

**TEXAS CHARTER TOWNSHIP
ORDINANCE NO. 375**

TOWNSHIP CEMETERY ORDINANCE

The Charter Township of Texas ordains:

Section 1: Township Cemeteries.

A. Title and Authority

This ordinance shall be known and cited as the 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 the Township.

C. Definitions of Cemetery Lots and Burial Spaces

1. A cemetery lot shall consist of burial spaces sufficient to accommodate one to fourteen burial spaces.
2. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
3. A cremains burial space shall consist of a land area three (3) feet wide and six (6) feet in length.
4. A burial space for children aged 5 and younger shall consist of a land area three (3) feet wide and six (6) feet in length.

D. Sale of Burial Space

1. The sale of all burial spaces shall be made through the Township Clerk's office.
2. Each adult burial space is designed for one (1) full burial and up to two (2) cremains burials, or up to four (4) cremains burials if no full burial is present; however, exceptions may be made for infants. Each cremains burial space is designed for two (2) cremains burials.
3. Township residents may only purchase burial space on an as needed basis. Except, a Township resident of ten (10) years or more may purchase a pre-needed burial space if he/she is 62 years of age or older or has a terminal illness.

4. Burial spaces can be sold to non-residents if: (i) at some time they have been a resident of Texas Township for a period of not less than 10 years AND (ii) have one or more member of the immediate family buried at the cemetery. Immediate family members include parents, children, and siblings. Non-residents, who qualify for burial, may purchase a maximum of two (2) burial spaces.
5. Other than a right of burial, a burial space 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.
6. Burial spaces cannot be transferred or sold and must be assigned or sold back to the township at the purchase price if not used at the time of death of the designated person.
7. Persons selling or assigning a burial space back to the Township may request the burial space be sold or assigned to a specific individual who would qualify for the burial space.
8. A burial space may be forfeited pursuant to Section K of this Ordinance.

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 re-interment 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 reinterment of bodies and cremains which are also under the supervision of the local health department.

G. Interment Regulations

1. Only one person may be buried in a burial space except for an infant buried with a relative. 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 72 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.

H. Markers or Memorials

1. All markers, memorials, monuments, and columbariums, must be of stone or other equally durable composition.
2. Markers will be placed at the head of the burial site with no more than one marker per burial site. The Township Clerk may make an exception when an infant is buried with a relative or the burial site contains multiple cremains.
3. Monuments, markers, columbariums, and memorials shall not contain any form of commercial advertisements.
4. The foundation upon which any monument, columbarium, 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. Monument companies shall verify burial sites with the Township Clerk's office prior to ordering the placement of a foundation.
5. Maintenance of monuments, markers, columbariums, and memorials is the responsibility of the family of the deceased; however, should any monument, marker, columbarium, or memorial become unsightly, dilapidated, or a safety hazard to visitors, the township shall have the right to correct the condition or to remove the same.
6. A monument may not be more than three (3) feet tall and may not have a foundation wider than forty-eight (48) inches. A monument placed on a double plot shall be placed at the center of the burial plots.

I. Decorating & Planting

1. The township shall be responsible for the placement of all trees and shrubs on cemetery grounds. No individual planting of trees or shrubs shall be permitted.
2. Any tree or shrub individually planted prior to the adoption of this policy may remain on the cemetery grounds. The township encourages individuals to keep the trees and shrubs trimmed. However, the township reserves the right to remove or trim any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance and full use of the cemetery.

3. Perennial flowers may be planted in urns or vases on either side of the memorial. Cut flowers and annual flowers may be placed or planted within 12” of the memorial and shall not extend past the burial space boundaries while in full bloom. Artificial flowers may be placed on the sides or front of memorials.
4. Summer lot decorations are permitted from May 1 through September 30. Winter lot decorations are permitted from November 1 through March 31 of the following year. Decorations remaining beyond the time permitted may be removed and destroyed by the township.

J. Ground Maintenance

1. No grading, leveling, or excavating upon a 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 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. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
3. 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.
4. 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.
5. Only Township employees and/or agents are authorized to plant and mow grass in the cemetery.
6. 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.

K. Forfeiture of Vacant Cemetery Lots or Burial Spaces

Burial spaces which remain vacant for 40 years or more 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 them of the expiration of the 40-year period and that all rights with respect to said lots or 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 within notice their 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 their heirs or legal representatives, within 60 days from the date of mailing of said notice.

L. 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.

M. Vault

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

N. 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.

O. 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. 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.

Section 2: 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.

Section 3: 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.

Section 4: Effective Date.

This Ordinance shall be effective 30 days after publication as provided by law.