

MISCELLANEOUS

**63.000 CEMETERY ORDINANCE
 ORDINANCE NO. 177**

 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. **Sale of burial permits**

1. Except as otherwise provided by this Ordinance, burial permits conveying the right of burial in Township cemetery lots or burial spaces shall only be issued to resident taxpayers of the Township *whose name appears on the deed of their property*. No burial permits shall be issued to funeral directors. The Township Clerk or his/her designee, however, are hereby granted the authority to vary the aforesaid restriction and may issue burial permits in any of the following circumstances:
 - a. Upon the death and for burial of a current firefighter of the Township.
 - b. Upon the death and for burial of a minor child or a single adult child of a resident taxpayer.

- c. Resident taxpayers that lived in the Township for 20 years or more and have moved may purchase burial permits under the same terms and conditions as current resident taxpayers.
2. No burial permit for a cemetery lot or burial space shall be issued until the death of the person to be buried. Notwithstanding the foregoing, the Township Clerk or his/her designee may issue burial permits prior to death as follows:
 - a. To a resident taxpayer diagnosed with a terminal illness.
 - b. To a resident taxpayer who has attained the age of at least 62 years of age.
 - c. Within thirty (30) days of the death of a resident taxpayer, the surviving spouse may be issued a burial permit.
3. Other than a right of burial, a burial permit issued by the Township Clerk or his/her designee does not convey any other title or interest in or to a cemetery lot or burial space and may be forfeited pursuant to Section J of this Ordinance.
4. A burial permit may not be transferred. However, the Township may repurchase burial permits in an amount equal to the cost of the permit when initially issued.

E. Fees and charges

1. The Township Board shall have the right to establish fees and charges for the acquisition, operation, and maintenance of any Township cemetery and may include, but are not limited to, fees and charges for issuing burial permits, transfers of any burial permits and opening and closing of burial spaces, including the interment of ashes and proceedings for the removal and reinterment of bodies and remains which may also be under the supervision of the local health department. The fees and charges shall be adopted by the Township Board and may be amended from time to time.

F. Burial space opening and closing

1. No burial spaces shall be opened or closed except under the direction and control of the Township Clerk or his/her designees. This provision shall also apply to the removal and reinternment of bodies and cremains which 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 shall not to exceed 32 inches for a single burial space and 52 inches for a double burial space. The depth shall not exceed 14 inches.

2. Headstones shall be placed at the head of the burial space facing the same direction. Headstones shall be placed only on the West End of a burial space and shall only have readable text or engravings on the face of the headstone and not on the backside away from the burial space.
3. 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 or its agent at the cost and expense of the owner of the burial right. All monuments must be set by a monument company.

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. Multiple cremains may be buried in one burial space. Cremains may be buried in a burial space with a body if the Township Clerk or his/her designee determines there will be enough room and all of the deceased meet the qualifications for burial at a Township cemetery.
2. Notice shall be given to the Township Clerk or his/her designee at least 48 hours in advance of any funeral to allow for the opening of any burial space.
3. A properly issued burial permit and identification of the person to be buried must be provided to the Township Clerk or his/her designee prior to interment. However, if a burial permit has been lost or destroyed, the Township Clerk or his/her designee must be satisfied from a review of the records, and at his/her sole discretion, that the person to be buried had been issued a burial permit before any interment is commenced or completed.
4. All burial spaces shall be kept in an orderly and neat appearing manner and no markers or other decorations shall be placed or extend outside of the confines of a burial space.

I. Ground maintenance

1. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Township Clerk or his/her designee. No edging, stones, coping, fencing, railing or hedge to define a cemetery lot or burial space shall be permitted. No shrubs, bushes or trees of any type shall be planted. No structures shall be permitted. No glass items shall be permitted. The Township Clerk or his/her designee, without notice, may direct any person to remove any prohibited items or direct employees or agents of the Township to remove such items. Any items removed by the Township may be disposed of in any manner and in the sole discretion of the Township.

2. Each burial space shall be allowed a space of 18 inches in depth 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.
3. The Township will remove all remaining winter wreaths by May 1st of each year. Only two flower arrangements will be allowed to be left on the burial space at the time of burial.
4. The Township Clerk or his/her designee reserves the right to install, 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.
5. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
6. The Township Clerk or his/her designee shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly or constitute a maintenance problem. Shepherd hooks may be removed if they pose a danger for grave maintenance.
7. Surfaces other than earth or sod are prohibited.
8. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in refuse containers located within the cemetery.
9. Only Township employees and/or agents are authorized to plant and mow grass in the cemetery.
10. The Township assumes no responsibility and shall not be liable for damage to any item placed on any cemetery lot or burial space, including without limitation any damage caused by regular maintenance activities, such as mowing, weed whacking and tree removal. Further, the Township assumes no responsibility and shall not be liable for damage to any headstones or markers resulting from regular maintenance or other natural or weather-related events, including damage from falling trees or branches.

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 or her 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 and issuance of burial permits 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 dogs, horses, cats, or other domesticated animals are allowed in the cemetery.

N. Penalties

Any person, firm, or corporation who violates any of the provisions of this 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. Nothing in this Ordinance shall be construed to limit any other remedy at law or in equity, including but not limited to injunctive relief for violations of this Ordinance. Any such remedies shall be in addition to any other remedy.

O. Validity and severability

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

P. Repealer clause

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Q. Effective date

This Ordinance took effect on August 14, 2001. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 200, Eff. 07/28/2004]

[Amended by Ord. No. 216, Eff. 02/14/2011]

[Amended by Ord. No. 237, Eff. 07/22/2016]

[Amended by Ord. No. 244, Eff. 11/06/2017]