

BRADFORD TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012 - 01

AN ORDINANCE OF THE TOWNSHIP OF BRADFORD, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, REGULATING BURIAL OF HUMAN REMAINS IN THE TOWNSHIP.

WHEREAS, the Board of Supervisors (“Board”) of Bradford Township, Clearfield County, Pennsylvania (“Township”) desires to regulate the burial of human remains in the Township whether on private property, in a family cemetery or in a private cemetery, in order to further protect the health, safety and welfare of Township residences; and

WHEREAS, the Board desires to enact this Ordinance to further define the burial of human remains in the Township.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Board of Township, after Public Hearing and in accordance with the general powers permitted by the Second Class Township Code (53 P.S. §65101 et seq.), that the following Ordinance be enacted:

SECTION I: This Ordinance shall officially be known as the “Burial of Human Remains” Ordinance in the Township.

SECTION II: The Township acknowledges that burial of human remains occurs within the Township and Township residents and/or property owners are allowed by Pennsylvania law, except as restricted herein, to bury remains on lands within the Township.

SECTION III: The Township desires that the burial of human remains be conducted in a manner that is respectful to the deceased, the family and the citizenry of the Township and in so doing, the following requirements, in addition to those required by Pennsylvania law, must be met:

A. Burial in recognized cemeteries in the Township is preferred, although not required, and shall follow the private regulations of the cemetery if more restrictive than the requirements herein;

B. Permits for burial, in accordance with Pennsylvania law, are required for any burial of human remains in the Township whether in a recognized cemetery, family cemetery or on private property;

C. All burials of human remains must conform with Pennsylvania law as to depth and the remains must be covered with a *vault* to protect from damage (*vault* defined as a covering constructed of a material that will not decompose);

D. All burials of human remains must have a permanent marker so the area of burial is not disturbed;

E. All burials of human remains in non recognized or regulated cemeteries will require the following additional requirements:

i. The area of excavation must be fifteen (15') feet or greater from all property lines;

ii. The area of excavation must be greater than fifty (50') feet from any private or public water well, wetlands, or other water course; and

iii. No burial will be permitted in residential lots of less than one-half (1/2) acre.

SECTION IV: *Family Burial Cemeteries* located in the Township shall conform with requirements of state law in addition to the following requirements imposed by the Township:

A. Family Burial Cemeteries must be registered with the Township and a map locating the same on any property shall be provided to the Township in addition to any other documents, information or materials required by the Township in its sole discretion;

B. The location of Family Burial Cemeteries shall be determined based upon accessibility from public and/or private roadways, with suitable easement from the roadway to the Family Burial Cemetery required;

C. To the greatest extent possible, Family Burial Cemeteries shall be placed near to or adjacent to the boundary of the property parcel containing the same; and

D. Any deed conveying the property parcel containing a Family Burial Cemetery shall reflect a restriction and/or reservation for the area comprising the Family Burial Cemetery with the Grantor on the deed retaining responsibility for maintenance of the Family Burial Cemetery or satisfactory, in the sole determination of the Township, arrangements for maintenance by another party and/or the grantee on the deed, and notice of any change in ownership of the property parcel containing the Family Burial Cemetery must be provided to the Township prior to conveyance of the deed.

SECTION V: Any person or entity who shall violate or fail to comply with any of the provision of this Ordinance, may be punishable by a fine of not more than six hundred dollars (\$600.00) plus court costs, including reasonable attorney fees. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

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SECTION VI: This Ordinance shall become effective immediately upon enactment by the Board of Supervisors of the Township.

ORDAINED and ENACTED this 6th day of March, 2012.

BRADFORD TOWNSHIP

By:

Attest:

Ginda M. Groster
Secretary

Williamson Kuba
Chairman

(SEAL)

Ronald H. Neime
Charles S. Reed