

Chapter 501

CEMETERIES

§501-1. Purpose

This Ordinance governs the use of municipal cemeteries in the Town of Damariscotta.

§501-2. Effective Date

This Ordinance shall be in force when adopted at Town Meeting.

§501-3. Trustees

As per Town Charter Section 4.04(C)(4)(a), three (3) Cemetery Trustees will be elected from the floor pursuant to Town Meeting article. Cemetery Trustees shall serve staggered three-year terms, without limit to the number of terms served.

§501-4. Powers and Duties of Trustees

(a) Cemetery Trustees shall have responsibility for the operation, care and maintenance of the municipal cemeteries and full authority to do and perform whatever may be necessary to carry into full effect the management of Town cemeteries.

(b) The Trustees shall have oversight of the maintenance for the following cemeteries: Hillside Cemetery, Church Street; Bethlehem Cemetery, Back Meadow Road; Walpole Cemetery, Bristol Road; together with any other lots or areas the Town may be required to maintain by law.

(c) The Trustees may recommend a sexton and determine the duties of such sexton, who shall be appointed and/or removed by the Board of Selectmen.

(d) The Trustees shall provide a summary of their official actions and shall include a description of the conditions and needs of the cemeteries in the Damariscotta Annual Report.

§501-5. Permits and Fees

(a) The Cemetery Trustees shall periodically review cemetery-related fees and provide the Board of Selectmen with recommendations on any changes to the fee schedule. The Board of Selectmen shall have the authority to set the amount of all fees required by this Ordinance.

(b) Any entity or person opening or causing a grave to be opened must obtain a Permit to Open a Gravesite and pay the applicable fees in advance of opening, whether for burial or disinterment. State laws govern the disinterment of all human remains.

(c) Any entity or person installing or causing a monument to be installed, of any size or type, must obtain a Permit to Install Cemetery Monument and pay the applicable fees in advance of installation of the monument or its foundation.

(d) Any person or entity causing damage within a cemetery will be responsible for the repair cost incurred, plus a 10 percent administrative fee to the Town.

§501-6. Sale of Lots

(a) Individuals may purchase a cemetery lot after paying in full the cost of the lot, perpetual care, and administrative fee.

(b) All lot sales must be conducted through the Town Office. Transfers will only be recognized when a release is obtained from the owner to the Town, and a new deed is obtained from the Town to the purchaser. There will be no private sales.

§501-7. Abandonment

The Town has the right to reclaim a lot in accordance with Title 13 M.R.S.A. Section 1381.

§501-8. Rights of Lot Owners

(a) The owner of a lot shall have the right to erect a monument subject to any restrictions adopted by the Trustees.

(b) Owners may appeal a Trustees' decision to the Selectmen pursuant to and in accordance with the Town of Damariscotta Board of Appeals Ordinance, Section 5(A)(3), Other Appeals.

§501-9. Trusts

The Town shall manage the funds held in trust and previously accepted by the Town of Damariscotta for care of family or privately owned burial grounds as required by Title 13 M.R.S.A. Section 1222 or other applicable laws.


§501-10. Private and/or Family Burial Grounds

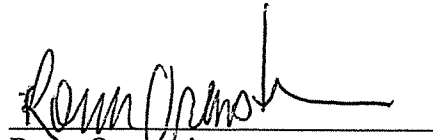
The Town of Damariscotta will not be responsible for the care of privately owned or family burial grounds except as required by law.

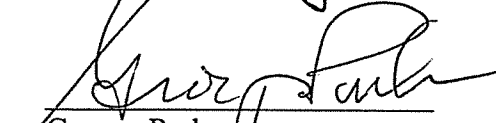
§501-11. Severability


Each section of this Ordinance shall be deemed independent of all other sections herein. If any provision of this Ordinance be declared invalid, all other sections remain valid and effective.

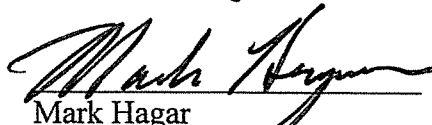
Board of Selectmen


Robin Mayer

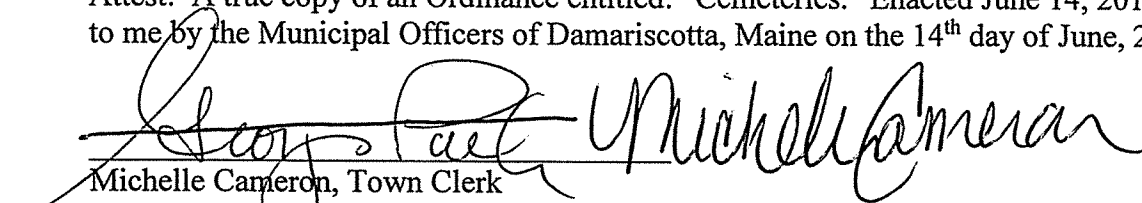

Romm Orenstein


George Parker


James Cosgrove


Mark Hagar

Attest: A true copy of an Ordinance entitled: "Cemeteries." Enacted June 14, 2017, as certified to me by the Municipal Officers of Damariscotta, Maine on the 14th day of June, 2017.


Michelle Cameron, Town Clerk
Damariscotta, Maine

Legislative History

Enacted March 25, 1997, effective March 25, 1997
Revised June 15, 2011, effective June 15, 2011
Revised June 15, 2016, effective June 16, 2016
Revised June 14, 2017, effective June 14, 2017

