

63.000

CEMETERY ORDINANCE
Ordinance No. 177 & 200

Amended: July 19, 2004 – Effective: July 27, 2004
Adopted: August 13, 2001 Effective: August 14, 2001

A. Title and Authority

This ordinance shall be known and cited as the Cooper Charter Township Cemetery Ordinance. The following cemetery regulations are adopted by ordinance pursuant to authority granted the Township by PA 113 of 1915, PA 46 of 1931, as amended, PA 95 of 1909, as amended, and PA 215 of 1937, as amended.

B. Purpose

An ordinance to regulate the operation, control, and management of cemeteries within said Township.

C. Definitions of Cemetery Lots and Burial Spaces

1. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
2. An adult burial space shall consist of a land area forty-six (46) inches wide and twelve (12) feet in length.

D. Distribution of Lots or Burial Spaces

1. Hereafter, cemetery lots or burial spaces shall be given only to resident taxpayers of the township for the purpose of the burial of such resident taxpayer or his heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk or Township Board, however, is hereby granted the authority to vary the aforesaid restriction on sales of graves where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the township or relationship to persons interred therein.
2. The Township Board or Township Clerk who grants a right of burial only and does not convey any other title to the lot or burial space sold shall approve all such sales. Such shall be executed by the Township Clerk.
3. Two free graves per household shall be issued to Cooper Township resident taxpayers.
4. When a death occurs in a family, other relatives who are resident taxpayers of Cooper Township shall be allowed to reserve burial space without meeting the pre-need requirements at a charge of \$200.00 each up to a maximum of two graves.

5. Residents may purchase an extra grave at the rate of \$200.00 to bury a single adult son or daughter living away from home if there is no other family.
6. Resident taxpayers that have lived in Cooper Township for twenty years or more, and have moved, may be buried under the same terms and conditions as current taxpayers.
7. No graves shall be issued until the time of need, except in the case of terminal illness, Senior Citizens 62 years of age or over and resident taxpayers under Township rules and such determination to be made by the Township Clerk unless a variance is granted by the Cooper Township Board of Health.
8. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

E. Purchase Price and Transfer Fees

1. Each adult burial space shall cost the sum of \$200.00.
2. The foregoing charges shall be paid to the Township Clerk and shall be deposited in the cemetery fund.
3. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

F. Grave Opening Charges

1. The opening and closing of any burial spaces, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the township.
2. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk. This provision shall apply to proceedings for the removal and reinterment of bodies and remains, which matters are also under the supervision of the local health department.

G. Markers or Memorials

1. All markers or memorials must be of stone or other equally durable composition and not to exceed 26 inches for a single grave and 52 inches on a double gravesite. The depth to not exceed 14 inches.
2. All headstones in both cemeteries shall be placed at the head of the grave facing the same direction. Headstones are on the West End of the grave and to be able to be read by facing the headstone.
3. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
4. Only one monument, marker or memorial shall be permitted per burial space.
5. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

H. Interment Regulations

1. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. Remains may be buried in a grave with a body if the Township Clerk determines there will be enough room.
2. Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
3. The appropriate permit for the burial space involved, together with appropriate identification of person to be buried therein, where necessary, shall be presented to the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
4. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

I. Ground Maintenance

1. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Township Board or the Township Clerk. No edging, stones, coping, fence, railing or hedge to define the lot or grave space shall be permitted. No structures shall be permitted. No glass items shall be permitted.

2. No shrubs, bushes or trees of any type shall be planted. The Township Clerk may direct cemetery workers to remove any such item planted without notice.
3. Each grave shall be allowed a space of 18 inches wide along the marker and 24 inches in length for flowers. If urns are used, they shall be placed in the allotted space for flowers. No glass containers are permitted.
4. The Township shall remove all winter wreaths, which are still on the graves by May 1st of each year. Only two flower arrangements will be allowed to be left on the grave at the time of burial.
5. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
6. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
7. The Township Clerk shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, as source of litter or a maintenance problem. Shepherd hooks may be removed if they pose a danger for grave maintenance.
8. Surfaces other than earth or sod are prohibited.
9. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
10. Only Township Employees are authorized to plant and mow grass in the Cemetery.
11. The Township assumes no responsibility for damage to headstones or markers resulting from regular grave maintenance.

J. Forfeiture of Vacant Cemetery Lots or Burial Space

Cemetery lots or burial spaces after the effective date of the ordinance and remaining vacant 40 years from the date of their assignment shall automatically revert to the township upon occurrence of the following events:

1. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

2. If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

K. Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection during regular business hours.

L. Vault

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

M. Cemetery Hours

The cemetery shall be open to the general public from Sunrise to Sunset each day. No domestic dogs, cats, or other animals allowed in the Cemetery.

N. Penalties

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction.

O. Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

P. Effective Date

This ordinance shall take effect on _____. All ordinances or parts of ordinances in conflict herewith are hereby repealed.