

# Chapter 265

## 1971 REPLACEMENT PART

### Cemetery Maintenance Districts

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### CROSS REFERENCES

Abuse of places of burial prohibited, 166.075	Population, determination, 190.520
Assessment for certain improvements, 223.775	Testing validity of organization and subsequent proceedings of districts, 33.710, 33.720
Board members:	<b>265.140</b>
Bonds, 198.220	Borrowing and bonds of districts, 287.010, 287.012
Conflict of interests, 198.120	Dissolution of cemetery corporation and transfer of property to cemetery district, 61.530
Recall, 198.430	Gifts and bequests in trust for cemeteries, 97.730
Vacancy in office, 198.320	Limitation on power to tax, Const. Art. XI, § 11
Cooperative or joint action by districts, Ch. 190	Serial tax levies excepted from constitutional limitation, 280.060
Discontinuance of cemeteries within city limits, 97.450	Tax levies by public corporations, Ch. 310
Discrimination by race, creed, color or national origin prohibited, 30.670	Tax supervising commission in certain counties, 294.610
District election procedures, Ch. 259	Unemployment insurance, 657.020, 657.065, 657.097, 657.505
Enemy attack, continuity of government in event of, 236.445, 236.450	
Formation, changes in organization, generally, 198.705 to 198.955	

**265.010 Formation.** Territory may be formed into a cemetery maintenance district in accordance with ORS 265.010 to 265.050.

[Amended by 1953 c.69 §2; 1957 c.117 §1; 1963 c.519 §34; 1971 c.727 §85]

**265.020 Area in which district may not be formed.** A cemetery maintenance district may be formed in an area aggregating not less than 4,000 acres in one body, or in an area of less extent if it has an assessed valuation of not less than \$200,000, as shown by the last county assessment roll.

[Amended by 1971 c.727 §86]

**265.030** [Repealed by 1971 c.727 §203]

**265.040** [Amended by 1967 c.609 §2; repealed by 1971 c.727 §191]

**265.050 Board of directors; terms; petitions of candidates.** (1) The power and authority given a cemetery maintenance district except as otherwise provided shall be exercised by a board of three directors, each of whom shall be a qualified voter and freeholder within the district. Except as provided by ORS 265.100, each director shall be elected to serve for a term of three years.

(2) Petitions for candidates to be voted for as directors shall contain the names of not less than 15 voters entitled to vote at the election and shall be filed with the county clerk not less than 20 days before election.

[Amended by 1971 c.727 §88]

**265.060** [Repealed by 1971 c.727 §203]

**265.070** [Amended by 1961 c.324 §1; repealed by 1971 c.647 §149]

**265.080** [Repealed by 1971 c.727 §203]

**265.090** [Repealed by 1971 c.727 §203]

**265.100 Organization of board; terms of first directors.** Within 10 days after issuance of their certificates of election, the three directors elected as the first board of a district shall meet and organize by first taking and subscribing an oath of office to the effect that they will discharge faithfully the duties of their office to the best of their ability. They shall first determine by lot the length of term each shall hold, the shortest term being until January 1 of the following year, and the longest term for two years after January 1 of the following year. The term shall be so arranged that the term of one member expires each year.

[Amended by 1971 c.727 §90]

**265.110 Annual election of directors.**

The regular election shall be held in the cemetery maintenance district on the first Monday in December of each year for election of one director, who shall take office the following January 1 and serve for a term of three years; and to elect directors to fill any vacancies which may then exist, such directors to serve out the unexpired terms of the directors whose places they have been elected to fill.

[Amended by 1967 c.609 §3; 1969 c.669 §5; 1971 c.647 §50]

**265.120 Special elections.** The directors at any regular meeting may call a special election of the electors of the district.

[Amended by 1971 c.647 §51]

**265.130 Meetings of board; officers.** (1)

The directors shall hold meetings at such time and place within the district as they may determine upon. They shall hold at least one regular meeting in each month on a day to be fixed by them and may hold such special meetings under such rules as they may make.

(2) The directors shall, at the time of their organization, choose from their number a chairman, a secretary and a treasurer. The secretary and treasurer may be the same person. All officers shall hold their offices until the first regular meeting in January following election and until their successors are elected and qualified. These officers shall have, respectively, powers to perform the duties usual in such cases.

(3) A majority shall constitute a quorum to do business.

[Amended by 1969 c.345 §5]

**265.140 Powers of district.** The board of directors shall transact all business pertinent to the affairs of the district. The district shall constitute a body politic with power:

(1) To sue and be sued.

(2) To purchase, take by gift or devise, own, hold, manage and operate land for cemetery purposes.

(3) To acquire in any manner permitted by law existing cemeteries and to manage, operate, enlarge, maintain and beautify them.

(4) To plat and lay out in suitable cemetery lots and blocks for burial purposes any land it may own or control.

(5) To make such contracts and to purchase and own such personal property as

may be necessary or convenient for carrying out the purposes of ORS 265.010 to 265.160.

(6) To sell or perpetually lease cemetery lots or tracts for burial purposes.

(7) To set aside, at the discretion of the board of directors, not to exceed one-half of the moneys derived from the sale or lease of cemetery lots and tracts as an irreducible maintenance fund. Any money gift or bequest, if so designated in the instrument creating the same, shall be placed and held in the irreducible maintenance fund, and the interest of such fund shall be used in the perpetual upkeep and beautification of the cemetery and lots therein. Such fund shall be invested only in such securities as state funds may be invested in by the State Treasurer under the laws of this state.

(8) To do any and all things necessary or convenient for proper ownership, operation, maintenance and management of the district property.

(9) To levy a tax not to exceed three-fortieths of one percent (.00075) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207, for the purpose of defraying the expenses of operation of the district and purchase of necessary property therefor.

[Amended by 1953 c.53 §2; 1963 c.9 §10; 1971 c.647 §52]

#### **265.150 Disposition of district funds.**

(1) All funds collected on behalf of the dis-

trict through the levy of taxes, and all donations, contributions, bequests or equities, or from any other source, shall be deposited with the county treasurer to the credit of the district fund and, except as otherwise provided in subsection (2) of this section, shall be drawn out only upon proper order and warrant or check. The warrant or check shall bear the signature of the treasurer and countersignature of the chairman.

(2) At the request of the district, all funds on deposit with the county treasurer to the credit of the district shall be paid over by the county treasurer to the district.

[Amended by 1961 c.516 §1]

**265.160 Interest on unpaid warrants.** All warrants for payment of any indebtedness of the cemetery maintenance district which are unpaid for want of funds shall bear interest at a rate to be fixed by the board of directors, but in no event to exceed six percent per annum from the date of indorsement "not paid for want of funds." The aggregate amount of warrants issued shall not exceed the revenue to be received for the year in which the indebtedness is incurred.

265.170 [Repealed by 1971 c.727 §203]

265.210 [1963 c.389 §1; repealed by 1971 c.727 §203]

265.220 [1963 c.389 §2; repealed by 1971 c.727 §203]

265.230 [1963 c.389 §3; repealed by 1971 c.727 §203]

#### **CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
on December 1, 1971.

Robert W. Lundy  
Legislative Counsel

