

**CHARTER TOWNSHIP OF RUTLAND**

**BARRY COUNTY, MICHIGAN**

**ORDINANCE NO. 2021-178**

**ADOPTED: NOVEMBER 10, 2021**

**EFFECTIVE: DECEMBER 18, 2021**

An Ordinance to amend parts of Chapter 89 (Cemeteries) of the Rutland Charter Township Code of Ordinances, also known as the Rutland Charter Township Cemetery Ordinance (originally adopted as Ordinance No. 2005-107, as amended by Ordinance 2016-158).

**THE CHARTER TOWNSHIP OF RUTLAND**

**BARRY COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**AMENDMENT OF § 89-6 OF THE RUTLAND CHARTER TOWNSHIP  
CODE OF ORDINANCES PERTAINING TO MARKERS AND MONUMENTS IN  
CEMETERIES**

§ 89-6 of the Rutland Charter Township Code, pertaining to the regulation of markers and monuments in cemeteries, is hereby amended to read as follows:

**“§ 89-6. Markers and monuments.**

- A. All markers and monuments, including benches used as or having the function of a monument or marker, shall be made of stone, bronze, or other equally durable composition.
- B. Only one monument shall be permitted per burial space. The Sexton may allow up to four memorial markers in conjunction with a monument, provided the markers shall be level with the ground so as to not impede the use of lawn maintenance equipment.
- C. The footing or foundation upon which any monument, marker, or memorial must be placed shall be 18 inches deep and four inches larger on all sides with a maximum width of 24 inches. The marker or monument 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 2

### AMENDMENT OF § 89-9 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO GROUND MAINTENANCE IN CEMETERIES

§ 89-9 of the Rutland Charter Township Code, pertaining to ground maintenance in cemeteries, is hereby amended to read as follows:

**“§ 89-9. 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 its 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. No site decoration shall be taller than the headstone unless it is a plant or flower planted in an urn.
- E. Urns, memorabilia, or decorations may be set in line with the headstone and shall be within the boundaries of each individual occupied gravesite. Urns that have become deteriorated may be removed by the Sexton.
- F. All refuse of any kind, including, but not limited to, dried flowers, wreaths, papers, and flower containers shall be removed or deposited in containers located within the cemetery.
- G. 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.
- H. All encroachments onto adjacent lots are the responsibility of the individual registered lot owners or their designated representatives.
- I. The Rutland Charter Township Board or its designees shall not be held liable for 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 3**

**SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable, so that if any part is declared invalid by a court of competent jurisdiction such decision shall not affect or invalidate the remainder of the Ordinance, which shall continue in full force and effect.

**SECTION 4**

**REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect 30 days after publication as may be required by law.

Robin Hawthorne, Clerk  
Charter Township of Rutland