

## AMENDED ORDINANCE NO. 114

### AN ORDINANCE REGULATING THE ALDEN CITY CEMETERY

The City Council of Alden ordains:

#### Section 1 – Location – Plat – Prohibition of Other Cemeteries

A cemetery has been established and is continued upon land owned by the City of Alden and described as follows: Section 34, Township 103, Range 23 (SW ¼ of NE ¼). A plat of the cemetery, as prepared by C.F. Holway, surveyor, and placed on file in the office of the city clerk, is hereby adopted as the official plat of the cemetery, which shall be called the Alden City Cemetery. No person shall lay out or establish any cemetery, or use any lot of land within this city for the burial of the dead except in the Alden City Cemetery, or some other tract of land duly designated as a cemetery by ordinance.

#### Section 2 – Sale of Lots

The prices of cemetery lots and other services, as determined by council resolution, shall be filed with the city clerk. Any person paying the price thus fixed for any lot shall be entitled to a deed conveying the same executed by the mayor and clerk. The purchaser shall expressly agree in the deed that his rights are subject to such reasonable rules and regulations as the council may adopt relative to the use of the cemetery.

#### Section 3 – Handling of Funds

All money received from the sale of lots and other services shall be paid to the city treasurer who shall give a receipt therefore. No deed to any cemetery lot shall be issued, nor shall any services be performed until a receipt showing payment to the treasurer of the cost thereof shall be exhibited to the person whose duty it is to give the deed or perform the services. All money received from the sale of lots and for the performance of services shall be placed in the cemetery fund, which fund shall be used for the payment of the purchase price of grounds, or the maintenance and improvements and for no other purpose. 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 only on orders signed by the mayor and countersigned by the clerk, which orders shall specify that the money shall be paid from the cemetery fund. Thirty percent (30%) of the purchase price received shall be deposited in the Permanent Care and Improvement Fund and investments made therefrom to provide for permanent care.

#### Section 4 – Burial Permits

Before any interment shall be made in any cemetery in this city, a burial permit shall be obtained from the local or the state registrar of vital statistics. No burial permit shall be issued until the application and death certificate shall have been properly completed and presented. The body of the deceased person shall not be brought in 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.

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Section 5 – Superintendent of Cemetery – Duties

The City Council shall appoint a superintendent who shall have the control and management of the cemetery and be responsible for its maintenance and improvement. He shall have such powers and duties as are prescribed by law or by the city council.

Section 6 – General Regulations

- (a) No person may discharge any firearm or have possession of any firearm within the cemetery grounds without the permission of the superintendent.
- (b) No person may remove any object from any place in the cemetery or make any excavation without the consent 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 faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the superintendent.
- (e) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.
- (f) 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.
- (g) No person may allow any animal to run at large in the cemetery.

Section 7 - Interments

All interments in lots shall be restricted to members of the immediate family of the lot owner. Permission in writing from a lot owner must accompany all requests for permits to bury the bodies of persons not members of the immediate family of the lot owner. Such permission shall be made under the direction of the superintendent. In the case of cremation certain lots will be designated for burial, unless a family lot is available. Two cremains are allowed in one gravesite in a family lot. Snow removal for burials in the winter is charged to the family of the deceased.

Section 8 - Disinterments

Written permission of the lot owner and the next of kin shall be filed with the superintendent, a permit from the city health officer shall be secured and presented, and the required fee paid before any grave may be opened for any purpose. This provision does not apply when disinterment is ordered by duly authorized public authority.

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#### Section 9 – 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, 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 including charges for permanent care or special care has 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 10 – Monuments and Markers

Every monument and marker 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 one burial. No monument or marker may be placed unless the location has been approved by the superintendent and the full purchase price of the lot has been paid. No footstones will be allowed. No monument or marker may be constructed of limestone, sandstone, wood or other material which will not assure relative permanency. These restrictions shall not apply to monuments provided by the federal government.

#### Section 11 - Foundations

All monuments and markers shall be placed on foundations of solid masonry at a depth and size to be determined by the superintendent. Markers or the base of monuments shall not extend over the foundations more than one-half inch. The top of all foundations shall not be higher than two inches below the established grade.

#### Section 12 – Installation of Monuments and Markers

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 superintendent. The lot owner is responsible for any failure to abide by this regulation and shall pay for any charges or damages resulting.

#### Section 13 – Vaults and Mausoleums

Vaults and mausoleums may be placed only on cemetery lots designated by the city council for such structures.

Outside burial containers (vaults) are required for burial in the Alden Cemetery.

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#### Section 14 - Improvements

Plants and flowers may be placed on cemetery lots by the headstones. Urn stands, steel hearts, shepherd hooks, etc. used for potted plants should be placed in line with the headstones. No trees, shrubs or vines may be planted, nor any 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.

Artificial flowers and other decorations will be permitted for a limited time for Memorial Day. These decorations can be placed on the graves beginning one week prior to Memorial Day. All decorations that have not been removed one week after Memorial Day will be collected and disposed of. Brick or other edging, decorative rock, windsocks, wreaths, balloons, flags, toys, wooden structures, etc. are considered "other decorations". The city reserves the right to remove any decoration it deems to be inappropriate.

Winter wreaths detract from the appearance of the cemetery once dry and brown or out of season. All wreaths (real and artificial) that have not been removed by the first day of spring will be disposed of.

#### Section 15 – Duties of Actuary

The city clerk shall be the actuary of the cemetery and shall in addition to other records and duties imposed upon him in relation to the cemetery, keep a register of all interments and disinterments including the name, age, place of birth, residence, marital status and time and place of interment, disinterment, and reinterment.

#### Section 16 - Penalty

Any person violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$300.00, and by imprisonment for a period not to exceed 90 days.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid. The ordinance supercedes and repeals any and all previous ordinances regulating the Cemetery of the City of Alden.

The ordinance becomes effective upon passage and publication according to law.

Passed by the City Council of the City of Alden, Minnesota this 13<sup>th</sup> day of July, 2005.

Richard L. Borge

Mayor

Attest:

Donna J. Schmidt, Clerk