

## CHAPTER 91: CEMETERY

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### § 91.01 DEFINITIONS.

**BURIAL PERMIT.** Legal written permission for burial to occur.

**CEMETERY.** A tract of land used for burials.

**CITY.** The City of Lake Crystal, Minnesota, owning and controlling the cemetery.

**COLUMBARIUM.** A structure for the reverential storage of funeral urns.

GREEN BURIAL: Also called a natural burial is the interment of the body in a manner that does not inhibit decomposition but allows the body to be naturally recycled.

INTERMENT. Disposition of human remains or cremains.

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 urn (marked or unmarked).

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

(Ord. 306, passed 3-20-2017)

#### § 91.02 ESTABLISHMENT.

(A) A cemetery has been established and will continue upon land owned by the city. This cemetery shall be described as the Lake Crystal City Cemetery. The location of the cemetery is set forth in Ord. 74 and that description is adopted by reference and a part hereof as if appearing in total.

(B) No person or entity shall lay out or establish any cemetery, or use any parcel of land within the city limits of the city for the burial of the dead, except for the Lake Crystal City Cemetery, or some other parcel of land that has been duly designated as a cemetery by ordinance of the city.

(Ord. 306, passed 3-20-2017)

#### § 91.03 SALE OF LOTS AND SPACES.

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

(Ord. 306, passed 3-20-2017)

#### § 91.04 CONDITIONS OF LOT AND SPACE PURCHASE.

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

(Ord. 306, passed 3-20-2017)

#### § 91.05 TRANSFER OF LOTS AND SPACES.

Cemetery lots and spaces may be resold or gifted with the approval of the City Council and a new property deed will be issued.

(Ord. 306, passed 3-20-2017)

#### § 91.06 PERPETUAL CARE FUND.

The full purchase price of the sale of each space shall be placed in a fund designated as the Lake Crystal Cemetery Trust Fund, and the interest or income therefrom shall be used solely for the purpose of the care and maintenance of the lot so purchased, and that under no circumstances shall the principal sum thereof be used for any other purpose whatsoever and shall be put in a perpetual fund and the income therefrom used for the care and maintenance of the lot as herein stated.

(Ord. 306, passed 3-20-2017)

#### § 91.07 BURIAL FEES.

The fee for burials shall be in an amount as set by the City Council from time to time.

(Ord. 306, passed 3-20-2017)

#### § 91.08 HANDLING OF FUNDS.

All money received from the sale of lots, spaces and other services must be paid to the City Treasurer. No cemetery service shall be performed until verification of ownership is completed. All money received from the sale of lots and spaces and donations to the cemetery shall be placed in the Perpetual Care Fund. All money received from performance of burial services and other cemetery fees so established by the City Council shall be placed in the city General Fund.

(Ord. 306, passed 3-20-2017)

#### § 91.09 BURIAL PERMITS.

Before any interment, a burial permit or death certificate shall be presented from the funeral home, 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. No permit shall be granted for above ground burials or use of mausoleums for bodies unless the remains are cremated. Cremated remains may be interred in a monument/columbarium with no more than 4 niches.

(Ord. 306, passed 3-20-2017)

#### § 91.10 INTERMENTS.

(A) Permission in writing from a lot or space owner must accompany all requests for permission to inter bodies of persons that are not members of the immediate family of the lot or space owner. Prior to interment, the excavator shall contact the city for staking of the appropriate lot or space. 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 or space and all burial fees are paid.

(B) Any damage resulting from interments, whether on the same lot, space or surrounding area or cemetery grounds will be the responsibility of the excavator and must be repaired to city satisfaction within a reasonable period of time.

(C) Above ground burials and the use of mausoleums are not permitted for bodies, but cremated remains may be interred above ground in a properly prepared headstone columbarium with niches for up to 4 cremated remains.

(Ord. 306, passed 3-20-2017)

#### § 91.11 BURIAL VAULTS.

All caskets must be encased in a permanent type burial case or vault. Fiberglass vaults are prohibited. The City of Lake Crystal does not allow green burials.

(Ord. 306, passed 3-20-2017)

#### § 91.12 DISINTERMENT AND REMOVAL.

(A) Before any grave may be opened, written permission of the lot or space owner or the next of kin shall be filed with the City Administrator, 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) The city shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

(Ord. 306, passed 3-20-2017)

#### § 91.13 CEMETERY SUPERINTENDENT; DUTIES.

(A) The Street and Maintenance Superintendent shall serve as the Cemetery Superintendent, unless otherwise appointed by the City Council.

(B) The Cemetery Superintendent shall have control and management thereof, and of the maintenance and improvement of the grounds.

(C) He or she shall have powers and duties as are prescribed by law or by the city code.

(1) He or she shall keep the grounds, walks and streets in order and free from obstructions.

(2) He or she shall have charge of all interments made in the cemetery and shall hire and supervise all labor.

(3) He or she shall enforce the provisions of this chapter and of all regulations adopted by the Council for the government of the cemetery.

(4) He or she shall require the exhibition to him or her of a properly executed interment permit before allowing any interment to take place in the cemetery.

(5) He or she shall have charge of the digging of all graves in the cemetery; every grave for an adult shall be at least five feet deep and for a child at least four feet deep.

(6) He or she, or the city's designee, shall keep a complete record of the ownership of all lots and spaces in the cemetery; and for this purpose it shall be the duty of every purchaser of such a lot or space, either from the city direct or from a person who has previously bought from the city, to exhibit the original conveyance by which he or she claims title to the lot or space to the Cemetery Superintendent.

(7) He or she, or the city's designee, shall keep a record of all interments in the cemetery showing the exact location of every grave, the name, sex, age, time, place and cause of death of the person interred therein, and the date of interment.

(8) He or she shall prevent any burial in any lot or space until the city shall have been paid for the lot or space; and he or she shall also prevent the interment of any body or cremated remains in any lot or space without the consent of the person recorded as owner of the lot or space in his or her records and may require the consent to be in writing.

(Ord. 306, passed 3-20-2017)

#### § 91.14 MONUMENTS AND MARKERS; FOUNDATIONS.

(A) All monuments and markers placed in the cemetery shall be of bronze, granite or marble, and no vertical joints therein shall be permitted.

(B) All foundations for monuments and markers must be of sufficient depth and stability to support the proposed monuments or markers.

(C) No monument or marker may be erected until the foundation therefore has been approved by the Cemetery Superintendent.

(D) The city has numbered lots and grave spaces in the Lake Crystal City Cemetery. Lots are numbered consecutively by cemetery section. Grave spaces are numbered 1 through 8. Grave spaces 1 through 4 are the four westerly spaces. Grave spaces 5 through 8 are the four easterly spaces. The city will have on hand a cemetery map indicating the numbers of lots and grave spaces. The cemetery map prepared by the city will govern all lot and grave space numbering.

(E) The headstone grave spaces of a lot, spaces 1, 2, 3 and 4, may have a traditional upright monument or marker above the ground or a flat/flush ground monument or marker. The monument or marker shall be placed on a concrete foundation large enough to have one and one-half inch holes for a plant stand and suitable sized holes for veteran/auxiliary stakes. The monument or marker and cement foundation must stay within the grave space and not extend into another grave space or alleyway. A headstone monument or marker shall be placed at the head of the grave space, readable looking east.

(F) The footstone grave spaces of a lot, spaces 5, 6, 7 and 8, must have a flat/flush ground monument or marker. The monument or marker shall be placed on a concrete foundation large enough to have one and one-half inch holes for a plant stand and suitable sized holes for veteran/auxiliary stakes. The monument or marker and cement foundation must stay within the grave space and not extend into another grave space or alleyway. A footstone monument or marker shall be placed at the foot of the grave space, readable looking east.

(G) If there is more than one monument or marker on any space (1, 2, 3, 4, 5, 6, 7, 8) of any lot such as a cremation burial, the second monument or marker must be a flat/flush in the ground monument or marker with a concrete foundation over the burial site. An upright monument or marker is permitted only in the headstone location of spaces 1, 2, 3 and 4. All burial spaces, regular in size and with no obstructions, are limited to three cremation burials. Above ground cremation interments are limited to one upright marker in the headstone location with up to 4 niches.

(H) Military or other official brass markers may be attached to the back side of a headstone upright monument or marker or as a flat/flush in the ground monument or marker with a concrete foundation. The monument or marker shall be located within the grave space and not extend into another grave space or alleyway.

(I) The Cemetery Superintendent shall provide a copy of this section to all persons interested in or in the process of purchasing lots or spaces in the Lake Crystal City Cemetery.

(J) This section applies to all persons currently holding cemetery lot or cemetery grave space deeds, but does not apply to those previously erected monuments or markers that were erected in conformity with the earlier version(s) of this particular section.

(K) This section applies to any future sale of a cemetery lot or cemetery grave space.

(L) The city reserves the right, without notice, to make exceptions, suspensions or modifications of any part of this section when in the judgment of the Cemetery Superintendent it appears advisable, but in no way affects the general application of this section.

(M) The city will permit the Cemetery Superintendent to allow persons to change lots or grave spaces if this chapter section adversely affects them in a manner that they believe is not appropriate.

(Ord. 306, passed 3-20-2017)

#### § 91.15 INSTALLATION OF MONUMENTS AND MARKERS.

(A) Upon placement of an order for a monument, the lot or space owner or monument salesperson shall contact the city to identify the lot or space to be used.

(B) Persons engaged in erecting monuments and other structures shall be responsible for proper design and layout of said monument or structure.

(C) Scattering of materials on adjoining lots, or leaving materials on the ground longer than absolutely necessary is prohibited. Any damages occurring during the installation and/or placement must be repaired at the expense of the sales company or lot or space owner.

(Ord. 306, passed 3-20-2017)

#### § 91.16 DECORATION OF LOTS.

(A) The ground planting of flowers, plants, shrubs or trees by the lot or space owner is not permitted. The city shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind, if in the judgment of the Cemetery Superintendent, they do not conform to the standards maintained and policy adopted. Any existing trees, shrubs or plants that are already on lots, should they die, shall not be replaced. These existing plants will be removed if they become a menace to other sites, pedestrians or create an unpleasant atmosphere or to allow for excavation of an adjoining grave.

(B) The placing of glass containers or tin cans of any kind are not permitted.

(C) The city reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the owner whenever any of these objects become unsafe, unsightly, dangerous, detrimental, diseased or when they do not conform to the standards maintained or policy adopted.

(D) All monuments and washes must have a one-inch hole drilled for a flower stand.

(E) Flowers and decorations in planters or pots or those attached as part of the marker or stone are allowed during any time of the year. Other decorations, not prohibited by other sections of the policy shall be allowed to be placed on the grave site no sooner than one week prior to Memorial Day and will be allowed to remain no longer than one week following Memorial Day. Decorations not removed during the allowed time will be removed and disposed of.

(F) The loss or disposal of any flowers or decorations will not be the responsibility of the city.

(G) Special ornamentation is allowed during funerals but must be removed within five days. If these are not removed by the date, the ornamentation will be removed and disposed of and the city will not be liable for such loss.

(H) Lot or space owners shall not change the grade of any lot or space nor interfere with the general plan of the improvement of the cemetery in any way.

(I) Fences are not permitted within the cemetery.

(Ord. 306, passed 3-20-2017)

#### § 91.17 GENERAL REGULATIONS.

(A) No person shall discharge any firearms or have possession of any firearm within the cemetery grounds, except in case of military funerals and on Memorial Day, without the written permission of the Cemetery Superintendent.

(B) No grave will be opened except by order of the husband, wife, father, mother, son or daughter of the deceased, and then only for good cause, and the city reserves the right to refuse any request. This provision does not apply when disinterment is ordered by a duly authorized public official.

(C) No person shall remove any object from any place in the cemetery or make any excavation without the written consent of the Cemetery Superintendent or his or her assistant.

(D) All rubbish, unsightly material or debris accumulating from any work or any cause, must be removed at once by the person or persons causing its accumulation. All derricks, tools and the like must also be removed at once and the grounds left in as good condition as found.

(E) No person shall obstruct any drive or path in the cemetery or in any way injure, deface or destroy any stone structure, grave, flower, tree, shrub, vine or any other thing in the cemetery.

(F) If any object or structure, or any part of any structure within the cemetery shall be deemed to be objectionable or to have become objectionable or unsightly, the Cemetery Superintendent shall have the right to remove the same.

(G) No person shall drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway prohibited by the Cemetery Superintendent.

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

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

(J) 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.

(K) No child shall be permitted within the cemetery unless in the control of an adult.

(L) Animals must not be allowed to run at large and must be under control at all times.

(M) Fishing is not allowed within the cemetery.

(N) Snowmobiles are not allowed within the cemetery.

(Ord. 306, passed 3-20-2017)

§ 91.18 HOURS.

The cemetery is accessible to anyone every day, dawn to dusk.

(Ord. 306, passed 3-20-2017)

§ 91.19 DAMAGE TO GRAVES AND GRAVE MARKERS.

Any person that damages a grave or grave marker is liable for the costs of repairing and/or replacing the grave or grave marker.

The Lake Crystal Cemetery shall be responsible to the owner of the grave or grave marker for any damages caused by the actions of an employee or agent of the Cemetery. Any damage caused by outside forces such as wind, rain, snow, vandalism, and act of God or an act of Man shall be the responsibility of the lot and space owner. Any damage to any grave or grave marker shall be repaired as soon as possible and in any case within ninety (90) days unless an extension is granted by the Lake Crystal Cemetery Commission.

§ 91.99 PENALTY.

Any person violating any provision of this chapter is guilty of a misdemeanor and subject to fines as set by the court.

(Ord. 306, passed 3-20-2017)