

**PORTER TOWNSHIP  
CASS COUNTY, MICHIGAN  
AMENDMENT TO THE PORTER TOWNSHIP CEMETERY ORDINANCE**

**ORDINANCE NO. 03-12-19-01**

Adopted: MARCH 12, 2019

Effective: APRIL 19, 2019

An Ordinance to amend the Township Cemetery Ordinance; to provide an effective date; and to repeal conflicting ordinance provisions.

**THE TOWNSHIP OF PORTER  
CASS COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**AMENDMENT TO SECTION 5 OF THE PORTER TOWNSHIP  
CEMETERY ORDINANCE**

Section 5 “Grave Opening Charges” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended by the addition of the phrase “or cremains” between the words “spaces” and “shall” in the last sentence of the subsection.

**SECTION 2  
AMENDMENT TO SECTION 6 OF THE PORTER TOWNSHIP CEMETERY  
ORDINANCE**

- A. Section 6 “Markers or Memorials” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended by the addition of the following sentence at the end of the subsection:

“Family is responsible for fixing markers.”

- B. Section 6 “Markers or Memorials” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby further amended by the addition of the following sentence after the first full sentence in the Section:

“Stone height is limited to 4 feet; stone width is limited to 20 inches.”

**SECTION 3**  
**AMENDMENT TO SECTION 7 OF THE PORTER TOWNSHIP CEMETERY**  
**ORDINANCE**

- A. The heading of Section 7 “Interment Regulations” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended to read:

“Section 7 Interment and Disinterment Regulations.”

- B. The last sentence of the fourth paragraph of Section 7 “Interment Regulations” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10) is hereby amended by the insertion of the phrase “or disinterment” between the phrases “before any interment” and “is commenced or completed”.

**SECTION 4**  
**AMENDMENT TO SECTION 8 OF THE PORTER TOWNSHIP CEMETERY**  
**ORDINANCE**

- A. The second paragraph of Section 8 “Grounds Maintenance” of the Porter Township cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended to read as follows:

“Plants, artificial flowers, and flower beds shall be kept within 10” (ten inches) of the headstones and all urns shall be in line with the headstones.”

- B. Three new paragraphs are hereby ended to the end of Section 8 “Grounds Maintenance” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10 as amended) to read as follows;

“Only annual flowers (marigolds, geraniums, etc.) or perennial flowers (daylily, peony, etc.) may be planted within 10” of a headstone.

No Trees or shrubs of any kind (hydrangea, rose bush, burning bush, boxwood, etc.) can be planted in burial spaces.

No fencing or rocks of any kind are to be used as decoration or landscaping can be placed on burial spaces.”

**SECTION 5**  
**AMENDMENT TO SECTION 10 OF THE PORTER TOWNSHIP CEMETERY**  
**ORDINANCE**

Section 10 “Vault” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended to read as follows:

“All burials and cremations shall be within a standard vault installed or constructed in each burial space before interment.

All cremains must be placed in an urn vault.”

**SECTION 6**  
**AMENDMENT TO SECTION 12 OF THE PORTER TOWNSHIP CEMETERY**  
**ORDINANCE**

Section 12 “Prohibited Vehicles” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended by the addition of a new sentence at the beginning of the section:

“No motorized vehicles such as cars and trucks are permitted to be driven in the cemetery except for on marked drive aisles and street access points”.

**SECTION 7**  
**AMENDMENT TO SECTION 13 OF THE PORTER TOWNSHIP CEMETERY**  
**ORDINANCE**

Section 13 “Penalties” of the Porter Township Cemetery Ordinance (Ordinance No. 01-10, as amended) is hereby amended to read as follows:

“Section 13. Penalties.

"Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1st Offense	\$ 150.00	\$500.00
-2nd Offense*	\$250.00	\$500.00
-3rd Offense*	\$375.00	\$500.00
-4th or More Offense*	\$500.00	\$500.00

\*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Porter Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.”

**SECTION 8**  
**SEVERABILITY CLAUSE**

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

**SECTION 9**  
**SAVINGS CLAUSE**

Legal proceedings presently pending on an Ordinance provision which is hereby repealed or under a provision of the Porter Township Dock Regulations on Birch Lake Ordinance that was renumbered by this Ordinance may proceed to judgment or decision and shall not be affected by this Ordinance.

**SECTION 10**  
**REPEAL OF CONFLICTING ORDINANCE PROVISIONS**

All Ordinance provisions in conflict herewith are hereby repealed.

**SECTION 11**  
**EFFECTIVE DATE AND REPEAL**

The effective date of this amendatory ordinance shall be 30 days following a publication of a summary thereof after adoption by the Porter Township Board. Conflicting Ordinances and Ordinance provisions are repealed.

**PORTER TOWNSHIP**

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