

PREAMBLE

WHEREAS, it is the desire of the Town of Baileyville to make its cemeteries a quiet, beautiful, resting place and where a sense of repose will be obtained by dignified landscape. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail at all times. Preservation of these effects will require the cooperation of every resident, so it is to this end that these rules and regulations have been offered.

TOWN OF BAILEYVILLE CEMETERIES 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 Baileyville for burial purposes.
- B) Town Council: The term shall mean the Baileyville Town Council.
- C) Grave: An area suitable for the internment of one 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, with family lots, subject to the placing of markers and upon approval of the Cemetery Caretaker.
- D) Stone Marker: Any stone which marks a grave or grave site.
- E) Lot: A plot of land approximately 12' X 12', sufficient for four graves.
- F) Lot Owner: While the Town of Baileyville retains ownership of all lots in the cemetery, "Lot Owner" shall refer to the person or persons who reserve a cemetery lot.

SECTION 2 - USE OF THE CEMETERY

Whereas the Town of Baileyville does not sell cemetery lots at the Baileyville (Woodland) Cemetery, lots are provided at no fee to those who meet a residency requirement. A burial fee however, does apply to all burials. The residency requirement is met per the following:

- A) The subject has lived in Baileyville for a minimum of two years at some time during his/her life.
- B) The subject lived in Baileyville less than 2 years but was living in Baileyville at the time of his/her death.
- C) The subject has not lived in Baileyville or has lived in Baileyville less than 2 years but the subject has immediate family members buried in the cemetery or eligible to be buried in the cemetery and a lot for the subject and relative is reserved.
- D) Additional circumstances exist that the Town Council, upon

petition, deems satisfactory in order to meet the residency requirement.

SECTION 3 - LOT RESERVATIONS

Cemetery lots may be reserved subject to the following:

- A. A suitable stone marker must be placed on the desired lot.
- B. Each lot reserved must have a suitable stone marker.
- C. Marker placements must be made within one year or the lot will no longer be considered reserved.
- D. All lot reservations must be approved by the Cemetery Caretaker.

SECTION 4 - TOWN MANAGER TO SUPERVISE CARE OF CEMETERIES

Care of public cemeteries and lots therein shall be under the supervision of the Town Manager who is authorized to engage a sexton and other personnel and provide by purchase or contract necessary equipment and supplies. The payment of monies to implement this section shall be made from Town Appropriation.

SECTION 5 - CEMETERY CARETAKER

- 1) APPOINTMENT: The Cemetery Caretaker shall be designated by the Town Manager. The Caretaker shall serve until removed by the action of the Town 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 of Baileyville. The Caretaker or his designee is expected to attend every interment.
- 2) AUTHORITY: The Caretaker or his designee has the authority to enter upon any lot with the necessary equipment for the purpose or 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 the cemetery; 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 Cemetery Caretaker have become unsightly. Any floral design or pieces not removed by end of the calendar year, each year, may be removed by the Cemetery Caretaker, or his designee.

SECTION 6 - WINTER INTERNMENT POLICY

The Winter Internment Policy for the Baileyville (Woodland) Cemetery will go into effect the first Monday of every November until the last Monday of every April.

To prevent damage to existing lots and/or placement errors, winter internment will be permitted ONLY at the discretion of the Cemetery Caretaker, whose decision will be based primarily on degree of snow cover and/or ground frost. If internment is allowed, the requesting party will agree to pay all cost, including damages.

All work will be supervised by and completed to the satisfaction of the Cemetery Caretaker.

SECTION 7 - CARE OF CEMETERY

ANNUAL CARE: The Care of cemeteries shall include the cutting of the grass on the lots and open areas at reasonable intervals, the raking and cleaning of the lots, and such work as may be necessary to keep the graves in a neat condition, and for the care and maintenance of the cemetery, but shall not include maintenance or repair of any monuments nor the planting of flowers or shrubs upon any lot.

SECTION 8 - REGULATIONS FOR IMPROVING LOTS

- 1) GRADE: After enactment of this ordinance no lots shall be raised above the established general grade.
- 2) TREES, SHRUBS, ETC.: No trees or shrubs shall be planted or removed without the consent of the Cemetery Caretaker. If any trees or shrubs, in or upon any lot or open area in any Town Cemetery which, in the judgment of the Caretaker, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the general appearance or use of the cemetery, the Town shall have the right to enter upon the premises and remove such tree(s) or shrub(s) or any part thereof.
- 3) GRAVESTONES: All headstones and monuments shall have a foundation and shall be no more than 3 1/2 feet in height. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Caretaker.
- 4) PERMITTED AND PROHIBITED ACTIVITIES: Lot owners may improve, cultivate and care for their lots and existing trees, shrubs, and plants, in accordance with the ordinance and may set out in 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 Caretaker to be unfit for the cultivation of grass.
- 5) 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 is

to be performed under the supervision of, and meet the approval of, the Cemetery Caretaker.

6) VAULTS: The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults; and sectional concrete crypts.

7) TREPASS: Town Cemeteries shall be closed to the public between the hours commencing one hour after sunset until one hour before sunrise each day.

8) VANDALISM: No person shall injure any tree or shrub, or mar any landmarks, marker, memorial or structure, or in any way deface the grounds of the cemetery.

9) ANIMALS, except registered service animals, SNOWMOBILES AND ATVS are prohibited. Children must be accompanied by an adult at all times.

10) VEHICLES: Any person driving in the cemetery shall be responsible for any damage done by his/her vehicle. Speeds of over 10 MPH shall not be permitted and no persons shall drive his/her vehicle upon the lawns or lots.

11) The Town is not responsible for maintaining and straightening stone markers but does however, reserve the right to do so if necessary to improve the overall aesthetics of the cemetery.

SECTION 9 - ADOPTION AND AMENDMENTS

1) This Ordinance shall become effective upon passage by the Town Council after a public hearing following the Ordinance adoption procedure in the Town Charter.

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 - CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall control. This Ordinance supersedes the Baileyville Cemeteries Ordinances that became effective September 10, 1997 and June 19, 2003.

SECTION 11 - PENALTY FOR VIOLATIONS

CONVICTIONS for any violations of the provisions contained in this Ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$200.00 for each violation.

ORDER
BAILEYVILLE TOWN COUNCIL

WHEREAS, the Baileyville Town Council had asked the Town Manager and Public Works Director to look into cemetery fees and suggest a new fee for purchase of cemetery lots, and

WHEREAS, the Town Manager and Public Works Director have suggested that lots be sold for \$250.00 per lot beginning January 1, 2015, then

BE IT HERE ORDERED, that a new lot purchase fee for lots in the Woodland Cemetery will be \$250.00 for all sales after January 1, 2015,

AND BE IT FURTHER ORDERED, that the Town Manager begin with the next municipal budget to build a fund from the money received from **cemetery lot sales** to eventually contribute to perpetual care of the cemetery.

1/12/15

Adopted Aug 25, 1997
Effective Sept 10, 1997

PREAMBLE

WHEREAS, it is the desire of the Town of Baileyville to make its cemeteries a quiet, beautiful, resting place and where a sense of repose will be obtained by dignified landscape. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail at all times. Preservation of these effects will require the cooperation of every resident, so it is to this end that these rules and regulations have been offered.

TOWN OF BAILEYVILLE CEMETERIES ORDINANCE

SECTION 1 - DEFINITIONS

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- C) Grave: An area suitable for the interment of one 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, with family lots, subject to the placing of markers and upon approval of the Cemetery Sexton.
- D) Gravestones: Any stone which marks a grave or grave site.
- E) Lot: A plot of land approximately 12' X 12', sufficient for four graves.
- F) Resident: A person who has resided in the Town for at least 2 years during some point in his/her life and can prove such residency, an infant of a resident, or who is a current resident of the Town.
- G) Non-resident: A person who has not resided in the Town for at least 2 years during some point of his/her life or who cannot prove such residency, an infant of a non-resident, or who is not a current resident of the Town. A person who has not resided in the Town at least 2 years but has paid taxes on property located in Baileyville is considered a non-resident for the purposes of this ordinance.
- H) Mausoleum: Any large imposing tomb.
- I) Cenotaph: A monument or empty tomb honoring a person buried elsewhere.

SECTION 5- WINTER INTERNMENT POLICY

The Winter Internment Policy for the Baileyville (Woodland) Cemetery will go into effect the first Monday of every November until the last Monday of every April.

To prevent damage to existing lots and /or placement errors, winter internment will be permitted ONLY at the discretion of the Cemetery Supervisor, whose decision will be based primarily on degree of snow cover and /or ground frost. If internment is allowed, the requesting party will agree to pay all costs, including damages.

All work will be supervised by and completed to the satisfaction of the Cemetery Sexton.

SECTION 6-CARE OF CEMETERY

1) ANNUAL CARE: 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, but shall not include maintenance or repair of any monuments nor the planting of flowers or shrubs upon any lot.

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: No lots purchased after enactment of this ordinance shall be raised above the established grade.

3) TREES, SHRUBS, ETC.: No trees or shrubs shall be planted or removed without the consent of the Cemetery Sexton. If any trees or shrubs, in or upon any lot in any Town Cemetery which, in the judgement of the Sexton, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly inconvenient to the general public, the Town shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.

4) GRAVESTONES: All headstones and monuments shall have a foundation and shall be no more than 3 1/2 feet in height. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Sexton.

5) PERMITTED AND PROHIBITED ACTIVITIES: Lot owners may improve, cultivate and care for their lots and existing trees, shrubs, and plants, in accordance with the ordinance and may set out in 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.

BAILEYVILLE CEMETERY ORDINANCE

CEMETERY LOT RESERVATIONS

Cemetery lots may be reserved subject to the following:

- A. A suitable stone marker must be placed on the desired lot.
- B. Each lot reserved must have a suitable stone marker.
- C. Marker placements must be made within one year or the lot will no longer be considered reserved.
- D. All lot reservations must be approved at the Town Office.
- E. Any changes in the use of cemetery lots must come before the Town Council.
- F. When any lots are so reserved, the Town Council is to be notified.

Approved as amended by the Baileyville Town Council February 24, 1992.

TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427 3442

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Cemetery lots may be reserved subject to the following:

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- D. All lot reservations must be approved at the town office.

BAILEYVILLE TOWN COUNCIL

TOWN OF BAILEYVILLE

WINTER CEMETERY INTERMENT

The Winter Interment Policy for the Baileyville (Woodland) Cemetery will go into effect the first Monday of every November until the last Monday of every April. To prevent damage to existing lots and/or placement errors, winter interment will be permitted ONLY at the discretion of the Cemetery Supervisor, whose decision will be based primarily on degree of snow cover and/or ground frost. If interment is allowed, the requesting party will agree to pay all costs, including damages. All work will be supervised by and completed to the satisfaction of the Cemetery Supervisor/Public Works Director.

TOWN OF BAILEYVILLE, MAINE

CABLE TELEVISION ORDINANCE

The Town Council of the Town of Baileyville, State of Maine, hereby ordains:

TITLE: CABLE TELEVISION ORDINANCE

PURPOSE AND AUTHORITY: An ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Baileyville, including poles, wires, cables, underground conduits, manholes, conductors, and fixtures necessary for the maintenance and operation in the Town of Baileyville of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation. This ordinance is enacted pursuant to the authority granted the municipal officers in 30 M.R.S.A. Sec. 2158.

SECTION 1. DEFINITIONS

(a) "C.A.T.V." shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals transmitting programs broadcast by one or more televisions or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members or the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

(b) "Cable Television Co." shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Baileyville, sometimes hereinafter referred to as "the company."

(c) "Town" shall mean the Town of Baileyville organized and existing under the laws of the State of Maine and the area within its territorial limits.

SECTION 2. FRANCHISE REQUIRED

No person, firm or corporation shall install, maintain or operate within the Town or any of its public streets or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.

SECTION 3. FRANCHISE CONTRACT

(a) The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interests of the municipality and its residents with one or more Cable Television Companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen years. The municipal officers may issue a request for proposals prior to issuing a franchise contract. Prior to the issuance of a request for proposals, the municipal officers shall conduct a public hearing thereon with at least seven (7) days advertising notice for the purpose of determining special local needs or interests. Copies of the proposed request for proposals shall be available in the Town Office at least seven (7) days prior to said hearing for review by interested parties.

(b) Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$ 100. to defray the cost of public notice, and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require, including but not limited to a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, an estimated fifteen year financial projection of its proposed system and its proposed annual town franchise fee or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and Microwave service including that of its officers, management and staff to be associated with the proposed operation. The filing of franchise applications and related documents are public records which shall be available to the public for inspection during normal business hours. The public notice required by Section 4 of this Ordinance shall include notice to the public of the availability of these records for inspection.

(c) Said Franchise Contract may be revoked by the Municipal Officers for good and sufficient cause after due notice to the company and a public hearing thereon; with the right to appeal to the Washington County Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

SECTION 4. PUBLIC HEARING

Before authorizing the issuance of any such franchise contract or contracts, the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing.

SECTION 5. PERFORMANCE BOND & INSURANCE COVERAGE

(a) Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in the amount of \$50,000. conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, or regulations governing said franchise and also evidence of such public liability insurance coverage as the Municipal Officers may require. Said performance bond shall be reduced to \$25,000. upon the completion of the installation of said system as per said contract.

(b) When a franchise is granted to provide CATV to an area substantially less than the territorial limits of the Town, the Town Council, after notice and hearing, may reduce or waive the performance bonds required by this section.

SECTION 6. REGULATION

In the administration of this Ordinance and the regulation of the maintenance and operation of a CATV system, the Municipal Officers of the Town shall have the authority and duty to:

(a) Adopt such rules and regulations as they may deem necessary for monitoring and regulating the operation of the system; and

(b) Make recommendations to the Cable Television Company concerning educational and local interest programming; and

(c) Include in the franchise contract a complaint procedure for the resolution of complaints, disputes or disagreements between subscribers and the Company; and

(d) Have the authority to conduct public hearings and issue such appropriate orders as they may deem necessary to correct any deficiencies in the operation of said system, which decisions and findings shall be final and binding upon all parties including the company, except such a decision or finding may be appealed to the Washington County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure; and

(e) Review and approve annually the rates and charges assessed on the subscribers of the Cable Television Company

to the extent permissible by law, pursuant to such terms, conditions and criteria as are agreed upon in the franchise agreement.

SECTION 7. SEVERABILITY

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance or the rules and regulations promulgated thereunder is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or the rules and regulations promulgated thereunder.

This Ordinance shall take effect when enacted.

Introduced - October 13, 1986

First Reading - October 27, 1986

Public Hearing - November 10, 1986

Adopted - November 10, 1986

Effective - November 10, 1986

Pauline M. Mendenhall
Marshall J. Bagley
Donald C. Koffey
James Walker
Frank D. Jones
Rich Hutter
Boyle E. Flood

COUNCILORS OF BAILEYVILLE