

ORDINANCE 601

**THE CITY COUNCIL OF THE CITY OF NEW AUBURN, MINNESOTA
TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE,
HEREBY ORDAIN AS FOLLOWS:**

NEW AUBURN PUBLIC CEMETEREY RULES OF OPERATION

It is the goal of the City of New Auburn to maintain a public cemetery which affords a quiet and attractive resting place for the dear departed members of the community. The rules of operation of the cemetery are designed to achieve this goal. All burial lots are subject to these rules and any additions or amendments to said rules passed by the City Council from time to time.

SECTION 1. Actuary. The City Clerk is hereby designated as the actuary for the cemetery. All lot purchases, burial permits, and monument and headstone placement permits are to be processed through the City Clerk's Office. The City Clerk shall maintain possession of all cemetery record books, plat maps, and record of all burials, including the following information:

- Date of Burial
- Name
- Age
- Sex
- Date of Birth
- Date of Death
- Name, Address and Phone Number of Nearest Kin.

SECTION 2. Fees. Fees for the use of the cemetery shall be set by the City Council from time to time. The fee schedule shall be available on request from the Clerk.

SECTION 3. Lot Transfers. No cemetery lot or fractional lot may be resold or otherwise disposed of, except by Will, or by inheritance under state law, without the approval of the City Council, and the city retains the first option to repurchase the cemetery lot or fractional lot at the original sale price. No lot will be permitted to be resold, disposed of, or otherwise used until the purchase price and all unpaid charges have been paid in full. Lot owners may not allow interments to be made on their lots for remuneration. Lots, or fractional lots, may not be subdivided without consent of the council.

SECTION 4. Monuments and Marker. Only one monument shall be allowed on each lot and a marker, also called "footstone", may be placed at either the head or the foot of each grave. No marker or monument shall be placed over a grave except by city permit, and then only when the foundation is carried to the top of the concrete vault and sufficiently enlarged and properly

bridged over the casket to properly support the load. Monument foundations shall not be less than the size of the base stone plus a wash of 8 inches or larger all around it. The wash shall not exceed ¼ inch above ground level. Markers may be set on same margin, and also shall not exceed ¼ inch above ground level.

All Monuments and markers must be approved by the city as to material, foundation, and location. No monument or marker may be constructed of any material which will not assure relative permanency. If any party places a monument or maker in the cemetery which does not conform to the description of said monument or maker in the permit application approved by the city, the party placing said monument or maker may be required by the city to alter or fully replace said monument or maker at the party's cost promptly upon written demand by the city.

Persons engaged in placing monuments and markers shall provide adequate planking to protect turf and shall remove materials, equipment, and refuse immediately upon completion of the work. Ropes and cables may be attached to trees or other objects only on approval of the city. The lot owner and monument contractor are jointly and separately responsible for any failure to abide by this regulation and shall pay for any charges or damages resulting.

Burials shall be allowed year-round. Cement work, and placement of monuments and markers shall be done under the supervision of the city, at times and weather and temperature conditions appropriate to good workmanship and proper setting and curing of any cement or masonry work.

SECTION 5. Vaults and Mausoleums. Above ground vaults and mausoleums shall not be placed on any cemetery lots, except by special permit of the city.

SECTION 6. Cremation Burials. Anyone seeking to bury cremated remains must first file their burial plan with the city, and the city retains full control over the type of container, burial, spacing and numbers burials in each lot. The city may also require special marking of the location of cremated remains. Except by special written authorization of the city, only one cremated remains burial shall be allowed to be placed at the foot of any lot in which a regular casket burial is located. If there is no casket burial in the lot, a maximum of two cremated remains burials shall be allowed in that lot.

SECTION 7. Maintenance. The city shall hire such employees or independent contractors as the city deems needed to properly care for the cemetery grounds. The city shall have full authority and responsibility for the general care of the cemetery, to include but not limited to the laying out and maintenance of all roads, the grading of lots, landscaping, tree, shrub and lawn care.

The city will not be responsible for the care of monuments, markers or washes. Lot owners must keep monuments, markers and washes in a clean and good condition. If any monuments, markers or washes become unsightly, by reason of disrepair, settling, or other condition, the city shall give the lot owner a 60 day written notice to make necessary repairs. If

the owner fails to do so within 60 day, then the city shall have the right to repair or remove the monument, marker or wash at the expense of the lot owner.

SECTION 8. Grave Decorations.

- a) Plants and flowers may be placed permanently on cemetery lots when in an urn that is part of the monument or marker, or in a permanent flower/plant stand. No trees, shrubs 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) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles upon lots shall not be permitted; if such items are placed, the City may remove them.
- c) All objects not described above, including balloons, banners, food and beverages, knick knacks, solar lights and lanterns, stuffed animals, wind chimes, windmills, windsocks, and statuary not incorporated into a monument, are prohibited and may be subject to immediate removal. Shepherd hooks are only allowed provided they have an appropriate hanging plant or wreath.
- d) 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 or when the city deems them unsightly.

SECTION 9. Burial. No burial may be made in the cemetery until all laws, ordinances and regulations regarding burial have been complied with, and a burial permit is issued by the funeral director. No remains other than human remains may be buried in the cemetery. The city requires a minimum of 24 hours' notice prior to opening of nay graves, to give city personnel time to schedule the staking of the grave boundary and supervision of the excavation. The city reserves the right to charge a staking fee for such service, said fee to be set from time to time by the city. Graves shall be closed as soon as possible after the funeral ceremony is completed. Ground covers shall be used so as to prevent the spill of loose dirt into other lots. Fill and compaction shall be used as necessary to prevent sinkage of the vault. All sod shall be replaced, and if necessary the grass must be resodded or reseeded to return the grass cover over the grave to a satisfactory condition in the opinion of the city. The city reserves the right to restrict the opening and closing of the graves to a company or companies approved by the city.

SECTION 10. Cemetery Access. The city cemetery is designed for the use of persons engaged in the ceremonies of burial or memorial, or who wish to visit departed loved ones. Uses of the cemetery that do not fall within these categories are hereby declared illegal. The following restrictions, as well as any other activity inappropriate to the cemetery setting, shall apply:

- a) No person shall discharge any firearm or have possession of any firearm within the cemetery grounds, except persons participating in military burial ceremonies, law enforcement or other governmental agencies, or a licensed pyrotechnic only on the annual 4th of July celebration.
- b) No person shall remove any object from any place in the cemetery or make any excavation without the consent of the city.
- c) No person shall obstruct any drive or path in the cemetery or in any way injure deface or destroy any structure, grave, flowers, tree, or other thing in the cemetery.
- d) No person shall drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the city. All vehicles must drive on designated gravel roadways unless authorized the City.
- e) No person shall disturb the quiet of the cemetery by noise or improper conduct of any kind.
- f) No person shall use the cemetery grounds or any road therein as a public thoroughfare, or drive any vehicle through the cemetery grounds except for purposes relating to the cemetery.
- g) The cemetery is not to be used as a recreational area. No children shall be permitted within the cemetery unless under the direct control of an adult. No bicycles shall be used within the cemetery except on paved and/or gravel roadways. No other recreational vehicles or equipment shall be used anywhere within the boundaries of the cemetery at any time, said restriction to include, but not limited to, snowmobiles, ATV's, mopeds, go-carts, golf carts or skateboards.
- h) No person shall allow any animal to run at large in the cemetery. Animals shall be allowed within the boundaries of the cemetery only if controlled by leashes or within animal carriers. Any animal's droppings must immediately be picked up and removed from the cemetery grounds by the person in control of the animal.
- i) No person shall loiter at any time, nor be in the cemetery without permission of the city at any time between the hours of 10 p.m. to sunrise.

SECTION 12. Violations. Any person or entity violating any of the provisions of this ordinance shall be considered guilty of a misdemeanor, subject to the standard jail term and/or money fine set by state law for misdemeanors.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of New Auburn, Minnesota on this the 13th day of July, 2015.

By: _____
Mayor

Attested By: _____
City Clerk