

PORTER TOWNSHIP CEMETERY ORDINANCE
ORDINANCE 01-10
EFFECTIVE: FEBRUARY 19, 2010
AMENDED : JANUARY 10, 2012
EFFECTIVE: 30 DAYS FOLLOWING PUBLICATION

An ordinance to protect the public health, safety and general welfare of establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Porter, Cass County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF Porter, Cass COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to four (4) or one (1) to eight (8) burial spaces.

A burial space shall consist of a land area forty-two (42) inches wide and eight (8) feet in length. In Plum Grove, North addition and Shavehead New West addition the burial space shall consist of a land area forty-eight (48) inches wide by eight (8) feet in length. There is a three (3) foot spot on all lots for headstones for each burial space.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold to residents or non-residents of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin and proof of this relationship is required. **No sale shall be made to funeral directors or others than as heretofore set forth. The Township Board, however, is hereby granted the authority vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.**

All such sales be made on a form approved by the Township Board which grants the 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.

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 and approved by the Township, and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Township shall issue a new burial certificate to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Owners of cemetery lots or burial spaces need to notify the Township of any change of address.

Cemetery lots sold after the effective date of this ordinance remaining vacant for seventy-five (75) years or more from the date of their sale, shall automatically revert to the township upon the occurrence of the following events:

(a) Notice shall be given 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 seventy-five (75) 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 mailing of such notice, his/her desire to retain such burial rights; and

(b) 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.

(amended January 10, 2012)

Section 4: Purchase Price and Transfer Fees

Burial space pricing shall be listed in the Cemetery Cost section of the Township fees schedule.

Any cost to transfer one or more burial spaces from an original purchaser to a qualified assignee shall be listed in the Cemetery Cost section of the Township Fee schedule.

The foregoing charges shall be paid to the Cemetery Overseer to be given to the Township Clerk and shall be deposited in the general fund for Porter Township.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance acquisition.

Section 5: Grave Opening Charges

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to Porter Township.

No burial spaces shall be opened and closed except under the direction and control of the Township.

Section 6: Markers or Memorials

All markers or memorials must be of stone or other equally durable composition.

Any upright marker or memorial must be located upon a suitable foundation.

Only one marker or memorial shall be permitted per burial space.

The footing or foundation, upon which any marker or memorial must be placed, shall be constructed by the Township at cost to the owner of the burial space from the Township Fees Schedule.

Section 7: Interment Regulations

Only one person or four (4) cremations may be buried in a burial space.

Only Human Remains can be buried in a burial space.

No less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Overseer 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.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8: Grounds Maintenance

The Township is responsible for grass mowing and will authorize the sexton to trim or remove all overgrown shrubbery.

Plants, artificial flowers, and flower beds shall be kept near the headstones and all urns shall be in line with the headstones.

All summer decorations shall be removed by October 15 and all fall and winter decorations shall be removed by April 1. Those not removed by those dates will be authorized by the Township to be removed by the sexton.

Section 9: Records

The Township Cemetery Overseer or Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any other perpetual care fund, separate and apart from any other records of the Township and the same shall be open to the public inspection at all reasonable hours.

Section 10: Vault

All burials, except cremations, shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 11: Cemetery Hours

The cemetery shall be open to the general public from the hours of dawn to dusk each day.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township.

Section 12: Prohibited Vehicles

Snowmobiles, dirt bikes, and off-road four-wheel vehicles are prohibited from driving on or across the cemeteries.

Section 13: Penalties

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine (See fine schedule) and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecution hereunder, shall not prevent civil proceedings for abatement and termination of the activity.

Section 14: 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 15: REPEAL

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 16: EFFECTIVE DATE

This Ordinance shall take effect 30 days after legal publication and in accordance with the act governing the same.

Adopted: January 12, 2010
Published: January 19, 2010
Effective: February 19, 2010

Amended: January 10, 2012

Effective: