

# **German Protestant Church Cemetery By-laws**

## **05/14/19**

The German Protestant Cemetery Trustees place into effect the following by-laws. The purpose of these by-laws is to provide support, protection and consistency for the benefit of all lot owners. These grounds are dedicated to the burial of the human dead and the provisions and penalties of the law will be strictly enforced in all wanton injury, disturbance and disregard of property. These by-laws are subject to change without prior notice as deemed necessary by the Board of Trustees.

### **GENERAL CARE**

1. The general care of the German Protestant Cemetery is assumed by the German Protestant Cemetery Association and includes the cutting of the grass at reasonable intervals and the raking and cleaning of the grounds.

2. The general care assumed by the Association shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or plot or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

### **USE OF THE GERMAN PROTESTANT CEMETERY**

1. The cemetery is open from sunrise to sunset. Those in the cemetery between 1/2 hour after sunset and 1/2 hour before sunrise the following day are guilty of criminal trespass, a CLASS E crime under Title 17-A Section 402(1)(F) of the Maine State Statutes. Those visiting the cemetery should drive, park and walk in such a manner so as not to disturb the tranquility of the cemetery.

2. Workers at the cemetery shall cease work in the vicinity of any funeral service until such time as the services have been concluded.

3. Anyone doing work within the cemetery shall not leave any debris, tools or any other materials in any area of the cemetery except in those areas designated as acceptable disposal sites.

4. All workmen employed by outside firms while within the cemetery are subject to regulations of the cemetery.

5. No one shall block passage of any avenue within the German Protestant Cemetery with the exception of a funeral party.

6. No dogs or other pets are allowed on the cemetery grounds.

7. ATV's and snowmobiles are prohibited in a cemetery. Anyone operating an ATV within the confines of a cemetery is in violation of Title 12 Section 13157-A(27) of the Maine State Statutes. Anyone operating a snowmobile within the confines of a cemetery is in violation of Title 12 Section 13106-A(18) of the Maine State Statutes.

8. Roads and avenues within the cemetery are subject to closure as conditions warrant, up and until a time as it is determined by the Trustees that the conditions are once again favorable to open them.

### **OWNERSHIP**

No person will be recognized as owner or part owner of a lot, unless his or her name appears upon the records of the German Protestant Cemetery Association or he has a Right of Interment from the German Protestant Cemetery Association.

### **RESALE OR SUBDIVISION OF LOTS**

The resale or subdivision for resale of lots is only permitted when the sale is to the original seller (the German Protestant Society) at the original purchase price or fraction thereof for any unused portion.

### **DESCENT OF TITLE**

The laws of the State of Maine govern the descent of title to cemetery Right of Interments as well as other matters related to their ownership. In the result of the death of the lot owner, notarized statements as to relationship and certified copies of the will are normally sufficient.

### **PERPETUAL CARE**

Perpetual care is required on all lots purchased or granted in the German Protestant Cemetery. The cost of perpetual care varies depending on the lot size and location. The cost of perpetual care is determined by the German Protestant Cemetery Trustees and is subject to change without notice.

An endowment fund shall be established whereby the German Protestant Cemetery Association will hold and invest the principal sum deposited and use the annual income there from to defray the cost of the general operation of the cemetery.

### **PROPER BURIAL**

The term "Proper Burial" is used to define the acceptable method for the burial of human remains, and ONLY human remains. Ashes may be buried in an acceptable container (urn, vault or box) and buried as defined elsewhere in these by-laws. Traditional burials of complete and intact remains must be placed in a casket and vault. No other means of disposal of ashes or remains such as scattering will be tolerated. No pets or animals shall be buried in any lot.

### **GRAVE OPENINGS/CLOSINGS**

1. Graves may be opened starting in May as the ground conditions permit and will cease in the fall/winter as conditions dictate. All graves being opened to receive a casket shall be required to have a cement liner or a vault.
2. Before any burial is made in a plot or lot, complete payment for the lot must be made to the German Protestant Cemetery Association.
3. No lot shall be used for any other purpose than for the burial of the human dead.
4. Grave opening and closing is to be performed only by an authorized professional approved by the German Protestant Cemetery Association.

### **LOCATION OF GRAVES**

When the lot owner or owners request the location of a grave and it is approved by the sexton, no change of the location will be made, except at the expense of the owner.

### **ABOVE GROUND INTERMENT**

There will be no interment or entombment, either in whole or in part above the surface of the ground of a lot. No mausoleums are allowed.

### **GRAVE RESTRICTIONS**

1. The maximum lot size will be no larger than four persons for traditional burials.
2. The interment of two bodies in one grave (traditional burial being one casket and one vault) will not be allowed, except in the case of mother or father and infant, twin children buried at the same time, or two cremations. One traditional burial and one cremation are allowed per single grave site. The Trustees will make all such determinations.
3. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner and approved by the sexton. Should the lot owner fail or neglect to make such designation, the Association reserves the right to make the interment in a location designated by the sexton.

### **DISINTERMENT**

No body shall be disinterred within the German Protestant Cemetery without the written permission from the German Protestant Cemetery Trustees and all the proper paperwork as required by the State of Maine Department of Health and Human Services and any other agencies.

### **FLOWERS AND DECORATIONS**

1. Flowers from the funeral or graveside service shall be placed on the site as soon as the grave has been closed.
2. Flowers may be placed on family monuments but are discouraged from being placed on headstones.
3. Flowers must be watered and cared for by the lot owners.

### **REMOVAL OF DECORATIONS**

As soon as flowers, wreaths, emblems, baskets and other decorations placed upon a grave become unsightly as determined by the German Protestant Cemetery Association and its agents, they will be removed and no responsibility for their protection or maintenance will be assumed. The German Protestant Cemetery Association and its agents have the right to refuse to replace or return them after they are removed.

### **MONUMENTS**

1. Monument Placement

The placement of any or all monuments must be above ground and must be approved by the sexton. Installation of any monument or foundation for a monument, without a permit will be subject to any fine, penalty or action the German Protestant Cemetery Trustees may feel appropriate to assess for each infraction. All fines, penalties and actions assessed, shall be the responsibility of the lot owner. The lot owner may hire any reputable monument company to install foundations and monuments on any or all lots owned by them.

All monuments shall be installed on concrete or equivalent foundations that are four feet in depth and at least two inches larger on all sides, than the monument placed thereon.

No monuments or head stone foundation shall be exposed. Placing sod, loam and seed are the responsibility of the monument company.

## 2. Locations of Memorials

All above ground level monuments are to be placed at the foot (easterly end) of the lot, one monument per lot to be allowed. All ground level markers are to be placed at the head (westerly end) of the plot. One marker per plot will be allowed, except in the case of a cremation where two per plot will be allowed. In the case of only one plot in a lot, monument size is restricted to a maximum of 36".

## 3. Head Stones

All head stones must be crafted from materials that will last indefinitely. All government issued veteran's stones must be installed in a permanent manner. Bronze plaques shall be mounted in a permanent manner. A corner stone is required on all cemetery lots. All head stones, corner stones or markers must be flush with the ground.

## 4. Disclaimer

Accidental damage to any stone, monument or corner marker is not the responsibility of the German Protestant Trustees. It is possible that homeowner's insurance may cover such damage.

## **FENCES AROUND LOTS AND MONUMENTS**

No fences shall be placed on or around a stone, decoration, flowerbed or lot in the German Protestant Cemetery.

## **NO ARTIFICIAL ARRANGEMENTS ARE ALLOWED**

## **PLANTS AND FLOWERS**

Flowering perennials and bulb flowers may be mowed off after flowering. Such plantings may survive better if planted in clay or metal containers. Weedwacker string may penetrate flower pots and other decorations. Due to potential liability and possible personal injury, **plastic flowers and plastic arrangements will not be tolerated.** No damages may be recovered from the German Protestant Cemetery Association or anyone hired to work within the cemetery for this type of damage.

## **BUSHES, SHRUBS AND TREES**

1. The planting of trees, bushes and shrubs in the German Protestant Cemetery will no longer be allowed as of April 2015.

2. The existing trees, bushes and shrubs that are not removed must meet the ~~previous~~ restrictions placed on the height, width, location and care of said trees, bushes and shrubs described in these by-laws.

3. All trees, shrubs and bushes shall be kept to a height not to exceed the height of the monument, nor shall the width be greater than the height. All care for trees, bushes and shrubs currently planted on the lots shall be the responsibility of the lot owner. Any trees, shrubs or bushes not meeting the above specifications after due notice to the lot owner shall be pruned and/or removed at the owners expense based on the discretion of the Trustees. No compensation of any kind will be paid by the German Protestant Cemetery Association for trees, bushes or shrubs that are removed, pruned or damaged.

## **MISCELLANEOUS RULES**

1. Picking flowers, breaking or injuring any tree or shrub, marring any stone or in any way defacing any object within a cemetery will, under the state laws, subject the offender to severe penalty.

2. Depositing rubbish, paper, dried flowers, etc. upon lots or avenues is forbidden.

3. No person will be allowed to enter the cemetery, except through the gates and designated avenues.

4. Vases or other containers must be heavy enough to keep flowers and other decorations in place and not allow the vases and containers to blow over and around the cemetery. All containers, vases, flowers and decorations found blowing around the cemetery may be removed and disposed of at the discretion of the sexton.

5. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, plant hangers, vases and similar articles will not be permitted and if so placed, the management reserves the right to remove them.

6. Each spring on April 15 any and all decorations, flower boxes and vases from the previous winter not removed by the lot owner(s) shall be removed and disposed of at the discretion of the sexton.

7. Each fall on November 1 any and all decorations, flowers boxes and vases from the previous summer not removed by the lot owner(s) shall be removed and disposed of at the discretion of the sexton.

8. No decorations shall make any such noise as to disturb the quiet of the cemetery nor shall they omit any annoying odor or light.

9. Glass bottles or vases, plastic flowers and decorations are not allowed. No wires are to be stuck in the ground to anchor arrangements. If a violation occurs, and broken glass or flying wire results in personal injury, it is the legal responsibility of the lot owner to settle legal suits.

10. Plastic pots used to hold decorations should be of sufficient strength to withstand string trimmer abrasion, and be heavy enough to keep from blowing around.

11. No exposed crushed rock is allowed.

12. It is the duty of the plot owner to notify the German Protestant Cemetery Association of any change in the plot owner's mailing address.