



Lincoln Charter Township
Cemetery Basic Information & Guidelines

Burial Hours

1. Normal Burial Hours- Monday thru Friday before 4:00 pm (only one burial at a time will be scheduled).
2. Saturday and Holiday burials shall be by SPECIAL ARRANGEMENT and shall be scheduled before 12:00 pm; only one burial per time will be scheduled.
3. Burials scheduled on Saturday or on certain Holidays will be charged the normal rate plus an additional flat amount to cover staff overtime. Please refer to current fee schedule for current rate.

Overtime Charges

The working day ends for cemetery personnel at 4:00 pm One hour is required for personnel to seal a vault and close a gravesite. Therefore, whenever a funeral procession remains on-site past 3:00 pm, overtime charges shall commence immediately and continue until the gravesite has been closed. Please refer to fee schedule for current hourly overtime rate.

Additional Information

1. All payments are due upon receipt of burial order.
2. No orders will be accepted for Sunday burials.
3. No order will be accepted for burials on the following holidays:
 - a. New Year's Day
 - b. President's Day
 - c. Memorial Day
 - d. Independence Day
 - e. Labor Day
 - f. Thanksgiving Day
 - g. Christmas Day
4. Cremated remains do not require an urn vault.
5. Burial services must be scheduled with the Clerk's office at least 48 hours prior to the burial

Chapter 10 - CEMETERIES⁽¹⁾

Footnotes:

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State Law reference— Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; cemetery regulations act, MCL 456.521 et seq.

Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cemetery plot means an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least 38 inches wide and 96 inches in length. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.

Township cemetery or cemetery means any cemetery owned, operated and/or controlled by the Township.

Sec. 10-2. - Penalties.

- (a) A violation of this chapter (or of any rule or regulation adopted pursuant to this chapter) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this chapter, shall be in violation of this chapter and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100.00 for the first offense and not less than \$200.00 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, the term "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter or similar provision of this chapter for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- (b) A violation of any permit or permit condition issued pursuant to this chapter shall also constitute a violation of this chapter.

Sec. 10-3. - Purpose and intent.

The Township Board of Trustees recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is necessary. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board of Trustees finds that the adoption and enforcement of this chapter is in the best interests of the property owners and residents of the Township.

Sec. 10-4. - Sale of cemetery plots; nontransferable.

- (a) Cemetery plots shall be sold to residents and nonresidents by the Township for the purpose of burial/cremations for the purchaser of a cemetery plot, or his immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales and transfers of cemetery plots shall be made on a form approved by the Township Board of Trustees. The form grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the Township clerk or deputy Township clerk, and shall constitute a permit when approved.

- (c) At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. If the owner of a cemetery plot desires to make a name change regarding the assigned cemetery plot, that person must notify the Township in writing.
- (d) Cemetery plots are nontransferable, but may be sold back for the original purchase price to the Township (for resale by the Township).
- (e) The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.

Sec. 10-5. - Purchase price; transfer fees.

- (a) Fees shall be set by the Township from time to time by resolution.
- (b) All charges shall be paid to the Township treasurer and shall be deposited in the cemetery fund.

Sec. 10-6. - Grave opening charges.

- (a) Fees for opening and closing of any plot shall be set by the Township from time to time by resolution.
- (b) No cemetery plot shall be opened or closed except under the direction and control of the Township sexton or such other individual as is designated by the Township Board of Trustees. This subsection shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township sexton shall be given at least 48 hours' prior notice of when such grave opening or closing will occur, with the exception of winter notice may need to be 72 hours.

Sec. 10-7. - Memorials.

- (a) All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- (b) Only one monument, marker or memorial shall be permitted per burial space. Sizes allowed are as follows:
 - (1) Lincoln Township Cemetery.
 - a. Single lot. The length of base cannot exceed 30 inches (2½ feet). The height cannot exceed 36 inches (three feet).
 - b. Double lot. The length of base cannot exceed 60 inches (five feet). The height cannot exceed 36 inches (three feet).
 - (2) Hickory Bluff.
 - a. Single lot. The length of base cannot exceed 36 inches (three feet). The height cannot exceed 36 inches (three feet).
 - b. Double lot. The length of base cannot exceed 72 inches (six feet). The height cannot exceed 36 inches (three feet).
- (c) No monument will be allowed to be erected that will interfere with the general effect of the grounds or obstruct the view of or cause annoyance to the owners or adjoining lots.

- (d) All monuments, markers or memorials must be set one inch or more below the surface of the ground so as to not show the joint between foundation and base, and all corners must be level with the surface of the ground.
- (e) The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

Sec. 10-8. - Interment regulations (burials).

- (a) Only one person shall be buried in a cemetery plot.
- (b) One cremains and one burial may be in a single lot, however the burial must occur prior to the interment of the cremains or at the same time.
- (c) The Township shall be given not less than 48 hours prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township or such person or persons as are designated by the Township.
- (d) The appropriate permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to either the Township sexton or the Township clerk (or designated Township official) prior to interment.
- (e) All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
- (f) No grave mounds will be allowed.

Sec. 10-9. - Disinterments.

No disinterment or the digging up of an occupied grave shall occur without a disinterment permit issued by the state.

Sec. 10-10. - Cremains.

- (a) Four cremains per lot are permitted.
- (b) Cremains may be buried in a container approved by the Township in a cemetery plot or in a columbarium that has been installed by the Township within a Township cemetery.
- (c) No cremains shall be scattered or dispersed within a Township cemetery except in permitted areas.

Sec. 10-11. - Grounds maintenance.

- (a) No curb, decoration, design, embellishment or improvement of any sort shall be placed upon any burial lot, nor shall any alteration of the surface of the ground be made, nor shall any labor be done without the prior permission of the sexton or Township clerk.
- (b) No grading, leveling or excavating within a cemetery shall be allowed without the prior permission of the sexton or the Township clerk.
- (c) No tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Township sexton or the Township clerk.
- (d) The Township reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- (e) The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.

- (f) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within ten days after a burial.
- (g) Winter decorations may be placed on the graves no earlier than November 1 and remain until April 1.
- (h) No glass containers are allowed.
- (i) Except for markers, memorials, flowers, and urns expressly allowed by this chapter, and veteran flags as authorized by law, no other item (including, but not limited to, signs, benches (unless bench is memorial), landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a Township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this chapter or by the Township.

Sec. 10-12. - Disclaimer of Township liability and responsibility.

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township sexton and any Township employee, officer, official or agent.

Sec. 10-13. - Forfeiture of vacant cemetery plots or burial spaces.

Cemetery plots or burial spaces sold after the effective date of this Compilation is and remaining vacant for 75 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- (1) Notice shall be sent by the Township clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 75-year period and that all rights with respect to said plots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township clerk within 60 days from the date of mailing of such notice of his desire to retain such burial rights; and
- (2) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township clerk from the last owner of record of said plots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

Sec. 10-14. - Repurchases of plots or burial spaces.

The Township may repurchase any cemetery plot from the owner for the original purchase price.

Sec. 10-15. - Records.

The Township clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Sec. 10-16. - Cemetery hours.

The cemetery shall be open to general public from the sunrise to sunset. No person shall be permitted in the Township cemetery at any time other than the permitted hours except upon permission of the Township Board of Trustees or the Township sexton.

Sec. 10-17. - Prohibited uses and activities.

- (b) The provisions of this chapter shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.
- (c) The provisions of this chapter shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Sec. 10-20. - Interpretation; appeals to the Township Board of Trustees.

- (a) Any party aggrieved by any interpretation or decision made by the Township sexton or any Township official, agent or contractor pursuant to this chapter, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this chapter, shall have the right to appeal that determination/decision or matter to the Township Board of Trustees. Any such appeal shall be in writing and shall be filed with the Township within 30 days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten days' prior written notice of the meeting at which the Township Board of Trustees will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board of Trustees at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board of Trustees shall be final.
- (b) The Township Board of Trustees may set a fee or fees for any such appeal from time to time by resolution.

The following prohibitions shall apply within any Township cemetery:

- (1) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.
- (2) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- (3) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- (4) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- (5) There shall be no snowmobiles, four-wheelers, go-carts or similar vehicles.
- (6) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- (7) There shall be no possession or consumption of any alcoholic liquors.
- (8) There shall be no picnicking or consumption of food without prior Township approval.
- (9) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- (10) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (11) There shall be no littering or dumping.
- (12) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (13) There shall be no private signs, lighting, moving displays or changeable copy on a sign, with exception of approved solar light.
- (14) There shall be no fires, candles or open flames. (Only enclosed candles are allowed.)
- (15) No children under 12 years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (16) There shall be no exceeding of posted speed limits.
- (17) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped persons.
- (18) No firearms or archery arrows shall be discharged or shot except that military or other veterans' organizations may carry arms for the purpose of firing over the grave at the burial of a member.

Sec. 10-18. - Authority of the Township sexton.

- (a) The Township Board of Trustees shall appoint a Township sexton, who shall serve at the discretion of the Township Board of Trustees. The Township sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board of Trustees.
- (b) The Township sexton shall assist other Township officials with the enforcement and administration of this chapter.
- (c) The Township sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board of Trustees.

Sec. 10-19. - Applicability of this chapter.

- (a) This chapter shall apply only to cemeteries owned, controlled or operated by the Township.