

**RUTLAND CHARTER TOWNSHIP**  
**ORDINANCE NO. 2005-107**

**RUTLAND CHARTER TOWNSHIP CEMETERY ORDINANCE**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY RUTLAND CHARTER TOWNSHIP, BARRY COUNTY, MICHIGAN: TO PROVIDE GUIDANCE TO ALL FUTURE PARTIES OF INTEREST AND TO RECOGNIZE THAT ALL MEMORIALS AND BURIAL SPACES IN PLACE AT THE ADOPTION OF THIS ORDINANCE ARE CONSIDERED TO BE IN COMPLIANCE, HOWEVER THEY SHALL NOT BE ADDED TO OR OTHERWISE ENLARGED IN DIRECT CONFLICT WITH THIS ORDINANCE: AS WELL AS TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

FOR THE PURPOSE OF THIS ORDINANCE, A RESIDENT SHALL BE DEFINED AS A PERSON/CHILD WHO RESIDES IN A HOUSEHOLD WITHIN THE CONFINES OF RUTLAND CHARTER TOWNSHIP.

CHARTER TOWNSHIP OF RUTLAND, COUNTY OF BARRY, MICHIGAN  
ORDAINS:

Section 1: TITLE

This Ordinance shall be known and cited as the RUTLAND CHARTER TOWNSHIP CEMETERY ORDINANCE.

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate one vault or two cremains.
- B. A burial space shall consist of a land area four (4) feet wide and 10 (ten) feet in length

Section 3: SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, the Township Clerk shall sell burial spaces to residents and non-residents for the purpose of human burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made by funeral directors or others than as heretofore set forth.
- B. 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 forms shall be executed by the Township Clerk.

C. Burial rights may be transferred only by the endorsement of an assignment of such burial rights upon the original burial rights permit form issued by the Township Clerk. Such assignment must be approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial rights permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

D. All unused cemetery lots must be returned to the Township for a full refund of the purchase price payable to the burial rights permit holder. No private sale of cemetery lots shall be allowed.

E. Purchase of six (6) burial spaces per household shall be allowed. Purchases of burial rights/spaces in excess of six (6) per household shall be reviewed upon a petition of the purchaser to the Township Board at a regularly scheduled Township Board Meeting.

#### Section 4: PURCHASE PRICE AND TRANSFER FEES

A. The purchase price for burial spaces shall be established by resolution of the Township Board. Fee structure may be altered, by resolution, to accommodate increased costs for cemetery maintenance.

#### Section 5: GRAVE OPENING CHARGES

A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be by contract with the cemetery sexton.

B. No burial space shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the control of the local health department.

#### Section 6: MARKERS AND MONUMENTS

A. All markers and monuments shall be made of stone or other equally durable composition.

B. Only one marker or monument shall be permitted per burial space.

C. The footing or foundation upon which any monument, marker, or memorial must be placed shall be 18" deep and 4" larger on all sides with a maximum width of 24". The marker or monument and shall not exceed the size of the burial space. Cost of the foundation is to be determined by contract with the sexton and payable by the owner of the burial space.

D. All markers and monuments must be set in a neat and orderly fashion in line with the row.

#### Section 7: INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space with the exception of a mother / father and infant or two children buried at the same time.
- B. Two cremains may be buried in the same burial space.
- C. Not less than 48 hours notice shall be given in advance of any funeral to allow for the opening of the burial space.
- D. The appropriate ownership permit for the burial space involved, together with appropriate identification of the persons to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such permit has been lost or destroyed, the sexton shall be satisfied, from his records or the clerk's records that the person to be buried is the authorized and appropriate one before any interment is commenced or completed.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

#### Section 8: VAULT

- A. All burials shall be within a standard concrete or steel vault installed or constructed in each burial space before interment.

#### Section 9: GROUND MAINTENANCE

- A. No grading or leveling upon a burial space shall be allowed.
- B. No shrubs, trees, or vines shall be planted. No fences or curbs shall be erected.
- C. The Township Board or their designee reserves the right to remove or trim any tree or shrub already located within the cemetery in the interest of maintaining the proper appearance and use of the cemetery.
- D. Mounds, memorials, decorations, or benches that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. All urns must be set in line with the headstone. Urns that are not used for two years may be removed by the sexton.
- F. A contained border of no more than 36" that projects forward onto the lot, shall be allowed as long as it conforms to the dimensions of the burial space. The border may consist of landscaping stones or flowers. All decorations/ shepherd's hooks must be contained inside of the border. The maintenance inside of the border shall be the responsibility of the lot owner and their survivors. Should the border become unsightly due to growth, decay, or deterioration the sexton shall have the authority to remove the border and all contents at the owner's expense. Surfaces other than earth or sod shall be prohibited outside of the border area.
- G. All refuse of any including, but not limited to, dried flowers, wreaths, papers, and flower containers shall be removed or deposited in containers located within the cemetery.
- H. The sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that through decay, deterioration, or damage are unsightly, would become a source of litter, or a maintenance problem.

I. **Please be aware** that, under certain conditions, it may be necessary to remove part or the entire border to dig a grave or maintain the grounds surrounding the headstone. If this happens the lot owners or their survivors will be responsible for removing the border and replacing it if desired. If this removal is required but not done by the family, the sexton will remove it at the owner's expense. The lot owners or their survivors will be responsible for it's replacement.

J. All encroachments onto adjacent lots are the responsibility of the individual registered lot owners or their designated representative(s).

K. The Rutland Charter Township Board or their designees shall not be held liable for any and all decorations, memorabilia, trees, shrubs, or flowers and their containers left on or planted at any burial space. Anything left on or planted at the burial space shall be the sole responsibility of the lot owner or their survivors.

#### Section 10: RECORDS

A. The Township Clerk shall maintain all records concerning all burials and issuance of burial rights permits separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

#### Section 11: CEMETERY HOURS AND REGULATIONS

A. The cemetery exists as a memorial to the deceased. It shall be open to the general public daily from dawn to dusk for the purpose of memorializing the dead. It shall be closed to the general public from dusk until dawn each day. No alcoholic beverages, disruptive behavior, or conduct deterring from the purpose of the cemetery shall be condoned.

#### Section 12: PENALTIES

A. Any person, firm, or corporation who violates any provisions of the within Ordinance shall be guilty of a civil infraction. Each day that a violation continues to exist shall constitute a separate offense. Any civil infraction issued hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

#### Section 13: SEVERABILITY

A. 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 14: CORRECTION OF ERRORS

A. The Board of Rutland Charter Township reserves the right to correct any errors made in the description, transference, or conveyance of burial rights, either by substituting a site in another location or by refunding the purchase price of said burial rights. In the event that such error on the part of the Township shall involve

the relocation of interred remains or the relocation of a marker or monument, the Township will bear the expense.

Section 15: EFFECTIVE DATE

A. This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Robin Hawthorne  
Rutland Charter Township  
2461 Heath Road  
Hastings, MI 49058  
(269) 948-2194**

**CLERK'S CERTIFICATE**

I, Robin Hawthorne, Township Clerk of the Charter Township of Rutland, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Rutland Charter Township Board held on the 12th day of October, 2005, at 7:30 p.m. at the Rutland Township Hall, located at 2461 Heath Road, Hastings, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 2005-107, hereinbefore recorded, to become effective immediately upon publication and that the members of the Board present at said meeting voted on the adoption of said Ordinance No. 2005-107, as follows:


James L. Carr	Yes
Robin Hawthorne	No
Sandra Greenfield	No
Dorothy Flint	Yes
Joe Lyons	Yes
Gary Rogers	Yes
Robert Lee	Yes

I do further certify that all in accordance with Township Board direction, a summary of said Ordinance was duly published in the *Hastings Banner*, a newspaper printed in Hastings, Michigan, and circulated in Rutland Charter Township on the 22<sup>nd</sup> day of September, 2005, that a synopsis of Ordinance No. 2005-107, as adopted, including where the same could be examined or purchased was published in the *Hastings Banner* on the 20<sup>th</sup> day of October 2005; and copies of said Ordinance No. 2005-107, was posted in the Clerk's office on the 18th day of October, 2005; and that said Ordinance No. 2005-107, was duly recorded in the Ordinance Book on the 18th day of October, 2005.

Dated: October, 2005

  
Robin Hawthorne, Clerk

ATTEST:

  
James L. Carr, Supervisor

