1. **AUTHORITY:** This ordinance is enacted in accordance with Title 13 M.R.S.A. Section 1262, and “An Act to Incorporate the Phippsburg Cemetery District H.P. 552 – L.D. 767” approved by the Governor on April 10, 1963, and a Special Town Meeting held on August 4, 1963. It repeals and replaces in its entirety the “Phippsburg Public Cemetery By-Laws Ordinance” enacted June 29, 1963. This ordinance may be amended by a majority vote of residents at a Town Meeting.

2. **PURPOSE:** It is declared to be in the interests of promoting the general welfare, preventing disease, and promoting the public health that the Town enacts this ordinance to provide for proper operation and maintenance of its public cemeteries which consist of Morningside Cemetery, Reed Cemetery, and Hillside Cemetery.

3. **PHIPPSBURG CEMETERY DISTRICT, INC:** The Phippsburg Cemetery District, Inc. was established through State legislative action on April 10, 1963 as a separate legal entity from the Town of Phippsburg. At the August 4, 1963 Town Meeting all public cemetery land and assets were transferred to the Corporation. The legal Board of the Corporation consists of five Trustees elected by Town Meeting vote.

4. **BOARD OF TRUSTEES:**

   A. Board of Trustees shall consist of five members elected by the voters at the Annual Town Meeting who shall serve staggered terms of five years. Should a Trustee resign or otherwise be unable to serve their full term the Board of Selectmen shall appoint a replacement for the balance of the unexpired term.

   B. There shall be a meeting of the Trustees held soon after the annual town meeting at which time the Trustees shall choose by ballot one of their members to be Chairman, one to be Secretary, and one to be Treasurer. At the same meeting, the Trustees shall also appoint a Superintendent, a Clerk and such other officers as they may find necessary for the proper management of the affairs of the public cemeteries. The officers may be removed for cause at any time by vote of three of the trustees at a meeting duly called for that purpose. There shall be regular meetings of the Trustees at such times and in such places as a majority of the Trustees shall determine. Special meetings of the trustees may be called by the Chairman. The Trustees shall be notified of all meetings by written, printed, verbal or electronic notices, whichever is appropriate.
C. The Board of Trustees shall:

1) Have sole care, superintendence and management of the public cemeteries;

2) Supervise the laying out and sale of lots and the construction of paths and avenues, the removal and planting of trees and shrubs and the erection of monuments and other structures in the public cemeteries and make such improvements as it considers desirable;

3) Delegate authority to the superintendent and clerk to perform such duties which the Board of Trustees considers desirable;

4) Adopt and amend such policies which it considers necessary to fulfill the duties outlined above, to protect the interests of the town and the lot owners, and to assure compliance with State of Maine Statutes. Such policies may be adopted or amended by a majority of the Board of Trustees at any time without Town Meeting approval and shall become effective immediately. A copy of the policies shall be available for examination in the Town Office;

5) Adopt and amend such schedules of prices, fees and perpetual care rates which it considers necessary to fulfill the duties outlined above, to provide for the cemetery in a proper manner and to protect the interests of the town and lot owners. Such schedules of prices, fees and perpetual care rates may be adopted or amended by a majority of the Board of Trustees at any time without Town Meeting approval and shall become effective on the date adopted. A schedule of the lot prices shall also be available at Town Hall;

5. SUPERINTENDENT: A Superintendent shall be appointed by the trustees and hold office at their discretion. The Superintendent shall be responsible for the care and maintenance of the public cemetery grounds as well as supervision of any additional employees or volunteers. The individual will also aid in the disposal of lots and perform such other duties as may be required of him or her by the trustees. The Superintendent shall report to the Trustees at the regularly scheduled meetings.

6. CLERK: The Clerk shall be appointed by the Trustees and hold office at their discretion. The Clerk shall be responsible for recording, in a form approved by the Trustees, each interment made, together with the name, age, sex, veteran status, cause of death, date of burial and the number of the lot where buried. Such records are to be kept safely in the care of said clerk. When not in use, the records shall be kept in a fireproof case at all times, as required by State Law. The Clerk shall aid in the management of the public cemeteries, in the sale of lots and perform such duties as
may be required by the trustees. The Clerk shall report to the Trustees at the regularly scheduled meetings.

7. **COMPLIANCE**

A. Owners of burial lots in the cemeteries shall comply with this ordinance and all by-laws adopted by the Trustees.

B. Cemetery grounds are sacredly devoted to the burial of the dead. The provisions and penalties of the law, as provided by Maine State Statutes pertaining to Criminal Trespass (17-A M.R.S.A. § 402(1)(F), Desecration or Defacement of Graves (17-A M.R.S.A. § 507) and Interference with Cemetery (17-A M.R.S.A. § 507-A) will be strictly enforced by law enforcement officials, Board of Trustees, Clerk or Superintendent.