

Article I

Title

1. This ordinance is entitled and may be referred to as the "Cemetery Ordinance of the Town of Cushing, Maine" or it may be referred to by its short title of "Cemetery Ordinance" and will be referred to herein as "this ordinance."

Article II

Purpose and Authority

1. The purpose of this ordinance is to provide the inhabitants of the town of Cushing with a management policy for continuing administration and maintenance of public, private, and town owned cemeteries.
2. This ordinance establishes a Cemetery Board to administer this ordinance under the supervision of the board of Selectmen.
3. This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 20-A M.R.S.A. Section 3001.

Article III

Applicability

1. This ordinance applies to all public, private, and town-owned cemeteries and marked or unmarked burial sites within the boundaries of the Town of Cushing.

Article IV

Effective Date

1. This ordinance will become effective upon approval vote by the Town of Cushing.

Article V

Cemetery Board

1. The Cemetery Board shall have three members appointed by the Board of Selectmen for a term of three years. The first appointments are to be for one, two and three year term. The members will be chosen, one from the Board of Selectmen, one from the Cushing Historical Society (if available), and one member at large. The Board shall choose its own chairperson each year. The Board shall meet as necessary to fulfill the requirements of this ordinance.
2. The Cemetery Board shall meet as necessary to fulfill the requirements of this ordinance.

Article VI

Scope

1. The Cushing Cemetery Board shall formulate, implement, and administer a policy to achieve the following requirements:

- A. Create and maintain an inventory of Cushing cemeteries and burial site locations.
- B. Ensure that the Town is, and continues to be in compliance with Maine Statutes.

- C. Arrange required and or necessary maintenance of cemeteries.
- D. Ensure adequate access for the public to sites where municipal funds are expended for other than veterans.
- E. Manage Town owned cemeteries as necessary to include:
 - a. Set plot pricing with the Board of Selectmen. The price of plots includes maintenance and will be priced at \$500.00. This price to be adjusted as required.
 - b. Provide for the sale of plots.
 - c. Maintain a database of cemetery lot/plot owners and burials.
 - d. Provide a plan for future growth, expansion, and maintenance.
 - e. Provide a report for the Annual Town Report.
- F. Use of funds from the sale of burial plots in the Pleasant View Cemetery (PVC funds):
 - a. A minimum of 30% of PVC funds shall be allocated to the Perpetual Care Fund for upkeep of the Pleasant View Cemetery.
 - b. A portion of PVC funds, not to exceed 50%, may be used to eliminate debt created by capital investment in expansion or improvements to the Pleasant View Cemetery.

Article VII
Sale of Town Owned Cemetery Plots

1. The Selectman appointed to the Cemetery Board may, with binding effect, execute the transfer of title for town-owned cemetery plots.

Article VIII
Definitions

- 1. For the purpose of this ordinance, the following definitions shall apply:
 - A. Public access is the access for the general public to traverse private property to visit a burial site or private cemetery.
 - B. Burial site is one or more unmarked graves at the same location.
 - C. Plot is sized for one grave or multiple urns..
 - D. Public Cemetery is where the general public has direct access.
 - E. Private Cemetery is where access is restricted.

Article IX
Funding

1. Funding shall be through Town Meetings.

Article X
Validity and Conflict

1. Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate another section or provision of this ordinance.
2. Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or another ordinance, regulation, or statute, the more restrictive provision shall control.

Approved by Town Meeting
March 2001