

## **TOWN OF HOLDEN CEMETERY ORDINANCE**

The Town of Holden hereby ordains that the following ordinance be enacted.

This ordinance shall be known as and may be cited as the "Cemetery Ordinance of the Town of Holden, Maine" and will be referred to herein as the "Ordinance."

### **SECTION 1: DEFINITIONS:**

101. The term "Cemetery" shall mean any of the following cemeteries in the Town of Holden: Clewleyville Cemetery, Harts Corner Cemetery, Hill Rest Cemetery, Rowe Cemetery, Tomb Cemetery, Waining Cemetery, and any other cemeteries that may come under the direction of the Town of Holden.

102. The term "Board of Cemetery Trustees" shall mean the appointed group of individuals who oversee the operation and maintenance of the Holden Cemeteries.

103. The term "Owner" shall mean the owner of rights of interment.

104. The term "Interment" shall mean cremation with inurnment, entombment, or burial of the remains of a deceased person.

105. The term "Perpetual Care" shall mean the obligation of the Town to maintain and care for all the Town of Holden cemetery sites from the net annual income of the Cemetery Trust Fund and other funds as designated and approved by the Town Council.

106. The term "Sexton" shall mean a person responsible for the general care and supervision of all Town cemeteries.

107. The term "Resident" shall mean a person who has resided in the Town for at least 20 years during some point in their life, or as a current resident.

### **SECTION 2. ESTABLISHMENT OF BOARD OF CEMETERY TRUSTEES:**

201. There is hereby created a Board of Cemetery Trustees (herein referred to as the Trustees or Board), which shall consist of a minimum of five members appointed by the Town Council for three year terms.

202. Should a vacancy occur on said Board by death, resignation, or otherwise, the same shall be filled for the balance of the term by appointment by from the Town Council with recommendation from the Board of Cemetery Trustees.

203. The Board shall annually elect one of its members to be and act as Chairperson thereof.

204. The Board shall follow the Boards, Committees and Commissions Ordinance.

### **SECTION 3. JURISDICTION, POWERS, AND DUTIES:**

301. The Board shall have jurisdiction over all cemeteries within the Town of Holden that are the property of said Town.

302. The Board shall adopt Rules and Regulations for the operation and use of all Town owned cemeteries and shall amend the Rules and Regulations as necessary, subject to the approval of the Town Council.

303. The Sexton shall be responsible for the establishment, grading and maintenance of all lots and roads within the cemetery.

304. The Town Clerk or his or her designee shall act as secretary; and as such shall keep records of burials; process sale of lots; be custodian of cemetery records, which at all times shall be housed in the Town Office; and answer all cemetery-related correspondence.

305. The Town will provide a map of the various cemeteries, showing the locations of roads, identifying number, and the owner of each lot. One copy of such map shall be in the custody of the Sexton and one kept in the Town Office vault under the care of the Town Manager or his or her designee. The map shall be reconciled at least annually.

#### **SECTION 4. SEXTON RESPONSIBILITIES:**

401. The Town Manager shall appoint the Sexton who shall serve at the will of the Town Manager. The Town Manager shall determine and prescribe the duties of the Sexton. In addition to the duties assigned by the Town Manager, the Sexton shall be responsible for the general care and supervision of all the Town cemeteries. The Sexton shall be responsible for the care of all cemetery grounds, including that of attending burials of the deceased, the digging of the graves and filling of same. The Sexton shall be responsible for the care and maintenance of all lots, the purchase of equipment and the care and maintenance of same, the locating of lots for various reasons, including burials, monument location, lots left in estates, transporting manpower and equipment to the various cemeteries, and maintenance of buildings and the general appearance and care of the cemeteries.

402. The Town does not maintain a receiving tomb. The Town may designate a receiving tomb for the use of its citizens within another community if and when necessary under certain conditions, i.e. for indigent persons.

#### **SECTION 5: FINANCIAL PROVISIONS:**

501. A Cemetery Trust Fund is established for the perpetual care of the cemeteries. All persons depositing money with the Town Treasurer into the Cemetery Trust Fund shall complete and sign a Cemetery Perpetual Care Agreement. Money deposited in to the Cemetery Trust Fund, including interest and other earnings shall be used only to provide perpetual care for lots in accordance with a signed Perpetual Care Agreement and the laws of the State of Maine. The Town Treasurer shall keep a careful and accurate record of the amount earned, and disbursement of said earnings which shall be submitted to the Town Manager and to the Cemetery Trustees each year.

502. Thirty (30) percent of the sale price of cemetery lots shall be deposited in the Cemetery Trust Fund. The remainder shall be deposited in the reserve account for general cemetery purposes.

503. The Town of Holden shall be obligated to care for all lots in the Town owned cemeteries.

504. The Board shall recommend and the Town Council shall approve the cost of cemetery lots.

**SECTION 6: FEES, CHARGES AND PAYMENTS:**

601. Prior to 1972, Holden residents were given cemetery lots free of charge. In 1972, the Board established a policy requiring payment for cemetery lots. Please be aware that even if a lot was reserved prior to 1972, it must now be paid for before it can be used.

602. The following schedule of fees and charges is in effect and applicable to all of the Holden Town Cemeteries. The payment of all fees and charges shall be made at the Holden Town Office where receipts and quitclaim deed will be issued for all amounts paid. Effective June 1, 2007, all lots must be paid for in full at time of reservation.

603. Cost Schedule (includes perpetual care)

Lot Size	Resident Lot Price	Non-Resident Lot Price	Interment Fee
Single interment lot	\$300.00	\$450.00	\$500.00 (Mon –Thurs) \$750.00 (Fri-Sun & Holidays)
Single cremation lot	\$100.00	\$150.00	\$100.00 (Mon - Thurs) \$200.00 (Fri-Sun & Holidays)

**SECTION 7: BUDGET ESTIMATE:**

701. Annually the Board of Trustees and the Sexton shall file with the Town Manager their budget estimate for the ensuing year, setting forth the amount required to operate the cemeteries for the ensuing year, and the details thereof.

**SECTION 8: RECORDS AVAILABLE:**

801. To the extent that records of births, deaths, and burials are public records, the same shall be made reasonably available for genealogical research. The Town Council will annually establish a fee to be charged when Town staff assist with genealogy research.

**SECTION 9: EFFECTIVE DATE**

This Cemetery Ordinance shall take effect on the date enacted.

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David R. Black, Council Chair

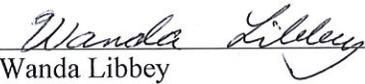
  
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Thomas Copeland, Council Vice-Chair

  
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Paul Amoroso, Councilor

  
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Ralph McLeod, Councilor

  
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Robert Harvey, Councilor

Signed October 17, 2016 by the Town Council.

Attested By:   
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Wanda Libbey  
Holden Town Clerk

Enacted: April 26, 1999

Revised: October 17, 2011

Revised: October 17, 2016