

CHAPTER 10

TOWNSHIP CEMETERIES

10.1 Short Title. This chapter shall be known and cited as the Township Cemetery chapter.

10.2 Definitions. As used and provided in this chapter, the following definitions shall apply:

- (1) "Adult burial space" shall mean an area of land in a cemetery four feet wide by eight feet in length.
- (2) "Infant or still born burial space" shall mean land in a cemetery three feet wide by three and one-half feet in length in areas specifically set aside for such burials.
- (3) "Lot" shall consist of an area sufficient to accommodate from one to eight burial spaces.

10.3 Sale of Lots or Burial Places. Cemetery lots or burial spaces shall be sold only as follows:

- (1) Lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of burial of the purchaser, his or her heirs at law or next of kin. No sales shall be made to funeral directors or others.
- (2) The Township Clerk may vary the above restrictions on sales only where the proposed purchaser discloses sufficient personal reasons for burial within the Township as a previous resident of the Township or by relationship to persons previously interred therein.
- (3) All sales shall be made on a form approved by the Township Board, which form shall be executed by the Township Clerk.
- (4) All sales shall grant a right of burial only and shall not convey any other title to the lot or burial space sold.
- (5) Burial spaces and rights may be transferred only to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township, which transfer 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 the Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit.

10.4 Purchase and Transfer Fees.

- (1) The original purchase price and transfer fees for lots and burial spaces shall be established by resolution of the Township Board.

- (2) 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.

10.5 Perpetual Care. A perpetual care fund is hereby established to be administered by the Township Treasurer. A perpetual care charge, in an amount established and revised by resolution of the Township Board, shall be levied against each cemetery lot, to be collected at the time of original sale. The perpetual care charge is in addition to the purchase price and transfer fees, and shall be deposited in the perpetual care fund, to be segregated and invested by the Township Treasurer for care and maintenance of the cemetery.

10.6 Grave Opening. 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 established from time to time by resolution of the Township Board as may be appropriate.

No burial space may be opened or closed except under the direction, supervision and control of the cemetery sexton. These provisions, however, shall not apply to proceedings for the removal and reinterment of bodies and remains when such matters are under the supervision of the local health department.

10.7 Markers or Memorials. Markers and memorials shall be allowed in the Township cemeteries only in accordance with the following regulations:

- (1) All markers or memorials shall be of stone or other equally durable substance.
- (2) Any large, upright monuments must be located upon a suitable, solid foundation sufficient to maintain the same in an erect position.
- (3) Only one monument, marker or memorial shall be permitted per burial space.
- (4) The footing or foundation upon which any monument, marker or memorial is to be placed shall be constructed by the Township with the cost to be paid by the owner of the burial right, such cost to be determined from time to time by resolution of the Township Board.

10.8 Interment Regulations. The following regulations shall apply to all interments in the Township cemeteries:

- (1) Only one person may be buried in a burial space, except for a mother and infant, or two infants buried at the same time.
- (2) At least 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- (3) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented either to the cemetery sexton or the Township Clerk prior to interment. In the event the permit has been lost or destroyed, the Township Clerk may allow the interment if satisfied from the Township records that the person to be buried in the burial space is the authorized and appropriate person.

- (4) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space.
- (5) All burials shall be within the standard concrete vault installed or constructed in each burial space before interment.

10.9 Maintenance. All burial spaces and lots shall be maintained in accordance with the following:

- (1) No grading, leveling or excavating in a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.
- (2) No flowers, shrubs, trees or vegetation of any kind shall be planted without the approval of the cemetery sexton or the Township Clerk. Any such items planted without such approval may be removed by the Township Clerk or the sexton.
- (3) The Township reserves the right to remove or trim any tree, plant or shrub located within the cemetery when necessary in the interest of maintaining proper appearance and use of said cemetery.
- (4) Any mounds or other obstructions which hinder the free use of a lawn mower or other gardening apparatus are prohibited, except markers as herein provided.
- (5) The cemetery sexton shall have the right to remove and dispose of any and all growth, emblems, displays or containers that, through decay, deterioration, damage or otherwise, become unsightly, a source of litter or a maintenance problem.
- (6) Surfaces other than earth or sod are prohibited.
- (7) All refuse of any kind or nature, including dried flowers, wreaths, papers and flower containers, must be removed or deposited in containers located within the cemetery.

10.10 Forfeiture of Cemetery Lots or Burial Spaces. Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant for 40 years from the date of their sale shall automatically revert to the Township in accordance with the following:

- (1) Notice shall be sent by the Township Clerk by first class mail, postage prepaid, 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 burial spaces will be forfeited if they do not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the desire to retain said burial rights.
- (2) If no written response to said notice is received by the Township Clerk either from the last owner of record, his heirs or legal representatives within 60 days from the date of mailing of said notice, the lots or burial spaces shall automatically revert to the Township.

10.11 Purchase of Lots or Burial Spaces. The Township shall repurchase any cemetery lot or burial spaces from the owners for the original price paid the Township upon written request of said owner, his legal heirs or representatives.

10.12 Records. The Township Clerk shall maintain records concerning all burials, burial permits, the perpetual care fund and all other necessary records and shall keep said records separate and apart from any other records of the Township. Said records shall be open to public inspection at all reasonable business hours.

10.13 Cemetery Hours. Cemeteries shall be open to the general public from the hours of dawn to dusk each day. No person shall be permitted in any Township cemetery anytime other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.