

ALL ORDINANCES CAN BE FOUND ON OUR WEB SITE
WWW.MENTORTOWNSHIP.ORG

TOWNSHIP OF MENTOR
ORDINANCE No. 2022-22
CEMETERY ORDINANCE

Section I: TITLE

This ordinance shall be known and cited as the Mentor Township Cemetery Ordinance.

Mentor Township Cemetery Ordinance pertains only to public cemeteries formally known as Mentor Township Cemetery #1 and #2 and undeveloped sections of each along with Davis Cemetery which is inactive.

Mentor Township Cemetery #1	T26N R3E SEC 18 - NE 1/4 OF NE 1/4. 40 A. 1989 SPLIT FROM 006-318-000-00
Mentor Township Cemetery #2	T26N R3E SEC 07 - E 1/2 OF SE 1/4 LYING 100' SW'LY OF POWER LINE. 25 A
Davis Cemetery (inactive)	T26N R3E SEC 07 - E 1/2 OF SE 1/4 LYING 100' SW'LY OF POWER LINE. 25 A

Section II. DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

- a. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- b. An adult, child, infant or stillborn burial space shall consist of a land area determined by cemetery platted lot.

Section III. SALE OF LOTS OR BURIAL SPACES.

- a. Hereafter, cemetery lots or burial spaces shall be sold only to residents, tax-payers and non-residents of the Township for 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 than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser disclosed sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- b. 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.
- c. 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 IV. PURCHASE PRICE AND TRANSFER FEES.

- a. Each burial space shall cost the sum determined by schedule set annually by Mentor Township Board of Trustee regardless of intended adult, child, infant or stillborn interment.
- b. Any transfer of one (1) or more burial spaces from an original purchaser to a qualified assignee shall cost the sum of original purchase price to last owner of record.

- c. The foregoing charges shall be paid to the Township Clerk and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- d. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section V. GRAVE OPENING CHARGES.

- a. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of cremains, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- b. 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section VI. MARKERS AND MEMORIALS.

- a. All markers or memorials must be of stone or other equally durable composition.
- b. Any large upright monuments must be located upon a suitable foundation extending four (4) inches from stone and at a line level with ground on all sides to maintain the upright monument in an erect position.
- c. An upright monument may be defined as any marker with the top surface above the line level with ground.
- d. Only one (1) monument, marker or memorial with top surface above the line level with ground shall be permitted per burial space.
- e. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.
- f. All placement of monument, marker or memorial shall be through approval and permit obtained from Township Clerk.

Section VII. INTERMENT REGULATIONS.

- a. Only one (1) person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time. One (1) cremains may be buried in a burial space in addition to the one (1) person or mother and infant or two (2) children limitation. I.E. one (1) casket; one (1) casket and one (1) cremains; or four (4) cremains.
- b. Not less than thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space with special consideration allowing for strict adherence of religious beliefs.
- c. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when 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.

- d. From December 1 to March 31: there will be no grave side services allowed in the cemeteries. The casket or cremains will be placed directly in the grave. There will be no Funeral Processions within the cemeteries.
- e. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section VIII. GROUND MAINTENANCE.

- a. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or Township Clerk.
- b. No flowers, shrubs, trees or vegetation of any type shall be planted without approval of the Cemetery Sexton or Township Clerk. Any of the foregoing items planted without approval may be removed by the Township or 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 gardening apparatus are prohibited.
- e. The Cemetery Sexton 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, a source of litter or a maintenance problem.
- f. Surfaces other than earth or sod are prohibited.
- g. 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 IX. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

- a. Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant forty (40) years from the date of their sale 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/her of the expiration of the forty (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 sixty (60) days from the date of the mailing of the within notice his/her desire to retain said burial rights.
 - 2. 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/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice will result in forfeiture of said lots or burial spaces.

Section X. REPURCHASE OF LOTS OR BURIAL SPACES.

The Township will repurchase any cemetery lots or burial spaces from the owner or legal representative for the original price paid upon written offer of said owner or legal representative.

Section XI. 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 XII VAULT.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment with the exception of cremains.

Section XIII. PENALTIES.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction.

Section XIV. SEVERABILITY.

The provisions of the within ordinance 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 such ordinance which shall continue in full force and effect.

Section XV. EFFECTIVE DATE.

This ordinance shall take effect on Sept 19 2022. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Roll call vote Marble, yes Hall yes Trim yes
Wyckoff, yes Matte yes Approved