

# Chapter II

## General Provisions

### Article 1. FISCAL YEAR

**Section 1.1 Fiscal Year.** Commencing in 1979, the fiscal year of the Township shall extend from July 1st of each year until June 30th of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods. <sup>1</sup>

**Section 1.2 Settlement Day.** The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday. <sup>2</sup>

**Section 1.3 Annual Meeting of Electors.** The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board. <sup>3</sup>

### Article 2. CEMETERY

#### Section 2.1 Definitions of Cemetery Burial Spaces and Lots.

- a. An adult burial space consists of land 42 inches wide and 10 feet long. An adult burial is any burial that involves a burial box greater than four feet in length.
- b. A stillborn, infant or child burial space consists of land three feet wide and four feet long. A stillborn, infant or child burial is any burial that involves a burial box less than four feet in length.
- c. A cremains burial space consists of land 42 inches wide and four feet long. A cremains burial is the burial of ashes of a cremated body.
- d. A cemetery lot shall consist of space sufficient to accommodate 6 burial spaces. <sup>4</sup>

#### Section 2.2 Sale of Burial Spaces or Lots.

- a. Cemetery burial spaces or lots shall be sold only to township residents or taxpayers for the purpose of the burial of the purchaser or the purchaser's relatives. No sales shall be made to anyone, including a funeral director, who plans to resell the space. The township clerk has the authority to suspend restrictions on sales on a per case basis if special circumstances are involved. For example, a clerk may allow a non-resident to purchase burial space if the person once lived in the township for an extended time period.
- b. All sales shall be recorded on a form approved by the township board. The form grants only

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<sup>1</sup>Ord. No. 2, §1, adopted March 1, 1979

<sup>2</sup>Ord. No. 2, §2, adopted March 1, 1979

<sup>3</sup>Ord. No. 2, §3, adopted March 1, 1979

<sup>4</sup>Ord. No. 3, §2, adopted December 4, 1997

the right of burial and does not convey any other right to the lot or burial space sold. The township clerk shall complete the form.

- c. Burial rights may only be transferred to people eligible to be original purchasers of burial spaces or lots. Burial rights may only be changed if the township clerk assigns a new burial permit to replace an original, endorses the new permit and officially records the transaction. At this time, the clerk should issue the new permit to the assignee and cancel the original permit.<sup>5</sup>

**Section 2.3 Purchase Prices and Transfer Fees.** The Sharon Township Board, by resolution, will set fees for burial space costs, transfer fees, and interment fees on an annual basis. The township board may periodically alter these fees to accommodate increased costs and needed reserve funds for cemetery management and land acquisition.<sup>6</sup>

**Section 2.4 Markers, Monuments and Mausoleums.**

- a. All markers, monuments and other memorials must be made of granite or another approved, equally-durable composition.
- b. Any large upright monuments or other memorials must be located upon an approved foundation to maintain the monument in an erect position.
- c. Only one monument, marker or other approved memorial is permitted per burial space.
- d. No monument, marker or other memorial shall be installed without the specific approval of the township board, unless the proposed memorial meets the following requirements:
  - (1) The location is at the head of the burial space, parallel to the head of the burial space line.
  - (2) The height of the memorial is not greater than 48 inches, the depth of the memorial is not greater than 12 inches, and the length of the memorial is not greater than 80 inches.
- e. Monuments, markers and other memorials are not allowed to be installed on burial spaces or lots that have not been fully paid for.
- f. No mausoleum shall be erected without the specific approval of the township board.
- g. Inscriptions on monuments, markers, mausoleums or other memorials must not be offensive or improper, as judged by the township board. The owner of any such memorial will be responsible for all expenses for removal.
- h. The township board has the authority to deem a marker, monument, mausoleum or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
- i. If a marker, monument, other memorial or mausoleum becomes unsafe in the opinion of the cemetery sexton, notice of the condition will be sent to the last know address of the owner, and the structure will be removed or repaired at the owners expense.<sup>7</sup>

**Section 2.5 Interment, Disinterment and Reinterment Regulations.**

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<sup>5</sup>Ord. No. 3, §3, adopted December 4, 1997

<sup>6</sup>Ord. No. 3, §4, adopted December 4, 1997

<sup>7</sup>Ord. No. 3, §5, adopted December 4, 1997

- a. Only one body may be buried in a burial space, except for a mother and infant or two children buried at the same time.
- b. A maximum of two cremains shall be allowed to be placed in one burial space, unless permission is otherwise granted by the township board.
- c. The cemetery sexton shall receive at least 48 hour notice of the time of a funeral to allow for the opening of the burial space.
- d. The appropriate permit for the burial space and appropriate identification of the person to be buried, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. If a 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 space is an authorized and appropriate one before starting any interment.
- e. All burial spaces shall be located in an orderly and neat-appearing manner within the confines of the space involved.
- f. All burials shall be within a standard vault of concrete, fiberglass or other material approved by the township board, installed or constructed in each burial space before interment.
- g. No burial shall take place unless the burial space fee for services required to open and close the grave, and all other fees have been paid in full.
- h. No cemetery spaces shall be opened or closed except under the direction and control of the cemetery sexton. This provision shall only apply to proceedings for the removal and reinterment of bodies and remains; this matter is under the control of the local health department.
- i. The township assumes no responsibility for errors in opening graves when such errors are caused by others.
- j. Scattering cremains over a family lot or anywhere in the cemetery is prohibited. <sup>8</sup>

**Section 2.6 Cemetery Maintenance and Care.**

- a. No grading, leveling, or excavating upon a burial space shall be allowed without permission from the cemetery sexton or the township clerk.
- b. No flowers, shrubs, trees or vegetation of any type may be planted without the approval of the cemetery sexton or the township clerk. Any of these planted without approval may be removed by the cemetery sexton.
- c. 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.
- d. Mounds which hinder the free use of a lawn mower or other lawn-mowing device are prohibited.
- e. The sexton shall have the right and authority to remove and dispose of vases and a growth emblems, displays or containers that have become unsightly source of liter or a maintenance problem.
- f. Surfaces other than earth or sod are prohibited.

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<sup>8</sup>Ord. No. 3, §6, adopted December 4, 1997

- g. Dried flowers, wreaths, papers, flower containers and all other refuse must be removed or deposited in containers located within the cemetery.
- h. Cemetery care only includes seeding; top dressing; cutting and trimming grass, shrubs and trees, and the general upkeep of the cemetery. Cemetery care does not include the maintenance of markers, monuments, and memorial mausoleums.<sup>9</sup>

**Section 2.7 Forfeiture of Vacant Cemetery Burial Spaces or Lots.**

- a. Cemetery burial spaces or lots sold after the effective date of this ordinance and remaining vacant for 40 years from the date of sale shall automatically revert to the township if the following events occur:
  - (1) Notice is sent by the township clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 40 year period and that all the rights with respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the township clerk within 60 days from the date of mailing the notice, the desire to retain the burial lots.
  - (2) A written response indicating the desire to retain the burial spaces or lots in question is not received by the township clerk from the last owner of record, the owner's heirs, or the owner's legal representative of the spaces or lots within 60 days from the date of mailing the notice.
- b. Upon written request by an owner, an owner's heirs, or an owner's legal representative, the township will repurchase any cemetery lot or burial space from the owner for the original price paid to the township.<sup>10</sup>

**Section 2.8 Records.** The township clerk shall maintain records concerning all burials, issuance of burial permits and perpetual care funds separate from any other records of the township. The records shall be open to the public during reasonable business hours.<sup>11</sup>

**Section 2.9 General Regulations.**

- a. The cemetery shall be open to the general public from one-half hour before sunrise to one-half hour after sunset.
- b. No one shall be permitted in the township cemetery at any other time unless he or she has the permission of the township board or cemetery sexton,
- c. Animals, except leader dogs, are not permitted in the cemetery.
- d. No person shall obstruct any drive, walk or alley.
- e. No person shall injure, deface or destroy any burial space, marker, monument, mausoleum, building fence, seat, flower, tree, shrub or other item in the cemetery.
- f. Alcohol is not permitted in the cemetery.
- g. No vehicles should drive faster than 5 miles per hour on cemetery roads.
- h. Driving off the established roads is prohibited.

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<sup>9</sup>Ord. No. 3, §7, adopted December 4, 1997

<sup>10</sup>Ord. No. 3, §8, adopted December 4, 1997

<sup>11</sup>Ord. No. 3, §9, adopted December 4, 1997

- i. No firearms are allowed in the cemetery without written permission from the township clerk or cemetery sexton, except in the case of military funerals or ceremonies by official veterans organizations on federal holidays.<sup>12</sup>

**Section 2.10 Penalties.**

- a. Any person, firm or corporation who violates any of the provisions of the ordinance shall be subject to a fine of up to \$500 and/or imprisonment for up to 90 days in jail.
- b. Each day that a violation continues to exist shall constitute a separate offense.<sup>13</sup>

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<sup>12</sup>Ord. No. 3, §10, adopted December 4, 1997

<sup>13</sup>Ord. No. 3, §11, adopted December 4, 1997