

CHAPTER 95: CEMETERIES

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§ 95.01 ESTABLISHMENT.

A cemetery has been established and is continued upon land owned by the city and described as Lakewood Cemetery. The plat of the cemetery filed with the County Recorder is adopted as the official plat of the cemetery. No person shall lay out or establish any cemetery, or use any lot of land within this city for the burial of dead except in Lakewood Cemetery, or some other tract of land duly designated as a cemetery.

(Prior Code, § 3.29)

§ 95.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BENCH. A memorial of granite or other approved material.

BURIAL PERMIT. Legal written permission for burial to occur.

BURIAL VAULT. A container that houses a casket for final interment in the cemetery.

CEMETERY. A tract of land used for burials or above-ground interment.

CITY. The City of Crosby, Minnesota, owning and controlling the cemetery.

COLUMBARIUM. Above-ground hexagonal repository composed of niches to hold cremation urns.

INTERMENT. Disposition of human remains or cremains by burial or entombment.

MARKER. A memorial of granite or other approved material that does not extend above the surface of the lawn.

MAUSOLEUMS. An external free-standing building enclosing the interment space or burial chamber of a deceased person or persons.

MEMORIAL. A monument, marker bench, or large urns (marked or unmarked).

MONUMENT. A memorial of granite or other approved material that extends above the surface of the lawn.

RIGHT OF BURIAL ZONE. The area within the boundaries of the cemetery lot.

(Prior Code, § 3.30) (Ord. 2014-05, passed 7-14-2014)

§ 95.03 SALE OF LOTS.

The prices of cemetery lots and services will be set by resolution of the City Council. Any person paying for a lot is entitled to a license agreement conveying the lot. A license agreement conveying a lot gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes.

(Prior Code, § 3.31)

§ 95.04 CONDITIONS OF LOT PURCHASE.

All lot agreements are subject to reasonable rules and regulations as the Council may adopt relative to the use of the cemetery. No lot shall be used for any purpose other than the burial of human remains and the placing of memorials as permitted by this chapter or any additional regulation that the Council may provide.

(Prior Code, § 3.32) Penalty, see § 95.99

§ 95.05 HANDLING OF FUNDS.

All money received from the sale of lots and other services must be paid to the City Clerk- Treasurer. No lot agreement to any cemetery lot shall be issued, nor any cemetery service performed, until a receipt showing payment to the city of the cost thereof is exhibited to the person who issues the deed or performs the services. All money received from the sale of lots and performance of services shall be placed in the Cemetery Fund. The Fund may be used only for payment of the purchase price of grounds, or maintenance and improvements to the cemetery. The Treasurer shall keep an account of all receipts and disbursements of money belonging to the Cemetery Fund and shall pay money out of the Fund as approved by the City Council.

(Prior Code, § 3.33) Penalty, see § 95.99

§ 95.06 BURIAL PERMITS.

Before any interment, a burial permit shall be obtained from the funeral home or State Registrar of Vital Statistics. No interment shall be made unless the city is notified and a copy of such burial permit is filed with the city. Within 36 hours after the death of any person in the city and before the body is removed for burial within the city, the mortician funeral director, or person having charge of the interment shall apply for the permit. This application shall be accompanied by a death certificate as prescribed by the state's Department of Health. No burial permit shall be issued until the application and death certificate is completed and presented. The body of a deceased person shall not be brought into the city for burial unless accompanied by a death certificate and permit for removal issued by the registrar of the registration district wherein the death occurred.

(Prior Code, § 3.34) Penalty, see § 95.99

§ 95.07 INTERMENTS.

Permission in writing from a lot owner must accompany all requests for permission to bury bodies of persons that are not members of the immediate family of the lot owner. All excavations shall be made under the direction of the Cemetery Superintendent. When graves are requested to be dug by the Superintendent or his or her agents, at least 24-hour notice shall be given, and the outside dimensions of the case to be used and the location shall be specified. No interment may be made in the cemetery unless all laws, ordinances, rules, and regulations regarding interments have been complied with and until purchase price of the lot and all burial fees are paid.

(Prior Code, § 3.35) Penalty, see § 95.99

§ 95.08 BURIAL VAULTS.

All caskets must be encased in a permanent type burial case or vault. Fiberglass vaults are prohibited.

(Prior Code, § 3.36) Penalty, see § 95.99

§ 95.09 FUNERAL SUPERVISION.

All funerals, on reaching the cemetery, shall be under the supervision of cemetery management.

(Prior Code, § 3.37)

§ 95.10 DISINTERMENT AND REMOVAL.

(A) Before any grave may be opened, written permission of the lot owner and the next of kin shall be filed with the Cemetery Superintendent, a permit from the County Health Officer shall be secured and presented, and the required fees

paid. This provision does not apply when disinterment is ordered by a duly authorized public authority.

(B) Removal of a body by the heirs so that the lot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original lot owner is forbidden.

(C) A body may be removed from its original lot to a larger or better lot in the cemetery when there has been an exchange or purchase for that purpose.

(D) The city shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

(Prior Code, § 3.38)

§ 95.11 TRANSFER OF LOTS.

No cemetery lot or fractional lot may be resold or otherwise disposed of, except by will, without the approval of the City Council, in accordance with the procedures outlined in M.S. § 306.15, as it may be amended from time to time.

(Prior Code, § 3.39)

§ 95.12 CITY REPURCHASE OF UNUSED CEMETERY LOT.

A lot owner may sell his or her unused lot back to the city. The city may repurchase a cemetery at the purchase price established by the city from time to time. At the time of the adoption of this chapter, the city has authorized the repurchase of cemetery lots at the original cost.

(Prior Code, § 3.40)

§ 95.13 CONDUCT OF PERSONS IN THE CEMETERY.

(A) No person may discharge any firearm within the cemetery grounds without written permission of the Superintendent.

(B) No person may remove any object from any place in the cemetery or make any excavation without the written permission of the Superintendent.

(C) No person may obstruct any drive or path in the cemetery or in any way injure, deface, or destroy any structure, grave, flower, tree, or other thing in the cemetery.

(D) No person may drive any vehicle at a speed exceeding ten mph. All automobiles must be kept off the grass.

(E) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.

(F) No person may enter or leave the cemetery except at the entrances provided.

(G) No person may use the cemetery grounds or any road therein as a public thoroughfare, nor drive any vehicle through the cemetery grounds except for purposes relating to the cemetery.

(H) Children shall not be permitted to engage in playing within cemetery grounds, and children under ten years of age shall not be admitted to the grounds unless accompanied by an adult, who shall be responsible for their conduct while therein.

(I) No pets allowed.

(Prior Code, § 3.41) (Ord. 2014-04, passed 4-14-2014) Penalty, see §95.99

§ 95.14 MONUMENTS, MARKERS, AND BENCHES.

All monuments, markers, and benches shall be placed in the space shown on the cemetery plat or as directed by the Superintendent. No monument may be placed on a lot platted for less than the number of burials determined by the Council or Superintendent. Placement of benches is allowed in the boulevard of the east/west streets with the permission of the city or in place of a monument or marker, rather than a headstone or footstone, on the cemetery lot within the right of burial zone. No monument, marker, or bench may be placed unless the location has been approved by the Superintendent and the full purchase price of the lot has been paid. Monuments, markers, and benches must be constructed of granite, marble, bronze, or other materials permitted by state statutes and ordinances of the city.

(Prior Code, § 3.42) (Ord. 2014-04, passed 4-14-2014; Ord. 2014-05, passed 7-14-2014)

§ 95.15 FOUNDATIONS.

All monuments, markers, and benches shall be placed on foundations of solid masonry. Monuments and benches require a six-inch concrete apron with sufficient gravel for leveling. Markers require a four-inch concrete apron with sufficient gravel for leveling. The top of all foundations shall not be higher than two inches below the established grade. The city reserves the right to excavate and build all foundations.

(Prior Code, § 3.43) (Ord. 2014-05, passed 7-14-2014)

§ 95.16 INSTALLATION OF MONUMENTS, MARKERS, AND BENCHES.

(A) Upon placement of an order for a monument, marker, or bench, the lot owner or monument salesperson shall furnish the dimensions of the proposed monument, marker, or bench to the Cemetery Superintendent, who in turn will authorize the construction of the foundation, and all charges must be paid before the monument, marker, or bench is placed thereon. In no case shall the base and monument, marker, or bench exceed the size of the right of burial zone.

(B) Persons engaged in erecting monuments, markers, or benches, and other structures shall provide adequate planking to protect turf and shall remove all materials, equipment, and refuse immediately upon completion of the work.

(C) Scattering of materials on adjoining lots or leaving materials on the ground longer than absolutely necessary is prohibited. In all cases, the work is subject to the control of the Cemetery Superintendent and work must be conducted within the regulations of the cemetery. Ropes and cables may be attached to trees or other objects only on approval of the Superintendent.

(Prior Code, § 3.44) (Ord. 2014-05, passed 7-14-2014)

§ 95.17 MAUSOLEUMS.

Mausoleums may be placed only on cemetery lots designated by the City Council for such structures.

(Prior Code, § 3.45)

§ 95.18 COLUMBARIUM NICHES.

Each niche may contain two cremation urns of appropriate size. The cost of a niche will include burial opening and closing costs. Two four-inch by ten-inch bronze plaques will be included per niche. Each plaque must be engraved according to cemetery specifications. No other additional ornamentation will be allowed on or in front of the columbarium.

(Prior Code, § 3.46)

§ 95.19 DECORATION OF LOTS.

(A) No plants, shrubs, or flowers may be planted on cemetery lots. No trees or vines may be planted, nor may fences be erected. The city reserves the right to remove any tree, shrub, vine, plant, or flower that may become unsightly, dangerous, or not in keeping with the landscape design of the cemetery. The city shall not be responsible for damaged, lost, or misplaced flower containers.

(B) Two plant stands are allowed per headstone and must be placed in the concrete apron of the headstone or footstone. The plant stand must be one legged. Plant stands decorating monuments placed after August 1, 2014 must be installed in concrete adjacent to the monument. Plant stands decorating monuments placed prior to August 1, 2014 must be installed in concrete adjacent to the monument no later than August 1, 2015. Hook style plant hangers (shepherds hooks) are allowed in place of plant stands and must be installed in the concrete apron. The curve of the hook must extend over the monument. Solar lights are allowed in the plant stands only. No solar lights may be placed in the ground. Solar lights may be installed in the concrete apron adjacent to the monument. Plant stands not in use by July 1 will be removed and disposed of by the city. No floral sprays or decorative arrangements are permitted to be affixed or secured to the top of upright monuments. Other decorations are allowed on the cemetery lots one week prior to Memorial Day. Cemetery lots must be cleared of all decorations two weeks following Memorial Day. Any items remaining will be removed and disposed of by the city. Decorations are allowed one day prior to, the day of, and one day following special occasions defined as the Mother's Day (mother only), Father's Day (father only), and anniversary of death and birthday of the person buried in the cemetery lot. Christmas wreaths will be allowed from November 15 to January 3.

(C) The city reserves the right to remove all monuments, markers, benches, flowers, plants, trees, decorations, or other similar things without liability whenever any of these objects become unsafe.

(Prior Code, § 3.47) (Ord. 2014-04, passed 4-14-2014; Ord. 2014-05, passed 7-14-2014) Penalty, see §95.99

§ 95.20 HOURS.

Excepting the hours that may from time to time be determined by the Superintendent or City Council, the cemetery will be open to visitors at all other times of the day.

(Prior Code, § 3.48)

§ 95.99 PENALTY.

Any person violating any provision of this chapter is guilty of a misdemeanor and shall be punished in accordance with § 10.999.