary to the regulations of (lie cemetery ordinance; to remove any dead or dangerous tree, shrub, vine or neglected fence railing or enclosures; to remove any floral design or pieces which at the discretion of the Sexton have become unsightly. Any floral design or pieces not removed by end of the calendar year, each year, may be removed by the Sexton, or his designee.

## **Section 5: Care of Cemetery**

1. ANNUAL CARE: Any person who purchases a Lot and pays the Town Treasurer, in full, the established sum for said Lot in accordance with this ordinance receives reasonable care of said Lots. Reasonable care of Cemeteries shall include the cutting of the grass on the Lot/Lots at reasonable intervals, the raking and cleaning of the Lot, and such work as may be necessary to keep the Grave(s) in a neat condition. Reasonable care shall not include maintenance or repair of any monuments, nor the planting of flowers or shrubs upon any Lot.

## **Section 6: Regulations for Usage and Improving of Cemetery Lots**

1. ENCLOSURES: No enclosure of any nature, such as fences, hedges or ditches shall hereafter be erected on any Cemetery Lot.

2. TREES, SHURBS, ETC.: No trees will be allowed on any Cemetery Lot. No shrubs in excess of 36" tall will be allowed on any Cemetery Lot.

3. GRAVESTONES: All headstones and monuments shall have a foundation. All markers shall be not more than 1' x 2' and shall be flush with the surface of the ground and do not require a foundation. The location of all gravestones and markers shall meet the approval of the Select Board.

4. MOTORCYCLES, SNOWMOBILES AND ATVS ARE PROHIBITED.

5. Mounding of Graves is prohibited.

6. The Town shall have the right to remove all floral arrangements, flowers, weeds, shrubs, or plants of any kind from a Cemetery Lot or Grave as soon as they become unsightly, dangerous, detrimental, and diseased or when they do not conform to the standard maintained in said Cemetery.

7. No decorations taller than 36" are allowed. The following is a list of items that are prohibited on Lots or Graves:

- Fencing, edging or boxes
- Toys
- Sculptures
- Painted Statues (ceramic or otherwise)
- Wire screens, or Trellises
- Individual artifacts
- Glass or ceramic objects or containers.
- Lot perimeter walls
- Placing limestone, stone, woodchips, etc.

8. Mausoleums and crypts are prohibited in the Cemeteries.

9. Only human remains are permitted for burial.

10. No illuminated memorials, flags or markers of any kind are allowed.

11. Winter decorations including wreaths and grave blankets must be removed by March 31<sup>st</sup>. All artificial summer decorations must be removed by November 1<sup>st</sup>.

12. Green Burials are prohibited in all Cemeteries; for the purposes of this Ordinance, a "Green Burial" means the interment of a human body or human remains in a Grave in or on a Cemetery Lot without a vault, vault lid, concrete box, slab, or partitioned liner; in a non-leak-resistant or biodegradable burial container; or at a depth of less than five (5) feet below the natural surface of the ground.

13. Interment of any human body shall be at a depth of at least five (5) feet below the natural surface of the ground; however, cremated human remains shall be buried at least three and one-half (3.5) feet below the natural surface of the ground.

14. Except for burial of cremated human remains, interment of any human body or human remains in the earth shall be made in a concrete container or bronze receptacle of 12 gauge or better in addition to a casket, which shall be leak-proof in order to protect against contamination of groundwater, wells and aquifers, and all vaults or caskets must have a cover made in one piece.

## Section 7: Interments

1. A twenty-four-hour notice by the funeral director shall be given to the Town Administrator before any interment,
2. A burial permit, issued by the Board of Health, must be left with the Town Administrator before the time of interment,
3. A twenty-four-hour notice will be given to the Town Administrator for interment by anyone.

## Section 8: Grandfathered

All fixtures existing prior to the adoption of this Ordinance are lawful and may remain and may be repaired.

## Section 9: Adoption & Amendments

1. This Ordinance shall become effective on passage at a Town Meeting.
2. This Ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.
3. The invalidity of any portion of this Ordinance shall not invalidate any other part.

## Section 10: Price Schedule

	RESIDENT	NON-RESIDENT
4'X8' SINGLE GRAVE	\$100.00	\$200.00
8'X8' TWO GRAVES	\$200.00	\$400.00
8'X16' FOUR GRAVES	\$400.00	\$800.00
16'X16' EIGHT GRAVES	\$600.00	\$1,200.00

The cost of all plots is determined by the Select Board and will be reviewed on a yearly basis; the Select Board may amend this Price Schedule by Order adopted at a regular Select Board meeting.

Adopted 06/30/1997  
Revised 01/16/2024  
Amended 05/14/2024

Attested date: May 15 - 2024

Clerk: [Signature]

Amended May 14 - 2024  
Town Meeting Date