

# CEMETERY ORDINANCE

of the Town of Readfield MAINE

Adopted by the Town Meeting: Effective:

## SECTION 1 TITLE

This Ordinance shall be known as and may be cited as the "Cemetery Ordinance for the Town of Readfield, Maine," and shall be referred to herein as "this Ordinance".

## SECTION 2 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a Cemetery Committee under Title 13, M.R.S.A. 301, and to create a framework for regulating and managing the use and operation of cemeteries in Readfield. This Ordinance is adopted pursuant to 30-A M.R.S.A. 3001.

## SECTION 3 DEFINITIONS

Burial: A burial refers to the remains of a single person, whether in a casket or in cremated form.

Grave/grave site: A parcel of cemetery land suitable for the burial of a single full casket. Some gravesites are specifically for cremations, and are smaller,

Lot: A cemetery lot is a parcel of cemetery land that may contain a block of graves, sometimes, but not always, owned by a single family.

## SECTION 4 THE CEMETERY COMMITTEE

1. Appointment, qualifications, tenure, and vacancies on the Cemetery Committee
  - A. The Cemetery Committee will have nine (9) members appointed by the Select Board. They shall serve without compensation.
  - B. The Sexton will serve as a non-voting, ex-officio member of the Committee. The Select Board may also appoint other staff of the Town, such as the staff member who maintains the Cemetery accounts, as non-voting ex-officio members of the Committee.
  - C. Members shall be legal residents of the Town of Readfield. The term of office of each regular member shall be three years.
  - D. The terms of office shall be staggered, with the terms of 3 members expiring each year.

- E. The Committee may create subcommittees to work on particular issues. These subcommittees may include members who are not members of the Cemetery Committee.
- F. Vacancies may occur by reason of resignation, death, or removal from the Town. The Selectboard will fill vacancies for the unexpired term.

## 2. Organization and Rules of the Committee

A The Committee shall annually elect a Chair, Vice Chair, and a Secretary. Each of these officers shall serve a one-year term and shall be eligible for reelection, The Chair will call the meetings and the Secretary will take minutes.

B A majority of the members shall constitute a quorum

C. All meetings shall be held pursuant to public notice and be held in a public building.

D. All records of meetings and actions of the Committee shall be public records except for deliberations and decisions relating to personnel or cases involving individual burials.

E. The Committee may adopt additional rules, not inconsistent with this Ordinance, for its operation, as necessary.

## 3. Duties of the Cemetery Committee

A The Committee is advisory to the Select Board. The committee shall make recommendations to the Selectboard concerning:

- i. Regulations for the Cemetery.
- ii Policy for the operation, care and maintenance of the Cemetery, including recommendations for capital expenditures.
- iii. Changes in fees to be charged for Cemetery services,
- iv. Expansion of the Cemeteries.

## 4. The Cemetery Committee will provide an annual report to the Select Board on the operation and financing of the Cemetery.

## SECTION 5. CEMETERY FINANCES

### 1. The Perpetual Care Fund

This fund is created under 13 MRSA 1306 that requires that at least 30 percent of the proceeds from the sale of lots and individual gravesites in the Cemetery be deposited in an endowment fund for the Cemeteries. The Cemetery Committee will make recommendations to the Select Board on the proportion of monies from the sale of lots to be invested in the Perpetual Care Fund.

Seventy-five percent of all monies received from the sale of burial plots will be placed in the Perpetual Care Fund. The remaining twenty-five percent will be placed in a Perpetual Care Account. The interest earned on the perpetual care fund may be used only for additional land and/or capital improvements of all Town owned cemeteries. The amount of funds on hand will be public knowledge and are to be included in the Town's Annual Report.

### 2. The Trust Funds

The Trust funds are funded by several revenue streams and are used for Cemetery capital expenditures such as repair and maintenance of gravestones, and purchase of equipment. Certain trust funds are dedicated to particular grave sites or families. Its revenues are:

A. Interest from the Perpetual Care Fund. Under state law, this interest must be devoted to maintenance of the Cemetery or for the purchase of additional Cemetery land

B. Money from the sale of cemetery lots that does not go into the Perpetual Care Fund principal.

### 3. The Town Appropriation

The Town will annually budget for the operation of the Cemetery including compensation for employees and regular annual expenses.

4. The Cemetery Committee shall assist in developing the annual budget for the Cemetery. This budget will recommend operating expenses from the Town appropriation, and expenditures from the Cemetery Trust Funds.

## SECTION 6. OPERATION OF THE CEMETERIES

1. A Sexton will be hired by and will report to the Town Manager. The Sexton's duties are described in a Job Description, included as an attachment, and as amended by the Select Board from time to time. Under 304 MRSA 2901 Municipalities are responsible for decorating graves of veterans of the Armed Forces of the United States of America with an American flag in an appropriate flag holder on Memorial Day (observed). They are also required to request that the Church bell be rung at 11 AM on Veterans Day.

2. Opening or closing of a Town cemetery will be determined by a vote at Town Meeting, unless all lots in said cemetery are sold.

#### SECTION 7. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Select Board and the Town Manager

#### SECTION 8 AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

#### SECTION 9. SEVERABILITY

If any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

#### SECTION 10. ABROGATION

This Ordinance repeals and replaces any municipal ordinance or legislative action previously enacted.