

## Chapter 16

## Cemetery Ordinance

Section 101. Perpetual Care. Any person or persons, owning or having an interest in any burial lot or tomb, either public or private, in any cemetery within the limits of the City of Ellsworth, may have the same perpetually cared for and preserved, as well as may be, under the provisions of this ordinance.

Section 102. Interest and Expenditures. Such person or persons may pay or cause to be paid to the City Treasurer any sum not less than \$500; such sums shall be invested by the City in accordance with the requirements of the Maine State Statutes regulating investments by Savings Banks. The City shall expend annually an amount of money not to exceed actual income nor in any case less than 2½% of funds invested, in the care and adornment of such lots or tombs. The amounts to be expended shall be established from time to time by vote of the City Council. The City shall provide the Care specified herein, itself, or may do so by the payment of funds herein specified to any legally constituted cemetery association. In all cases where perpetual care of cemetery lots is provided by payment of funds to associations such payments shall be made twice a year on June 30 and December 31, for the six months immediately preceding. There may be reserved from the annual income from each lot or tomb a reasonable sum for extraordinary repairs, provided such reserve shall not conflict with the adequate general care; and provided further that it is not contemplated under this ordinance that headstones, curbing, etc. are to be entirely renewed, unless provision is specially made therefor.

Section 103. Bookkeeping. The City Treasurer, upon receipt of any payment as contemplated by this ordinance shall enter the same in a book to be kept for the purpose, giving name of the party or parties, amount paid, and designation of lot or lots, for the care of which payment is made. A transcript of this record shall also be entered by the cemetery board in the book provided to be kept by them in Section 102.

Section 104. Contract. In return for such payment the City Treasurer shall give the party or his representative a contract, which after reciting a copy of this ordinance, shall be substantially as follows:

WHEREAS, A.B. of \_\_\_\_\_ has paid to the treasurer of the City of Ellsworth \_\_\_\_\_ dollars for the care of lot or lots designated as follows \_\_\_\_\_, as provided in the above ordinance. Now, therefore, in consideration of the said payment, said city hereby agrees to expend, in accordance with the above ordinance, an amount equal to \_\_\_\_\_ dollars per annum, in the care and adornment of the designated lot or lots.

Treasurer of the City of Ellsworth

Date \_\_\_\_\_

(City Seal)

Section 105. Payment by the City. The City Treasurer shall keep in his books an account to be designated "Cemetery Account, Perpetual Care of Lots," to which he shall credit, when appropriated, the gross annual liability of the City on account of payments made under this ordinance and such annual liability shall from part of the regular annual appropriation in the same manner as interest on the City Dept. He shall pay out and charge to said account all sums required by the Cemetery Board in carrying out the provisions of this ordinance. In auditing the annual accounts of the City a comparison shall be made of the balance shown by the books for the cemetery board to the credit of all lots.

Section 106. Deposit on Investment. All sums of money paid to the City Treasurer in accordance with the provisions of this ordinance shall be either (1) deposited in the savings account of some reliable bank, or (2) invested in government bonds or other bonds in which the funds of savings bank may be legally invested in accordance with the laws of Maine.

Section 107. Repeal. All parts of any ordinances of the City of Ellsworth inconsistent with this ordinance, are hereby repealed, but this ordinance shall not be construed so to affect the handling or investing of any sums already paid to the City Treasurer for perpetual care of any lots, or which shall be so paid prior to the approval of this ordinance, nor to change the amounts to be expended annually for their care and adornment.