

# Chapter 265

## 1987 REPLACEMENT PART

### Cemetery Maintenance Districts

<b>265.010</b>	<b>Formation</b>	Discrimination prohibited, 30.670
<b>265.020</b>	<b>Area in which district may not be formed</b>	District election procedures, Ch 255
<b>265.050</b>	<b>Board of directors; terms</b>	Formation, changes in organization, generally, 198.705 to 198.955
<b>265.100</b>	<b>Organization of board; terms of first directors</b>	Gift tax exemption, nonprofit cemetery association as charitable, 119.035
<b>265.120</b>	<b>Special elections</b>	Inheritance tax credits, nonprofit cemetery association as charitable, 118.020
<b>265.130</b>	<b>Meetings of board; officers</b>	Intergovernmental arbitration, 190.710 to 190.800
<b>265.135</b>	<b>Application of ORS chapter 255 to district</b>	Population determination, 190.520
<b>265.140</b>	<b>Powers of district</b>	Testing validity of organization and subsequent proceedings of districts, 33.710, 33.720
<b>265.150</b>	<b>Disposition of district funds</b>	
<b>265.160</b>	<b>Interest on unpaid warrants</b>	

#### **265.140**

#### **CROSS REFERENCES**

Abuse of places of burial prohibited, 166.075	Borrowing and bonds of districts, 287.010, 287.012
Assessment for certain improvements, 223.775	Dissolution of cemetery corporation and transfer of property to cemetery district, 61.530
Board members:	Gifts and bequests in trust for cemeteries, 97.730
Bonds, 198.220	Limitation on power to tax, Const. Art. XI, §11
Recall, 198.430	Serial tax levies excepted from constitutional limitation, 280.060
Vacancy in office, 198.320	Tax levies by public corporations, Ch. 310
Cooperative or joint action by districts, Ch. 190	Tax supervising commission in certain counties, 294.610
Discontinuance of cemeteries within city limits, 97.450	Unemployment insurance, 657.020, 657.065, 657.097, 657.505



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**265.030** [Repealed by 1971 c.727 §203]

**265.040** [Amended by 1967 c.609 §2, repealed by 1971 c 727 §191]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.** (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 an elector of the district. Except as provided by ORS 265.100, each director shall be elected to serve for a term of four years.

(2) The board of directors shall fill any vacancy on the board as provided in ORS 198.320. [Amended by 1971 c 727 §88, 1973 c.796 §21, 1975 c.647 §25, 1983 c.83 §40, 1983 c 350 §106]

**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 first shall determine by lot the length of term each shall hold. The term of one director shall expire on June 30 next following the first regular district election. The terms of two directors shall expire on June 30 next following the second regular district election. [Amended by 1971 c 727 §90; 1973 c.796 §22; 1975 c.647 §26, 1983 c 350 §107]

**265.110** [Amended by 1967 c 609 §3, 1969 c 669 §5, 1971 c 647 §50, 1973 c 796 §23, 1975 c 647 §27; repealed by 1983 c.350 §331a]

**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]

**265.135 Application of ORS chapter 255 to district.** (1) ORS chapter 255 governs the following:

- (a) The nomination and election of directors.
- (b) The conduct of district elections.

(2) The electors may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §110]

**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 on 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, 1987 c.531 §1]

**265.150 Disposition of district funds.**

(1) All funds collected on behalf of the district 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]