

ORDINANCE NO 276

AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA, REGULATING THE BURIAL OF HUMAN REMAINS; AND PRESCRIBING REMEDIES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

The Borough Council of the Borough of Bally, Berks County, Pennsylvania, hereby ordains:

SECTION 1. **Title.** This Ordinance shall be known as the Borough of Bally Burial and Cemetery Ordinance.

SECTION 2. **Definitions.** The following terms shall have the following meanings ascribed to them.

A. **Cemetery.** A place for the burial of deceased human beings, in a grave, mausoleum, vault, columbarium, or other receptacle, open to the public and owned by a Cemetery Company, and specifically excluding a Family Burial Plot.

B. **Cemetery Company.** Any business entity that sells to the public, the ownership of, or the right to use, any cemetery lot owned by the business entity. The term also includes any cemetery company or cemetery owned or controlled by a church.

C. **Church.** Any congregation organized for the purpose of religious, divine ecclesiastical worship that is affiliated with a recognized national organization or so is recognized by the Internal Revenue Service.

D. **Family Burial Plot.** A place for the burial of deceased human beings, in a grave, mausoleum, vault, columbarium or other receptacle for the exclusive use of members of a family related by blood or marriage and owned entirely by the family.

E. **Lot.** A plot or part of a cemetery.

SECTION 3. **Violation.** It shall be unlawful for any person, corporation, firm, or business entity to bury a deceased human being or deceased human beings anywhere within the Borough of Bally, including within a Family Burial Plot, except within a cemetery.

SECTION 4. **Penalty.**

A. In addition to any other enforcement action taken pursuant to the provisions of any of this or any other Ordinance or regulation, any person who in a civil action filed in a Court of competent jurisdiction shall be determined to be in violation of any provision of this Ordinance shall pay a fine of not more than one thousand dollars (\$1000.00). Each day that a violation of this Ordinance continues shall constitute a separate offense.


B. In addition, the Borough, through its solicitor, may institute injunctive, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief.

SECTION 5. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 6. **Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 7. **Effective Date.** This ordinance shall become effective FIVE DAYS after its enactment.

ENACTED AND ORDAINED into an Ordinance this 7th day of June, 2011.



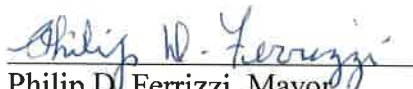
Glenn A. Mutter, Council President

Attest:



Andrea Delo, Secretary

Approved:



Philip D. Ferrizzi, Mayor