

## Chapter 6 Lakeview Cemetery

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### **600.01 Description/Name**

A cemetery has been established and is continued upon land owned by the City, in Section 14 Township 149 Range 031, East 873.04' of South 716.69' of North 749.69' of Northeast ¼ of Northeast ¼ Less Parcel 186-01 and Section 14 Township 149 Range 031, Beginning at a point 33' West and 33' South of the Northeast Corner of the Northeast ¼ of the Northeast 1/4, thence South on a line parallel to and 33' West of the East Section Line of above described section, a distance of 466.69; to an iron pipe drove in the ground, thence West making a deflection angle of 89\*47' a distance of 466.69' (to an iron pipe) thence North making a deflection angle of 90\*13' a distance of 466.69 (to an iron pipe) thence East making a deflection angle of 89\*47' on a line parallel to and 33' South of the North section line of above section a distance of 466.69 feet (to an iron pipe) which is the place of beginning.

### **600.02 Officers and Duties**

The Council shall be ex officio Trustees of said Cemetery, and the City Administrator shall be ex officio treasurer. The Council shall perform all the duties devolving upon the Trustees of cemetery associations as defined by the laws of this State. The Administrator shall perform all the duties devolving upon the secretary and treasurer of the cemetery associations as defined by the statutes.

### **600.03 Sale of Cemetery Lots**

Subd. 1. The price of cemetery lots, vault rental fee, and other services, may be established from time to time by the City Council in the Ordinance Establishing Fees and Charges. Any person paying the price thus fixed for any lot shall be entitled to a deed conveying the same executed by the Mayor and City Administrator. Said deed shall be for "the purpose of interment only", and shall be drawn subject to all the laws, rules and regulations of the City. No title to any cemetery lot shall be transferred by the owner thereof except as authorized by Minnesota Statutes section 306.29. Whenever the title to

any cemetery lot or shall be transferred by the owner, the City shall have the right to repurchase the same by paying to such owner the price originally paid to the City, less the portion thereof allocated to the Perpetual Care Fund under Section 600.09 of this Chapter.

Subd. 2. No single gravesite shall be sold by the city from a 4-8 grave lot. Single graves are to be from two grave lots only, except where there is only one site left in a lot.

#### **600.04 Deposits**

The City requires a deposit for headstones. If a headstone is not properly installed within eighteen (18) months after burial, the City may use the deposit to purchase and install a headstone to identify the occupant of the gravesite. The City shall from time to time establish the headstone deposit amount by Resolution. The City will refund the deposit upon proper installation of the headstone by the party who made the deposit.

#### **600.05 Care and Maintenance**

Subd 1. The City of Blackduck shall provide general care for the cemetery, which shall include maintenance of roadways, mowing grass, trimming and caring for trees and removal of fallen trees. This shall not include providing special care such as watering lawns or vases temporarily placed on the graves. The city shall have the right to remove trees, shrubs, plants or any structures now located upon any burial site, which has or shall become by reason of age or otherwise, unsightly or detrimental to the site upon which they are located or any adjacent site or avenue, and upon notification of the relatives if possible and shall have the right to remove any such trees, shrubs, plants or any structures which may be placed on a site contrary to the provision of these regulations.

Subd. 2 Artificial flowers may be placed in the approved urns or vases two weeks prior and two weeks after Memorial Day. Flowers must be securely fastened to the urn or vase so that they will not fall or be blown from the container and cause problems with mowing. No artificial flowers, flags, or decorations of similar nature shall be placed upon or attached to any grassy area, any tree or shrub; such flower improperly placed may be removed by the city. Any flowers, flags, or decorations may be removed after ten (10) days of being placed on the burial site in order to maintain orderly appearance.

Subd. 3 No gravesite ground of planting trees, shrubs, and flowers will be permitted. The City reserves the right to remove any tree shrub, vine, plant, or flower which may be unsightly, dangerous, or not keeping with the landscape design of the cemetery.

#### **600.06 Conduct in the Cemetery**

- A. The shooting of firearms, except in the nature of a military salute is prohibited.
- B. All rude and boisterous conduct is prohibited.
- C. Driving faster than ten (10) miles per hour in the cemetery shall be unlawful.
- D. No liquor of any kind shall be consumed in the cemetery.
- E. No automobiles, trucks, wagons, snowmobiles, or other motorized vehicles shall drive on any cemetery lots, except authorized vehicles.

**600.07 Unlawful to Destroy Property**

It shall also be unlawful to destroy, injure, mutilate or remove any tombstone, monument, gravestone, building, fence, railing, or other structure in the cemetery, and it shall be unlawful to injure or destroy any tree, shrub or plant or to injure or interfere with any grounds or parking rules within the limits of the cemetery.

**600.08 Burials and interments**

Subd. 1 No burials or interments of any kind shall be made in said cemetery without prior notification to and permission from the City. Permission shall be granted if this Section and all regulations of the City and State pertaining to the cemetery are complied with.

Subd. 2 No more than one non-cremation burial or interment and three (3) cremation burials shall be permitted on any one burial plot

Subd. 3 No more than four (4) cremation burials shall be permitted on any one burial plot.

**600.09 Perpetual Care Fund**

The City Council shall designate a percentage of the sales price of any cemetery lot to be set apart as a Perpetual Care Fund for the care, maintenance and improvement of the cemetery. The funds shall be kept in separate accounts from other City funds as provided by law. The income from the Fund can be transferred to the Cemetery Fund for care, maintenance and improvement of the cemetery.

**600.10 General Regulations:**

- A. No more than one monument shall be placed upon any one lot.
- B. All gravesites must have a headstone identifying the interment remains.
- C. Grave markers shall be set even with the ground.
- D. No lot shall be graded higher than the general level of the cemetery.
- E. No mound shall be built over any grave.
- F. No lot enclosures, such as fences, hedges, curbs, and the like shall be hereinafter constructed.
- G. If a second burial is made on any burial plot, it shall be marked by a flush marker and where monuments are permitted in the cemetery, only one monument per burial plot shall be permitted.
- H. All burials shall be in permanent vaults or so-called grave boxes of permanent material into which the caskets are deposited, excluding wood or thinned walled fiberglass.

**600.11 Monuments and Markers**

**Subd. 1 Location of Upright Markers**

Upright markers cannot be placed in any lots in the following Blocks: M, N, O, P, Q, R, S, T, W, X, Y, and Z.

**Subd. 2                      Location of Flat Markers**

Flat marker may be placed on any lot in Blocks A-Z

**Subd. 3                      Maintenance**

It shall be the obligation of the owner of any cemetery lot or plot upon which a monument or marker (flat or upright) is located to maintain and keep such monument in a good state of repair at all times. In the event a monument creates a danger to public safety or interferes with maintenance of the cemetery, the City shall:

- A. Notify the owner, in writing, of the needed repair or maintenance and a date by which such repair or maintenance must be completed. Such notice shall be sent by first class mail to the last known address of the owner according to the official cemetery records maintained by the City.
- B. If the requested repair or maintenance is not completed by the date specified, the City may, at its discretion, repair, reset, or remove such monument. The cost for any such repair, resetting or removal shall be billed to the owner of the cemetery lot or plot.
- C. Whenever the City removes a monument, the City shall provide an alternate identification on the cemetery lot or plot. The cost of such alternate identification shall be included with the City's cost of removal and billed to the owner.

**600.12                      Other Regulations**

The City Council may by resolution adopt additional rules and regulations governing the use and operation of the cemetery.

**600.13                      Penalty**

A violation of the provisions of §600.01 through §600.11, and any regulations enacted under §600.12 shall be a misdemeanor punishable as provided by law.