

Town of Unity Cemetery Ordinance

The care of public cemeteries and lots therein shall be under the supervision of the Select Board, which is authorized to engage personnel and provide, by purchase or contract, necessary equipment and supplies.

Cemetery Committee

1. A Cemetery Committee shall be appointed by the Select Board. The committee shall be responsible to the Select Board for the control and management of the Unity cemeteries (Boulter, Douglass, Farwell, Fordyce Field, Fowler, Pond 1, Pond 2, Quaker Hill, and Village). All Unity cemeteries are public cemeteries.
2. The Select Board shall appoint, direct, and remove the Superintendent/Sexton, with the advice of the Cemetery Committee. The Superintendent/Sexton shall perform all duties assigned by the committee.
3. The committee shall submit a proposed cemetery budget to the Select Board by the 15th of February of each year.

Rules and Regulations

Burial Plots – Ownership and Title of Plots

1. Description of a plot is a single gravesite. A lot is an area containing multiple plots or gravesites.
2. The term "lot owner" or "ownership" shall be construed to mean the right to use a plot or part of lot, as purchased from the Town, for burial purposes under the rules and regulations as prescribed by the Town of Unity and the State of Maine.
3. Any individual wishing to purchase a cemetery plot or lot shall apply to the Town and then select from those plots available that they desire to purchase. Only after full payment for the plot(s), including perpetual care charges, will a deed be issued and recorded in Town records.
4. Unity veterans shall not be charged for a single plot. Such veterans shall have been born in Unity and/or been a resident of Unity for a period of 10 consecutive years. Perpetual care payment is not waived for veterans and shall be made prior to receipt of deed.
5. A receipt indicating full payment from the Town Treasurer will serve as a right of burial.

6. The title to a cemetery plot entitles the owner the right to use such plot for the burial purposes of human remains only, for themselves, their heirs, or for any person they choose without compensation and in accordance with the Cemetery Rules and Regulations.
7. A plot or lot owner may sell their plot or lot back to the Town at the original purchase price paid for said plot or lot. The Administrative Assistant will provide a receipt for the sale and the plot(s) will be made available for resale.
8. A plot or lot owner may transfer their deed to another individual only through a notarized written notification addressed to the Administrative Assistant. The transfer of the lot/plot will be completed after the notification document and any administrative expenses have been paid in full by the new owner before receipt of the new deed can be issued.
9. The Administrative Assistant will notify the Superintendent/Sexton of any deed transfer of ownership.
10. It shall be the duty of the Town to keep a record of all plots selected, assigned, and all transfer of lots in all cemeteries. The Town shall have maps of all the cemeteries, which shall be accessible to any person desiring information relating thereto. The Town shall enter upon such maps all lots selected and the names of the holders thereof.
11. In the event that an occupied plot/lot has been sold in error, the Town of Unity reserves the right to correct this error, at the expense of the Town.

Interment/Disinterment

1. All graves shall be opened and closed under the direction of the Superintendent/Sexton.
2. The Town shall keep an accurate record (in a book for that purpose) of the name, date of birth and date of death, the lot number of the grave where such body is deposited, and other vital information as appropriate.
3. No interment or disinterment shall take place on any plot in Unity cemeteries until such intentions are made to the Administrative Assistant in writing. The Administrative Assistant will then notify the Superintendent/Sexton of any intentions for interment or disinterment.
4. Owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the Administrative Assistant, as required by law. All removals will be made under the supervision of a licensed funeral director. All costs will be assumed by the requestor. The Town of Unity and its personnel shall assume no liability if any casket, burial case, urn, or memorial marker is damaged.

5. Before any interment or disinterment, excavators must provide the Town with general liability insurance. Following the interment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded. Excavators shall remove all excess material from the site and repair damage to any other plots. Excess material shall be used to level between lots as appropriate. Disturbed areas shall be sodded and seeded.
6. No mounds shall be raised upon any grave above the general level of the lot. The Town reserves the right at any time to remove unsightly mounds and to re-sod the grave at the general level of the lot.
7. Caskets may be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete liner; concrete, copper, or steel burial vaults; and sectional concrete.

Gravestones, Memorial Monuments, Memorial Markers, and Memorial Benches

The Superintendent/Sexton must be consulted before the placement of any headstones, monuments, or markers. This requirement is to make sure that the headstones, monuments, and markers do not extend beyond the owner's plot or lot.

1. Gravestones – All upright headstones or monuments shall have a foundation. All other markers shall be flush with the surface of the ground and do not require a foundation.
2. No new benches shall be placed, unless the bench is the monument.
3. All upright monuments must be placed in line with surrounding monuments.

Flowers and Decorative Policy

1. Flower urns will be allowed. If there is one urn, it shall be placed in front of the monument. If there are two urns, one will be placed on each side of the monument, providing items are within the confines of the plot or lot and does not encroach adjacent plots or lots. Existing shrubs shall be maintained by family. If not maintained, the committee reserves the right to remove the shrub(s) without notice.
2. The Select Board, Cemetery Committee, Superintendent/Sexton, or contracted mowing service personnel shall remove any flowers, wreaths, emblems, etc., that become unsightly, damaged, and faded, without notice. All decorations must be placed within (12) twelve inches around monument and grave makers, if space is available without encroaching adjacent plots or lots. These items are placed at the owners' risk.
3. The Town of Unity shall place flags on Veterans' graves in accordance with the requirements of State Law. The family may also place flags, keeping in mind that American flags are not permitted to touch the ground, only the shaft that the flag is mounted to is allowed to touch the ground.

4. No glass containers shall be used at any time.
5. Hedges, fencing, walls, curbing, railings, or similar structures or enclosures shall not be erected around gravesites. Existing structures or enclosures may be maintained but not expanded.
6. The use of any rocks (e.g., river rocks, colored rocks, or crushed rocks) is prohibited, due to the possible danger to cemetery personnel, visitors, monuments, and markers.
7. All summer decorations shall be removed prior to October 1st. All winter decorations shall be removed prior to May 1st.

Trees and Shrubs

1. The Town of Unity maintains, to the best of their ability, all trees and shrubs planted by the Town. However, the Town of Unity is not responsible for the care and trimming of any plantings on individual lots that are placed by the lot owner or his/her heir(s).
2. No trees, shrubs or flowering shrubs shall be planted on individual cemetery plots/lots.
3. The Town reserves the right to remove any tree, shrub, vine, or any part thereof, which may become unsightly, dangerous, or obnoxious to adjacent lot owners, or detrimental or inconvenient to avenues or paths. It shall be the duty of the Town to enter upon such lot and remove the same, in whole or in part, at their discretion in the most cost effective way.

Perpetual Care

All cemetery plots/lots in Unity cemeteries will be provided with perpetual care or endowed care, which shall include mowing and lawn care at least every 10 days during the summer season (May 10th - July 30th) and then every 14 days through October 15th, depending on the grass height; upkeep of cemetery roads; and repair of fallen headstones. The Town will keep the Kanokolus Road paved through the cemetery, in order to protect gravesites close to the road in Pond 1 and Pond 2 Cemeteries.

Price Schedule --As determined by the Select Board on advice of the Cemetery Committee.

Cemetery Management. All funds received for the sale of lots and other non-specified incidental cemetery income shall be deposited in an account established by the Town Treasurer and shall be entitled the Cemetery Maintenance Management and Improvement Fund and shall be treated as a proprietary account. All balances shall be carried forward yearly. Monies in this account shall be used only for cemetery purposes. No more than 1/2 of the account balance may be spent in one fiscal year.

Perpetual Care Fund. A second account shall be established by the Town Treasurer titled Perpetual

Care Account. All cemetery perpetual care funds shall be accounted for through this account. This account is not part of the Town's general management funds. These funds may be pooled with other Town general funds for investment purposes with interest earned through such arrangement accordingly pro-rated. No expenditure of the principal funds shall be allowed at any time. Expenditures from the interest earned shall be used as provided by M.R.S.A. Title 30-A §5711-5719. Such expenditures shall not exceed 50% of the interest earned in a given year.

Cemetery Management. The Cemetery Management and Perpetual Care Funds shall be invested by the Town Treasurer under the direction of the Select Board (as required by Title 30-A M.R.S.A. §5711-5719).

The original cemetery ordinance was enacted on March 30, 2002.

This ordinance may be amended in accordance with the general provisions of the Town Meeting governing all ordinances.

The invalidity of any portion of the ordinance shall not invalidate any other part. Effective date of this amended ordinance, November 16, 2023.