

## CHAPTER 20 CEMETERIES

### SECTION 20.00 TITLE

This Chapter shall be known and cited as the Rives Township Cemetery Ordinance. The provisions of this Chapter shall apply to publicly owned cemeteries in the Township which include Walker Cemetery, Cole Cemetery, and the Rives Township Memorial Cemetery located on Broughwell Road.

(Ord. No. 2015-1)

### SECTION 20.01 DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burials.

### SECTION 20.02 SALE OF LOTS OR BURIAL SPACES

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others except as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

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.

### SECTION 20.03 PURCHASE PRICE AND TRANSFER FEES

The Township Board, by resolution, may periodically alter the burial fees and/or the transfer of one or more burial spaces from an original purchaser to a qualified assignee to accommodate

increased costs and needed reserve funds for cemetery maintenance and acquisition.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

SECTION 20.04                    GRAVE OPENING CHARGES

The opening and closing of any burial space, 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.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

SECTION 20.05                    MARKERS OR MEMORIALS

All markers or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker or memorial shall be permitted per burial space.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township Sexton or other appointee determined by the Township Board, and paid for by the owner of the burial right.

SECTION 20.06                    INTERMENT REGULATIONS

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

Not less than 36 hours notice shall be given in advance of the time of any funeral to allow for the opening of the burial spaces.

The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or 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.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 20.07

GROUND MAINTENANCE

No grading, leveling, or excavating upon burial space shall be allowed without the written permission of the Cemetery Sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton 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, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

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.

SECTION 20.08

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Chapter and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A.** Notice was sent by the Township Clerk by first class mail to the last known address of the owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights; and
- B.** 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 owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 day from the date of mailing of said notice.

SECTION 20.09

REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or his/her legal heirs or representatives.

SECTION 20.10

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 at all reasonable business hours.

SECTION 20.11            VAULT

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

SECTION 20.12            CEMETERY HOURS AND REGULATIONS

The cemeteries will be closed from dusk to dawn.

No person shall be permitted in the township cemeteries from dusk to dawn, except upon permission of the Township Board or the Cemetery Sexton.

Any person or persons who gain entrance or are found in the Cemetery without proper reason may be considered and prosecuted as a trespasser or trespassers.

No skateboards, rollerblade, bicycles, sledding, off-road motorized vehicles or the like are permitted in the cemeteries.

No minor children permitted in the cemeteries unless accompanied by an adult.

Dogs, cats, or other animals are not allowed in the Cemetery and may be removed in such manner as may be deemed necessary. This rule shall not apply to animals trained and used as service animals.

The abuse of monuments, markers, graves or Cemetery appurtenances whether intentional or otherwise, and the unauthorized removal of flowers, urns or any of the Cemetery equipment will be considered vandalism and/or destruction of property or larceny and will be so treated. Persons entering the cemetery will be held fully responsible for any damage to the Cemetery properties.

The soliciting of contracts or orders for monuments, markers, memorials, or any other work, will not be permitted in the Cemetery.

No advertisements, trade marks, or numbers of any description, except those necessary for the locations of burials, are permitted in the Cemetery. No advertising of any nature or solicitation of business will be permitted within the Cemetery.

The speed limit in the cemeteries is not to exceed 5 mph.

The driver of an automobile or other conveyance will be held responsible for any damage they may do whether intentional or unintentional.

SECTION 20.13            PENALTIES

Any person, firm or corporation who violated any of the provisions of this Chapter 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. Each day that violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 20.14            SEVERABILITY

The provisions of this Chapter 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 this Chapter which shall continue in full force and effect.

SECTION 20.15            ADOPTION HISTORY

Ordinance No. 2015-1 was adopted on March 12, 2015 and incorporated in this Code by Ordinance No. 2015-2 on April 14, 2015, and 1<sup>st</sup> amended by Ordinance No. 2015-3 on October 13, 2015.