

AN ORDINANCE REGULATING THE MAINTENANCE AND USE OF THE CARLTON VILLAGE CEMETARY

Location
Sec. I Location - Plat - Prohibition of Other Cemeteries. A cemetery has been established and is continued upon land owned by the Village of Carlton and described as follows:

Parts of Section Seven (7) in Township Forty-eight (48) North, of Range Sixteen (16), West of the Fourth Principal Meridian in Minnesota, described as follows: Tract 1. Commencing at the southwest corner of said Section Seven (7) and following the south line of said section easterly a distance of One Thousand One Hundred Fifteen and five-tenths (1115.5') feet to the point of beginning; thence northeasterly at an angle of 11° 14' East a distance of Eight Hundred Eighty Six and one-tenth (886.1') feet following the west boundary line of Carlton Cemetery (now Hillside Cemetery); thence southwesterly a distance of Nine Hundred Ninety Eight (998') feet to the south line of said Section; thence easterly on said south section line a distance of Four Hundred Thirty Five (435.0') feet to the point of beginning. Tract 2. Commencing at the southwest corner of said Section Seven (7) and following the south line of said section easterly a distance of One Thousand One Hundred Fifteen and Five-tenths (1115.5') feet to the point of beginning, thence running northeasterly at an angle of 11° 14' East a distance of Eight Hundred Eighty Six and One-tenth (886.1') feet; thence running easterly at right angles a distance of Two Hundred Thirty-six and Eight-tenths (236.8') feet; thence running southerly at an angle of 103° 29' a distance of Eight Hundred Twenty Three and Six-tenths (823.6') feet, more or less, to the said south section line; thence westerly on said south section line a distance of Four Hundred Thirty Seven and Two-tenths (437.2') feet, more or less, to the point of beginning.

City
 The plats of said cemetery have been placed on file in the Office of the Village Clerk and in the Office of the Carlton County Register of Deeds showing all boundaries, sections, lots, divisions, roads, drives and paths, and have been adopted as official Plats of said cemetery and which shall be called the Hillside Cemetery and the 1939 addition thereto. No person shall lay out or establish any cemetery, or use any lot of land within this Village for the burial of the dead except in the said Hillside Cemetery and 1939 addition thereto or some other tract of land duly designated as a cemetery by an ordinance of the ^{City} Village Council.

Supervisor's Duties
Sec. II Superintendent of Cemetery - Duties. The management of said ^{City} Village cemetery and direction and control of the operation, care and maintenance thereof shall be vested in a Superintendent, who shall be appointed by the ^{City} Village Council and hold office for one year commencing on January 1st of each year and who shall be compensated as the ^{City} Village Council shall from time to time resolve. He shall have such powers and duties as are prescribed by law or by the ^{City} Village ordinances, as follows:

- (a) He shall keep the grounds, walks and streets in order and free from obstructions.
- (b) He shall have charge of all interments made in the cemetery and shall hire and supervise all labor.
- (c) He shall enforce the provisions of this ordinance and of all regulations adopted by the council for the government of the cemetery and for that purpose shall be qualified to act in the capacity of a peace officer and to make arrests for violations of any ordinance or regulations in the cemetery.
- (d) He shall require the exhibition to him of a properly executed burial permit before allowing any interment to take place in the cemetery.
- (e) He 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.
- (f) He shall keep a complete record of the ownership of all lots in the cemetery; and for this purpose it shall be the duty of every purchaser of such a lot, either from the Village direct or from a person who has previously acquired title from the Village, to exhibit the original conveyance by which he claims title to such lot to the Superintendent of the cemetery.

- (g) He 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 buried therein, and the date of burial.
- (h) He shall prevent any burial in any lot until the purchase price for the same has been paid to the Village; and he shall also prevent the interment of any body in any lot without the consent of the person recorded as owner of said lot in his records and may require such consent to be in writing.

* See addition from #88

SALE OF LOTS

Sec. III Sale of Lots. The prices of such lots in the Carlton Hillside Cemetery and 1939 addition thereto as the council shall deem advisable to offer for sale shall be filed with the Cemetery Superintendent. 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. Such deed shall forbid the use of the lot for any purpose other than the burial of human bodies, and the purchaser shall expressly agree in the said deed to observe the said restriction, and shall agree also that the planting and decorating of the lot, and of the whole cemetery, the placing of markers, tablets, and of any structure or object on the surface of the ground shall be subject to the general supervision and approval of the Village Council and its officers and employees appointed for that purpose, and that his rights shall be subject to such reasonable rules and regulations as the council shall adopt from time to time relative to the use of the cemetery.

HANDLING OF FUNDS

Sec. IV Handling of Funds. All money received for the sale of lots, digging of graves, and other services about the cemetery, shall be paid direct to the Superintendent who shall give proper receipts therefore. No deed to any cemetery lot shall be issued nor shall any services be performed in or about the cemetery until a receipt showing payment to the Superintendent of the cost thereof, and of all annual dues or charges, shall be exhibited to the person whose duty it is to give such deed or perform such services. All money received from the sale of lots and for the performance of any service in or about the cemetery shall be placed in the Village Cemetery Fund, which Fund shall be used for the payment of the purchase price of grounds, for maintenance and improvements or for management expenses and for no other purpose whatsoever. The Superintendent shall keep an account of all receipts and disbursements of money belonging to the Cemetery Fund and shall pay money out of said 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 Village Cemetery Fund.

BURIAL PERMITS

Sec. V Burial Permits. Before any interment shall be made in the cemetery of this Village, a burial permit shall be obtained therefore from the Cemetery Superintendent. Within thirty-six hours after the death of any person in the Village and before the body is removed for burial, the undertaker or person having charge of the interment shall apply for such burial permit to the Superintendent. This application shall be accompanied by a Death Certificate, or certified copy thereof showing the name and age of the deceased, the date, place and cause of death, together with such other information as may be required by the State Board of Health. No burial permit shall be issued by the Superintendent until such Application and Death Certificate, or certified copy thereof, shall have been properly completed, executed and presented. The body of no deceased person shall be brought into the Village for burial unless accompanied by a Death Certificate and Permit for Removal from the Health Officer of the locality wherein the death occurred.

FEES ✓
Section VI-Fees. The ^{CITY}Village Council may fix a charge for all transfers of ownerships in cemetery lots or for Burial Permits. No transfer of ownership shall be complete or effective until all charges are paid, and no interment shall be made until the burial permit fee is paid.

HOURS ✓
Sec. VII Hours. The Carlton Hillside Cemetery shall be open from 8:00 A.M. to 8:00 P.M. every day.

MONUMENTS AND MARKERS - FOUNDATION ✓
Sec. VIII Monuments and Markers - Foundation. Monuments, stones, vaults, or enclosures of any kind shall hereafter not be permitted on the graves of the ^{CITY}Village Cemetery. Only bronze tablets or stone markers shall be allowed, and they must be set level with the ground at the head of each grave on a concrete foundation having a depth of no less than eight inches and must extend no less than three inches outside of the marker on all sides. The foundation must be located by the Superintendent. No markers may be set to embrace two or more lots, nor shall double markers be permitted, nor shall two or more inscriptions be permitted on one markers, unless specifically permitted by the Superintendent at the time the transfer of the lot is made. If any monument or other structure, or any inscription, be placed in or upon any lot, which shall be determined by the Superintendent to be offensive, improper, or injurious to the appearance of the surrounding lots or grounds, he shall have the right, and it shall be his duty, to enter upon such lot and cause the removal of said offensive or improper object or objects.

IMPROVEMENTS BY LOT OWNER ✓
Sec. IX Improvements by Lot Owner. The owner of each lot shall have the right to cultivate trees, shrubs, and plants on the same, so long as they are located within the lot and are of such kinds as do not interfere with the adjoining lots. The Superintendent of the cemetery shall have the right to enter upon any lot and cut down or remove any tree or shrub or any part thereof which is deemed detrimental to the cemetery or unsightly or inconvenient to the public or to adjoining lots; and he shall also be authorized to enter upon any lot to make any improvement deemed for the advantage of the grounds. Lot owners shall not change the grade of any lot nor interfere in any way with the general plan of the improvement of the cemetery. No fences of any kind or material will be permitted within the cemetery.

ERROR IN BURIAL ✓
Sec. X In the event an error shall involve the interment of the remains of any person, the ^{CITY}Village reserves, and shall have, the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property. The ^{CITY}Village shall have the right to correct any errors made by placing an improper inscription, including an incorrect name or date, either on the memorial or on the container for cremated remains.

ANNUAL ASSESSMENTS FOR CARE AND MAINTENANCE ✓
Sec. XI Annual Assessments for Care and Maintenance. All lots in the Carlton Hillside Cemetery, and 1939 addition thereto, hereafter sold by the Village, and heretofore sold by the ^{CITY}Village with no payment by the purchaser for "perpetual care", will be subject to annual assessments in such amounts as the ^{CITY}Village Council shall deem necessary to keep and maintain such lots in reasonable and proper condition; provided, however, that said annual assessments shall not exceed \$7.00 per eight-grave lot and \$3.50 for four-grave lot or less. In the event any lot owner fails to pay such assessments for five successive years, the ^{CITY}Village Council is authorized to sell the unused portion of such lots. Such assessments shall become due and payable January 1st of each year.

GENERAL REGULATIONS ✓
Sec. XII General Regulations. (a) No person shall discharge any firearm or have possession of any firearm with the cemetery grounds, except in case of military funerals and on Memorial Day, without the written permission of the 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}Village reserves the right to refuse any request. This provisions 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 consent of the Superintendent or his 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 it's accumulation. All derricks, tools, etc., 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 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 Superintendent.

(h) No person shall enter or leave the cemetery except at the gates thereof.

(j) No person shall use the cemetery grounds or any road therein as a public thoroughfare nor drive any vehicle through the cemetery grounds except for the purpose of making deliveries in the cemetery.

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

(l) No person shall allow his or her dog to run at large in the cemetery.

(m) No person shall loiter in or on the walks, drives, or on any lot in the cemetery, and any person found within the cemetery, who fails to give a good and sufficient reason for his presence there, shall be guilty of a misdemeanor.

(n) No person shall leave unattended or unfastened any horse or other animal in the cemetery.

Sec. XIII Penalty - Effective Date. Any person violating any provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not less than \$25.00 and not more than \$100.00, or by imprisonment for not less than 30 days or more than 90 days, plus, in either case, the cost of prosecution. The term "person" as used throughout this ordinance includes firms and corporations. All provisions of any ordinance in conflict with any provision hereof are hereby repealed. This ordinance shall take effect upon passage and publication thereof. Passed the Village Council this 1st day of April, 1959.

PENALTY

SEC. XIV
WHEN EFFECTIVE

Donald Reed
Mayor

Attest:

Kermit Thoreson
Clerk

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