

**RULES AND REGULATIONS
OF THE
BREWER MUNICIPAL CEMETERIES
BREWER, MAINE
1977**

Adopted by the Brewer Board of Cemetery Trustees on May 4, 1977.

Approved by the Brewer City Council on May 9, 1977.

*amendments effective 6/23/83; 2/21/86; 2/1/91

**amendment effective 9/22/83

***Revised June 8, 1999

****Revised December 30, 2003

*****Revised July 14, 2009

*****Revised March 4, 2014

The municipal cemeteries are under the supervision of the Brewer Parks, Recreation, and Cemeteries Department. Offices are located at the Brewer Auditorium, 318 Wilson Street, Brewer, ME. 04412

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FORWARD

It is the desire of the City to make the Brewer Municipal cemeteries a quiet, beautiful resting place for the deceased and where a sense of repose will be obtained by dignified landscape effects on a well maintained lawn. To secure these effects, the City has spent and will continue to expend considerable sums of money, but to preserve 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 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 offered.

PURCHASE OF LOTS

Persons desiring to purchase a lot in the cemeteries are referred to the Cemetery Superintendent. The Superintendent will have available maps showing size and price of lots and such other information as may be required and will be pleased to render assistance to those desiring to make a lot purchase. Upon having made a lot selection, the Superintendent will issue a deed request to the Office of Parks & Recreation where the lot sale will be made and deed issued by the Director of Parks & Recreation. The Cemetery Superintendent or his/her representative may act as the Agent of the City Treasurer whenever necessary.

OWNERSHIP AND TITLE OF LOTS

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

Upon full payment of the purchase price of a lot, the City will issue a Cemetery deed under its seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot.

All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons as names appear on cemetery records of the City will be recognized as owners or part

owners of the 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 that was allowed to probate must be delivered to the Cemetery Superintendent before the City will recognize the change in ownership. If the deceased lot owner left no will, a certified copy of the proof of heir ship made in the Probate Court having jurisdiction in an intestacy proceeding may be presented. Lot owners in making their wills should include the cemetery lot and will it to one or more persons.

In lieu of the foregoing, the Cemetery Superintendent may accept a notarized affidavit from a person having knowledge of the family history, as to heir ship and the ownership of the unused cemetery lot(s).

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 choose to admit, provided such admission is free of charge and without compensation and in accordance with the Cemetery Rules and Regulations.

No owner or proprietor of any lot or lots located in Brewer Cemeteries, or the representative of such an owner or proprietor as defined under the provisions of the section, shall sell, transfer and /or convey any interest in such lot or lots for any consideration without first, offering in writing to convey the same to the City of Brewer for the amount which the record of the City of Brewer shall disclose as the total consideration which the City of Brewer received for said lot or lots. If, upon the expiration of sixty days from the receipt of said offer, then in the event such sale, transfer or conveyance of said lot or lots may be made to any third party provided always that the new owner shall remain expressly subject to the Rules and Regulations of the City of Brewer now or hereafter in force and to the provisions of the Statutes of Maine now or hereafter in force.

The City of Brewer shall not recognize or accept any liability of any lot sale or transfer not duly reported to the Office of the Cemetery Department with a duly notarized deed and recorded in the Penobscot County Registry of Deeds.

CARE OF LOTS

All cemetery lots in the Brewer Municipal Cemeteries may be provided with perpetual or endowed care, and all future lots sales shall be made with perpetual or endowed care at the rates herein specified. Owners of lots or other interested persons may secure perpetual or endowed care of lots in the older portions of the cemeteries by payment to the City of the perpetual or endowed care charge at the rates specified herein.

The Term "Perpetual or Endowed Care" shall be construed to mean the obligation which the City assumes to expend each year the net annual income on the "Perpetual or Endowed Care" endowment set aside for the lot in furnishing such care for the lot as mowing grass and raking and cleaning lots.

It is understood that such expenditures shall be made at the discretion and under the direction of the officer of the City in charge of the Cemetery and that the City shall not be bound to make and separate investment of the sum of money set aside as the perpetual or endowed care fund of the city the proceeds there from used by the City in a manner as heretofore provides. Nothing herein shall be construed as modifying and existing contracts as to perpetual or endowed care.

PRIVILEGES AND RESTRICTIONS

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 City reserves the right at any time to remove unsightly mounds and to resod the grave at the general level of the lot.

No hedges, fences or enclosures of any kind will be permitted on or around lots. Window boxes, urns or other similar containers kill the grass and should not be used and will not be allowed after seven days following Memorial Day, at which time they will be removed without notice. Artificial decorations will be allowed only from November 1st to seven days following Memorial Day. At Oak Hill, Woodlawn and North Brewer Cemetery (Day Road) fresh flowers in vases are allowed anytime, as are plants in beds adjacent to upright monuments.

All general maintenance and all work on lots will be done by the City, but it is desired that each lot owner feel free to consult with the Superintendent in charge of the Cemeteries at all times. His 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.

The City reserves the right for its staff and those persons necessary to the performance of normal cemetery operation to enter upon and cross over any lot in the Cemeteries in the performance of such duties.

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

RULES FOR VISITORS

The Cemeteries will be open to visitors at all times between the hours of 7:00 a.m. and sunset. Permission to enter the cemeteries at any other time must be obtained from the Superintendent. Any person found on the grounds after dark will be considered a trespass.

Persons or picnic parties with refreshments will not be admitted. Dogs are allowed in cemeteries under leash and owner is responsible for immediate pickup of all waste.

Firearms will be allowed in the Cemeteries only at military funerals and at official celebrations such as Memorial Day, Veterans Day, etc.

Snowmobiles, motorbikes, bicycles, and all off-highway vehicles will not be allowed in the Cemeteries. Visitors are required to use the walks and drives at Oak Hill and North Brewer Cemeteries. The picking of any flowers (either wild or cultivated) or injury to any shrub, tree or plant or the marring of any monument, stone or structure in any Brewer cemetery is forbidden.

All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by state statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.

INTERMENTS

All interments in lots shall be restricted to members of the family. Permission in writing from a lot owner must accompany all requests for permits to bury persons not members of the immediate family. Such permission shall not be for remuneration.

All graves shall be opened and closed by the City under the direction of the Superintendent.

A charge for opening and closing a grave and the sodding and seeding of such grave will be made as provided herein, which charges shall be paid in advance of interment.

The lot owner or funeral director shall designate the location of the grave on the lot to the Superintendent 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 Superintendent shall be given twenty-four hours' notice for the opening and preparation of the grave prior to the interment. An additional charge as provided herein shall be made for service on Saturday.

The interment of two bodies in a single grave space will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time, or two cremated remains. No interment of any body other than that of a human being will be permitted.

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

The Superintendent or his representative is expected to attend every interment to see that the rules and regulations are observed.

As soon as flowers, wreathes, 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.

The Superintendent of Cemeteries shall have the authority to determine the date for closing all cemeteries when interments are no longer feasible in winter months. The Superintendent shall also determine spring opening date when grounds are suitable for interments.

REMOVALS

Removal of bodies from graves in the Cemeteries will only be made by the City in Accordance with the requirements of the Statutes of the State. Charges made by the City for removal will be made in accordance with the difficulty of the work and are payable in advance.

Owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the City Clerk and deliver the same to the Superintendent. All removals will be made by the City under the supervision of a licensed funeral director, with the exception of cremains where Cemetery department staff will be present. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.

STONE AND MONUMENTAL WORK

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

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

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 Superintendent. Heavily loaded vehicles will not be permitted within the cemeteries when in the opinion of the Superintendent such vehicles might cause injury to the driveways.

Except when special permission is obtained, all work as outlined above shall be performed during daylight hours Monday thru Friday.

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

Markers shall be placed at the head of a grave as plotted. No more than one marker shall be placed at any one grave. No marker shall embrace two or more graves unless all graves are on the same lot and owned by one person.

Oak Hill and North Brewer Cemeteries have unrestricted monument privileges, which permit the erection of monuments or grave markers of any selected size and design. Lots in Woodlawn Cemetery, sections A, B, C, and Urn Garden are restricted to flush markers only. The following stone sizes are allowed in the new section (D): 2 grave lot: 3'6" L x 1'2" W (maximum) with a maximum height of 3' (ground to top of monument); 4 grave lot: 4'6" L x 1'2" W (maximum) with a maximum height of 3" (ground to top of monument).

Care of the markers will be the responsibility of the lot owner. Any leveling or raising of markers will be done by the City upon written request of the lot owner to the Superintendent. Work will be done with due diligence and care. However, the City assumes no liability for damage or injury to markers while being raised or leveled.

FLUSH MARKERS: All markers shall be set so that the top is flush with the ground.

TREES, SHRUBS, AND FLOWERS

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

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

Permission to plant trees or shrubs on lots shall in all cases be obtained from the Superintendent and the City reserves the right to remove any tree, shrub or vine, or any part thereof which may 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 the grass. Such plants will be removed when found interfering with adjacent lots. All flowerbeds will be cleaned of tender plants after the first frost in the fall.

At Oak Hill and North Brewer Cemeteries, individual lot plantings must be placed adjacent to the monument and may not exceed five percent of the total lot area or 10 square feet, whichever is less.

The Cemetery Board reserves the right to amend and modify or make additions to these rules and regulations at any time without notice.

FEES, CHARGES, AND PAYMENTS

The payment of all fees and charges shall be made at the office of the Parks & Recreation Department or to the Superintendent and receipts will be issued for all amounts paid. Checks are to be made payable to the City of Brewer.

The following schedule of fees and charges is in effect and applicable to all portions of the Brewer Municipal Cemeteries, with the exception of the new section in Woodlawn. These fees and charges are subject to change without notice at such time as the City may deem necessary. New lots are available only at Woodlawn Cemetery.

<u>Lot price per single grave</u>	<u>Perpetual Care</u>	<u>Total Cost</u>
\$245.00	\$105.00	\$350.00
<u>Lot price in New Section of Woodlawn</u>	<u>Perpetual Care</u>	<u>Total Cost</u>
\$630.00(2 graves, 1 lot)	\$270.00	\$900.00

*Interments

The following fixed charges will be made by the City for opening all graves, which charges includes the opening of the grave, removal of excess material, refilling and sodding.

	Burial on Weekdays	Burial on Saturdays Only
Earth burials	\$400.00	\$600.00
Burial of cremains	175.00	275.00

Sunday or Holiday Burials: There will be no burials on Sunday or City holidays.
 After 3 PM: Any weekday service that is scheduled after 3 PM, the weekend rates will apply.

Disinterment: Charges for opening graves to permit removal will be made in accordance with the difficulty of the work and are payable in advance. A minimum charge of \$550.00 will be made for full grave disinterment.
 Disinterment of cremains: \$175.00. Entombment: There will be no charge for residents and to those being buried in Brewer Cemeteries.

**** WOODLAWN MEMORIAL PARK**

URN GARDEN

An Urn Garden has been established at Woodlawn Memorial Park and has lots available for the burials of cremains.

The price of these lots is \$200.00 per lot, \$140.00 to be credited to the General Fund and \$60.00 to be credited to the Perpetual Care Account. The size of these lots is 24” x 24”.

Markers for these lots may be of bronze or granite. If bronze, they must be attached to either a 4" thick granite or a 4" thick cement slab, matching dimensions of the marker installed. If granite, it must be 4" thick.

All other rules and regulations pertaining to the City of Brewer cemeteries will prevail.

Chapter 14, Section 104.1 of the City of Brewer Charter, Codes, and Ordinances.

Notwithstanding any of the foregoing or any rules and regulations adopted by the Board of Cemetery Trustees, in ground seasonal flowers may be planted within 8 inches of any grave marker in the Woodlawn Cemetery. The city reserves the right to disturb said flowers as necessary for burials and for cemetery maintenance. The City shall not be responsible for replacement of flowers so disturbed. Any flowers that become unsightly may also be removed.

Per order of the Brewer City Council
5-12-92