

**SCOTT TOWNSHIP  
LACKAWANNA COUNTY  
ORDINANCE NO. 12-12-20-001**

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**ORDINANCE OF THE TOWNSHIP OF SCOTT TOWNSHIP,  
LACKAWANNA COUNTY, PENNSYLVANIA, RELATING TO  
THE OPERATION AND MAINTENANCE OF CEMETERIES  
AND BURIAL PLACES.**

**WHEREAS**, Scott Township is a Pennsylvania Township of the Second Class duly organized and existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Second Class Township Code grants the Board of Supervisors of the Township to adopt Ordinances in which general or specific powers of the Township may be exercised in order to promote the health, safety and welfare of its residents; and

**WHEREAS**, 53 P.S. §66536 (a) (§1536) entitled "Cemeteries" authorizes the Board of Supervisors to make rules and regulations regarding the location, operation and maintenance of cemeteries within the Township by Ordinance; and

**WHEREAS**, the Board of Supervisors of Scott Township believes that regulating cemeteries within the Township serves in the best interest of the Township.

**NOW, THEREFORE**, the Board of Supervisors of the Township of Scott, Lackawanna County, Pennsylvania, hereby ENACTS and **ORDAINS** as follows:

**1.) Definitions -**

- a. "Burial Place" - A portion of ground either occupied by a tomb or grave or set apart for a tomb or grave for burial of the dead.
- b. "Code Enforcement Officer" - The person duly appointed as the official Code Enforcement Officer for Scott Township, Lackawanna County.
- c. "Cemetery" - A place or area of ground, whether contained on private or public property, which has been set apart for or otherwise utilized as a burial place for deceased human beings.
- d. "Owner" - Any individual(s), entity, group, association or organization who holds title to the land upon which any cemetery is located or who is otherwise vested with the authority to operate/maintain same.
- e. "Township" - Scott Township, Lackawanna County, Pennsylvania.

**2.) Applicability -** All cemeteries, whether private or public, and whether existing or established prior to the date of this Ordinance or hereafter created, are subject to the terms and

conditions of this Ordinance.

3.) **Establishing Cemeteries** - It shall be unlawful for any person or owner to establish any cemetery or to bury any person within the Township, except within a cemetery duly established in accordance with all laws, regulations, ordinances and procedures.

4.) **Maintenance of Cemeteries** -- It shall be the duty of every owner to properly maintain and upkeep any cemetery. No owner shall allow grass, weeds or trees to accumulate upon same to the extent that any grave marker is obstructed and shall otherwise keep same free of debris and refuse,

5.) **Open to Public** - All cemeteries within the Township shall be kept open and accessible to the general public during daylight hours. No owner or personal shall unreasonably restrict access to the general public nor shall any fee for access be charged.

6.) **Abandoned/Neglected Cemeteries** -- When any cemetery or burial place is abandoned or is being neglected and not up-kept or maintained, the Code Enforcement Officer, on behalf of the Board of Supervisors, shall give written notice to the owner directing the removal of weeds, trees, refuse and/or other debris from the cemetery within thirty (30) days. If the removal is not completed within thirty (30) days after the written notice, the Township may enter upon the property and provide for the removal to be done by employees of the Township or persons hired for such purpose at the Township's expense. All costs of removal shall be assessed against the owner, if known, and thereafter shall be collected by the Township pursuant to 53 Y.S. §68302(b) of the Second Class Township Code. The Code Enforcement Officer and/or his/her agents and representatives may enter upon any property within the Township for the purposes of determining the existence of and location of any cemetery, in order to ensure compliance with the terms and provisions of this Ordinance.

7.) **Violations/Penalties/Enforcement** - Any person or owner who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before a District Justice or Magisterial District Justice, shall pay a fine and/or penalty of not less than Three Hundred (\$300.00) Dollars nor more than Six Hundred (\$600.00) Dollars per violation, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this Ordinance. Each day that the violation exists shall constitute a separate offense. In any case where penalty for a violation has not been timely paid, and the person against whom the penalty is imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed including additional reasonable attorney's fees incurred by the Township in any enforcement proceedings. If the violator neither pays nor timely appeals the judgment, once final, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Nothing contained herein shall preclude the Township and/or Code Enforcement Officer from instituting any other appropriate civil or equitable proceeding to restrain, correct or abate a violation of this Ordinance as may be allowed for under any and all appropriate laws, statutes, Ordinances and/or regulations.


8.) **Other Laws, Ordinances, Codes or Regulations** - Nothing contained herein shall be deemed to nullify, replace, repeal or abrogate any other law, ordinance, rule, code or regulation regarding cemeteries and same shall be separately applicable and/or enforceable in accordance with their own terms.

9.) **Severability** - If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses or parts of this Ordinance and same shall remain in full force and effect.

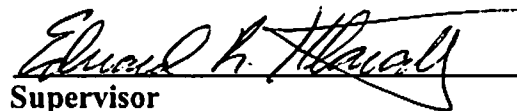
10.) **Effective Date/Repealer** - This Ordinance shall become effective five (5) days from the date of its enactment. Upon the effective date of this Ordinance, Ordinance #12-10-18-001 is hereby repealed in its entirety.

This Ordinance is **DULY ENACTED AND ORDAINED** on this 20<sup>th</sup> day of December, 2012, at a duly advertised public meeting of the Board of Supervisors.

ATTEST:

  
Secretary

  
Supervisor - Chairman

  
Supervisor

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Supervisor