

**DAMARISCOTTA CEMETERY ORDINANCE**  
**EFFECTIVE MARCH 25,1997**

**Section 1. PURPOSE:**

This Ordinance is to serve as general bylaws for Trustees of the cemeteries for the Town of Damariscotta.

**Section 2. TRUSTEES:**

The cemeteries of the Town of Damariscotta and all matters connected therewith Shall be under the control of a board of trustees, to be designated, appointed and Serve as Trustees pursuant to the terms of the charter for the town of Damariscotta.

**Section 3. POWERS AND DUTIES OF TRUSTEES:**

The trustees shall have the authority for all necessary additional by – laws and Regulations for management of the cemeteries subject to the terms of the charter For the town of Damariscotta and this Ordinance, and after public notice and Hearing.

It shall be the Trustees duties to direct the planting, pruning, cultivation, or removal of trees and shrubs through their agents. They shall cause the removal of Plantings that in their opinion mar the beauty of the ground. They shall maintain the avenues and pathways. The trustees still have full authority to do and Perform whatever may be necessary to carry into full effect, the management of the cemetery. The trustees may establish a priority system for the sale of cemetery Plots. Any plot sold shall be sold subject to the provision of the Charter for the Town of Damariscotta this ordinance and any present subsequent bylaws, Regulations, and ordinance modifications adopted for purposes of managing the Cemeteries, including but not limited to regulations of appearance, allocation of Space, and size and location of markers, and plantings, and ornamentation.

Should any entity or person open or caused a grave to be opened without Permission of the trustees, the trustees shall have the authority to impose Damages for repair, restoration, and replacement including cost of collection and Legal fees with any such legal actions to be initiated on behalf of the inhabitants of the town of Damariscotta by the selectman. This foregoing shall not preclude the Inhabitants of the town of Damariscotta from exercising any other available legal or equitable remedy for such actions. The trustees shall appoint and/or remove, at their pleasure, a sexton, and determine the duties of such sexton.

Any compensation for said sexton and any other expenditures must be submitted for approval by the trustees through the budgetary process for the town of Damariscotta. The

trustees shall make a detailed statement of their own official Acts and of the conditions and needs of the cemeteries in the Damariscotta annual Report.

#### **Section 4. PLOTS FOR FORMER RESIDENTS:**

Subject to availability, any person not presently a resident of Damariscotta but Who is a former resident, may purchase a cemetery plot in time of need for him Or herself and own rights to same only after paying all monies owed for the Purchase and perpetual care. The cost of plots is determined by the trustees and is Subject to change. The trustees may establish the necessary documentation required to evidence a person's former residency.

#### **Section.5 PLOTS FOR RESIDENTS:**

Subject to availability, any resident of Damariscotta may purchase a cemetery Plot in the cemetery for future use after paying all monies owed for the purchase and perpetual care. The cost of plots is determined by the trustees and is subject To change. Residency in this ordinance shall mean a person who is eligible to vote As a Damariscotta resident or if the person is a minor, then while such a child is a Minor one of that minor's parent is eligible to vote as a Damariscotta resident.

#### **Section 6. PERPETUAL CARE:**

Perpetual care must be paid by the proprietor of any located in the cemeteries of Damariscotta, granted or purchased by said proprietor. The cost of perpetual care shall be determined by the trustees and is subject to change. The amounts received are to be credited to designate cemetery accounts to be maintained by Damariscotta.

#### **Section 7. RIGHTS OF PLOT OWNERS:**

The proprietor of a plot shall have the right to erect a monument and stones Subject to any bylaws restrictions adopted by the trustees from time to time. Plot proprietors should check the bylaws and regulations for other restrictions.

#### **Section 8. MAINTENANCE OF CEMETERIES:**

The sexton or trustees shall maintain the following cemeteries as a part of their Duties:

- 1.Hillside cemetery                      Church Street
- 2.Bethlehem cemetery                  Back Meadow Road
- 3.Walpole cemetery                      Bristol Road

Together with any other plots or areas Damariscotta may be required to maintain by law.

## **Section 9. TRUSTS:**

The trustees may accept, on behalf of Damariscotta, and then shall convey to the Municipal officers of Damariscotta for investment management, and money for perpetual care or sale of a plot, upon execution of a standard form trust Agreement to be prepared by Damariscotta.

Damariscotta shall continue to manage the funds held in trust and previously Accepted by Damariscotta for care of family or privately owned burial grounds as required by TITLE 13 MRSA § 1222 or other applicable laws.

## **Section 10. PRIVATE AND/OR FAMILY BURIAL GROUNDS:**

Upon enactment of this ordinance and except as provided herein, Damariscotta Will not be responsible for the care of privately owned or family burial grounds.

## **Section 11. mandated review;**

This ordinance shall be reviewed every five years with the next review due in 2002.

## **Section 12. SERVERABILITY CLAUSE:**

It is the intention of the trustees that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the trustees that if any provisions of this ordinance be declared invalid all other sections remain valid and effective. This ordinance shall be in full force when adopted at town meeting. All existing ordinance of the town of Damariscotta insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

Adopted by the inhabitants of the town of Damariscotta this 25<sup>th</sup> day of March 1997.