

CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2016-158

ADOPTED: SEPTEMBER 14, 2016

EFFECTIVE: OCTOBER 22, 2016

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).

THE CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

**AMENDMENT OF § 89-2 OF THE RUTLAND CHARTER TOWNSHIP
CODE OF ORDINANCES PERTAINING TO DEFINITIONS OF TERMS USED IN THE
CEMETERY REGULATIONS**

§ 89-2 of the Rutland Charter Township Code, pertaining to definitions of terms used in the cemetery regulations, is hereby amended to revise that section to read as follows:

“§ 89-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. BURIAL SPACE --- “burial space” means a land area 4 feet wide and 10 feet in length.
- B. CEMETERY LOT --- “cemetery lot” means burial spaces sufficient to accommodate one vault and no more than six cremains.
- C. RESIDENT --- “resident” means a person who resides in a household within the territorial limits of Rutland Charter Township.”

SECTION 2

**AMENDMENT OF § 89-3 OF THE RUTLAND CHARTER TOWNSHIP CODE OF
ORDINANCES PERTAINING TO SALE OF CEMETERY LOTS AND BURIAL
SPACES, TO ADD A NEW PROVISION ADDRESSING THE REVERSION OF
BURIAL RIGHTS TO THE TOWNSHIP**

§ 89-3 of the Rutland Charter Township Code, pertaining to the sale of cemetery lots and burial spaces, and other related matters, is hereby amended to revise the caption of the section to “Sale of Cemetery Lots and Burial Spaces; Transfer of Burial Rights; Reversion of Burial Rights;” and to add a new subsection F to the existing section reading as follows:

- “F. A burial right shall be considered abandoned and reverted to the Township in either of the following circumstances:
1. Where a burial right was issued 40 years or more before the effective date of this Chapter, but has not been used for interment purposes upon the effective date of this Chapter.
 2. Where a burial right is issued on or after the effective date of this Chapter, but is not thereafter used for purposes of interment for the subsequent period of 40 years.

Where the Township Clerk determines either circumstance to exist, the Clerk shall send written notice of the foregoing to the last known address of the purchaser of the burial right or their known next of kin, indicating a right of burial in the specified burial space shall revert to the Township unless within the subsequent 60 days sufficient arrangements are made with the Township Clerk to indicate the burial right shall be retained. Such burial right shall thereafter either be retained, transferred, or reverted as provided herein.”

SECTION 3

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 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 4

AMENDMENT OF § 89-7 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERY INTERMENT REGULATIONS

§ 89-7 of the Rutland Charter Township Code, pertaining to cemetery interment regulations, is hereby amended to read as follows:

“§ 89-7. 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. Up to six cremains may be buried in the same burial space not containing a full burial; or one full burial and not more than five cremains shall be allowed in a burial space with prior approval by the Township Clerk.
- 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 or her 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 5

AMENDMENT OF § 89-8 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO VAULT REGULATIONS IN CEMETERIES

§ 89-8 of the Rutland Charter Township Code, pertaining to vault regulations in cemeteries, is hereby amended to read as follows:

“§ 89-8. Vault.

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

SECTION 6

AMENDMENT OF § 89-11 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERY HOURS AND REGULATIONS

§ 89-11 of the Rutland Charter Township Code, pertaining to cemetery hours and regulations, is hereby amended to read as follows:

“§ 89-11. Cemetery hours and regulations.

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. The cemetery roads and grounds will not be maintained during the winter months unless there is a burial scheduled to take place.”

SECTION 7

AMENDMENT OF § 89-12 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CORRECTION OF ERRORS RELATING TO CEMETERIES

§ 89-12 of the Rutland Charter Township Code, pertaining to correction of errors relating to cemeteries, is hereby amended to read as follows:

“§ 89-12. Correction of errors.

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.”

SECTION 8

AMENDMENT OF CHAPTER 89 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERIES

Chapter 89 of the Rutland Charter Township Code is hereby amended to add a new § 89-13, pertaining to sanctions for violations of the cemetery regulations, reading as follows:

“§ 89-13. Sanctions for violations.

Chapter 45 of this Code generally applies to any violation of the cemetery regulations in this Chapter 89 of the Code (as a municipal civil infraction); provided that any violation of § 89-11 (Cemetery hours and regulations) is a misdemeanor punishable by a fine of \$500.00 and/or imprisonment for 93 days. This misdemeanor designation is included with the specific intent to provide the legal authority for a certified law enforcement

officer with jurisdiction in Rutland Charter Township to either issue an appearance ticket or make a custodial arrest where the officer otherwise has legal grounds to proceed in that manner for conduct violating § 89-11.”

SECTION 9

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 10

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

RUTLAND CHARTER TOWNSHIP

BARRY COUNTY, MICHIGAN

**NOTICE OF ADOPTION/SUMMARY OF ORDINANCE AMENDING CHAPTER 89
(CEMETERIES) OF THE RUTLAND CHARTER TOWNSHIP CODE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF RUTLAND, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that Ordinance No. 2016-158 was adopted by the Rutland Charter Township Board at its September 14, 2016 meeting. The sections of this Ordinance amend various provisions of Chapter 89 (Cemeteries) of the Rutland Charter Township Code of ordinances, as summarized below:

SECTION 1: AMENDMENT OF § 89-2 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO DEFINITIONS OF TERMS USED IN THE CEMETERY REGULATIONS---amends existing definitions for “burial space” and “cemetery lot”, and adds new definition for “resident”.

SECTION 2: AMENDMENT OF § 89-3 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO SALE OF CEMETERY LOTS AND BURIAL SPACES, TO ADD A NEW PROVISION ADDRESSING THE REVERSION OF BURIAL RIGHTS TO THE TOWNSHIP---revises section caption to “Sale of Cemetery Lots and Burial Spaces; Transfer of Burial Rights; Reversion of Burial Rights”; and adds a new provision addressing the circumstances in which a burial right is considered abandoned and reverted to the Township.

SECTION 3: AMENDMENT OF § 89-6 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO MARKERS AND MONUMENTS IN CEMETERIES---adds bronze as a permissible material for markers/monuments; increases the approvable number of memorial markers in conjunction with a monument from one to four and requires the markers to be level with the ground so as to not impede the use of lawn maintenance equipment.

SECTION 4: AMENDMENT OF § 89-7 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERY INTERMENT REGULATIONS---increases from two to six the cremains permissible in a burial space not containing a full burial; and allows one full burial and not more than five cremains in a burial space with prior Township Clerk approval.

SECTION 5: AMENDMENT OF § 89-8 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO VAULT REGULATIONS IN CEMETERIES---clarifies the concrete/steel vault requirement for a burial space applies only to full burials.

SECTION 6: AMENDMENT OF § 89-11 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERY HOURS AND REGULATIONS---indicates cemetery roads and grounds will not be maintained during winter months unless a burial is scheduled to take place.

SECTION 7: AMENDMENT OF § 89-12 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CORRECTION OF ERRORS RELATING TO CEMETERIES---eliminates the existing requirement for the Township to bear the expense of a relocation of interred remains or the relocation of a marker/monument.

SECTION 8: AMENDMENT OF CHAPTER 89 OF THE RUTLAND CHARTER TOWNSHIP CODE OF ORDINANCES PERTAINING TO CEMETERIES---applies Chapter 45 of the Code to violations of cemetery regulations generally (municipal civil infraction); but designates any violation of § 89-11 (Cemetery Hours and Regulations) as a misdemeanor punishable by a \$500 fine and/or 93 days imprisonment.

SECTION 9: SEVERABILITY---declares the provisions of the ordinance to be severable, in the event any part is declared invalid by a court.

SECTION 10: REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE--- repeals all conflicting ordinances/parts of ordinances; provides for the ordinance to take effect 30 days after publication.

This ordinance in its entirety has been posted in the office of the Township Clerk and on the Township website (www.rutlandtownship.org).

A copy of the ordinance may also be purchased by contacting the Township Clerk as indicated below during regular business hours of regular working days, and at such other times as may be arranged.

Robin J. Hawthorne, Clerk
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Telephone: (269) 948-2194