

**5.000 PORTER TOWNSHIP CEMETERY ORDINANCE
ORDINANCE 01-10**

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:

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

5.002 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.

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

Burial rights certificates may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be affected only by endorsement of an assignment of such burial rights certificate upon the original burial rights certificate 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 rights certificate to the assignee and shall cancel and terminate upon such records, the original burial rights certificate thus assigned. Owners of cemetery lots or burial spaces need to notify the Township of any change of address.

5.004 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.

5.005 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.

5.006 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.

5.007 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.

5.008 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.

5.009 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.

5.010 Vault

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

5.011 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.

5.012 Prohibited Vehicles

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

5.013 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.

5.014 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.

5.015 REPEAL

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

5.016 EFFECTIVE DATE

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

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 added 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.

AMENDMENT TO THE PORTER TOWNSHIP CEMETERY ORDINANCE

ORDINANCE NO.

Adopted: 02-09-2021_

Effective: 02-17-2021_

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 6 “MARKERS OR MEMORIALS”

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:

“Location and direction of all markers shall be in accordance with the directives of the cemetery sexton and pursuant to a written plan prepared by such sexton which shall ensure consistency and ease of grounds maintenance in making such determinations.”

**SECTION 2
EFFECTIVE DATE AND REPEAL**

This ordinance amending the cemetery ordinance is effective on the day after publication, after adoption.

PORTER TOWNSHIP

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