

**Part 7                    CEMETERY – MAINTENANCE AND USE**

**907.01                    Definitions**

**City.** The City of Carlton, Minnesota, owning and controlling the cemetery.

**Cemetery.** A tract of land used for burials or above-ground interment.

**Burial Permit.** Legal written permission for burial to occur.

**Burial Vault.** A container that houses a casket for final interment in the cemetery.

**Columbarium.** Above-ground hexagonal repository composed of niches to hold cremation urns.

**Interment.** Disposition of human remains or cremains by burial or entombment.

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

**Marker.** A memorial of granite or other approved material that does not extend above the surface of the lawn.

**907.02                    Establishment**

A cemetery has been established and is continued upon land owned by the City of Carlton Minnesota, and described as Hillside Cemetery and 1939 addition, City of Carlton. The plat of the cemetery filed with the county recorder in Carlton County, Minnesota, is adopted as the official plat of the cemetery. No person shall lay out or establish any cemetery, or use any lot of land within this City for the burial of dead except in Hillside Cemetery, or some other tract of land duly designated as a cemetery.

**907.03                    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 Sexton. 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 City Council and its officers and employees appointed for that purpose, and that his/her rights shall be subject to such reasonable rules and regulations as the City Council shall adopt from time to time relative to the use of the cemetery.

**907.04                    Conditions of Lot Purchase**

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

**907.05                    Handling of Funds**

All money received from the sale of lots and other services must be paid to the Cemetery Sexton. No deed to any cemetery lot shall be issued, nor any cemetery service performed until payment in full is received for lot purchases and services to be provided. All money received from the sale of lots and performance of

services shall be placed in the cemetery fund. The fund may be used only for payment of the purchase price of grounds, or maintenance and improvements to the cemetery. The Cemetery Sexton shall keep an account of all receipts and disbursements of money belonging to the cemetery fund and shall pay money out of the fund for expenses approved by the Carlton City Council.

**907.06 Burial Permits**

No interment shall be made unless the Cemetery Sexton is notified and a copy of a disposition permit is filed with the City.

**907.07 Internment**

Permission in writing from a lot owner must accompany all requests for permission to bury bodies of persons that are not members of the immediate family of the lot owner. All excavations shall be made under the direction of the designated employee. When graves are requested, at least forty-eight (48) hours' notice shall be given, and the outside dimensions of the case to be used and the location shall be specified. 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 and all burial fees are paid.

**907.08 Burial Vaults**

All caskets must be encased in a permanent type burial case or vault. Fiberglass vaults are prohibited.

**907.09 Disinterment and Removal**

Before any grave may be opened, written permission of the lot owner and the next of kin shall be filed with the Cemetery Sexton, 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.

- (a) Removal of a body by the heirs so that the lot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original lot owner is forbidden.
- (b) A body may be removed from its original lot to a larger or better lot in the cemetery when there has been an exchange or purchase for that purpose.
- (c) The City shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

**907.10 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, in accordance with the procedures outlined in [Minn. Stat. § 306.15](#).

**907.11 City Repurchase of Unused Cemetery Lot**

A lot owner may sell his or her unused lot back to the City. The City will purchase the lot at sixty-five (65) percent of the original cost.

*Note: Repurchase percentage at the discretion of the City.*

**907.12 Conduct of Persons in the Cemetery**

- (a) No person may discharge or have possession any firearm within the cemetery grounds, except in a case of military funerals and on Memorial Day, without written permission of the Cemetery Sexton.
- (b) No person may remove any object from any place in the cemetery or make any excavation without the written permission of the Cemetery Sexton.
- (c) 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 equipment, tools, etc., must also be removed at once and the grounds left in as good condition as found.
- (d) No person may obstruct any driveway 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 at a speed exceeding ten (10) miles per hour. All automobiles must be kept off the grass.
- (e) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.
- (f) No person may enter or leave the cemetery except at the entrances provided.
- (g) 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.
- (h) Children shall not be permitted to engage in playing within cemetery grounds, and children under ten (10) years of age shall not be admitted to the grounds unless accompanied by an adult, who shall be responsible for their conduct while therein.
- (i) Animals must be on a leash and under control at all times.

**907.13 Monuments, Markers and Foundations**

Monuments any kind shall hereafter not be permitted on the graves of the City Cemetery. Only bronze tablets or stone markers set in a concrete boarder shall be allowed, and they must be set level with the ground at the head or foot of each grave. If any marker or other structure, or any inscription, be placed in or upon any lot, which shall be determined by the Cemetery Sexton 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.

**907.14 Improvement by Lot (amended May 2017)**

- A. *With approval of the Cemetery Sexton*, 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 Public Works Superintendent 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, unsightly or inconvenient to the public or adjoining lots; and 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 *or other permanent structures* of any kind or material will be permitted within the cemetery.

- B. The City shall not be responsible for damaged, lost or misplaced flower containers.
  
- C. The City reserves the right to removal all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the owner whenever any of these objects become unsafe.

**907.15            Installation of Monuments and Markers**

Upon placement of an order for a marker, the lot owner or marker salesperson shall furnish the dimensions of the proposed marker to the cemetery sexton, who in turn will authorize the construction of the foundation, and all charges must be paid before the marker is placed thereon. Markers will be placed by the City of Carlton or designated person.

**907.16            Columbarium Niches**

Each niche may contain two cremation urns of appropriate size. The cost of a niche will not include burial opening and closing costs. Each plaque must be engraved according to cemetery specifications. No other additional ornamentation will be allowed on or in front of the columbarium.

**907.17            Hours**

The cemetery will be open to visitors during the hours of 8:00 am to 8:00 pm every day.

**907.18            Penalty**

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