

ORDINANCE NO. 197

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

ARLINGTON PUBLIC CEMETERY RULES OF OPERATION

It is the goal of the City of Arlington 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 Administrator 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 Administrator's office. The City Administrator shall maintain possession of all cemetery record books, plat maps, and cemetery funds. To comply with state law, the City Administrator shall create a permanent record of all burials, including the following information:

Date of Burial
Name
Age
Sex
Date of Birth
Cause 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 Administrator.

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 Markers. 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 1/4 inch above ground level.

Markers may be set on same margin, and also shall not exceed 1/4 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 marker in the cemetery which does not conform to the description of said monument or marker in the permit application approved by the city, the party placing said monument or marker may be required by the city to alter or fully replace said monument or marker at that 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 the 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 of 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 days, 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. Private fences, curbing, boxing or mounds are prohibited on burial lots, and the city reserves the right to remove any found to exist on any lot, the cost or removal to be charged to the lot owner. The city reserves the right to refuse

the erection of any monument, marker, urn or any other object that is of such size, material, design or construction which the city deems inappropriate for the cemetery. Cut or artificial flowers, flower containers, or other memorial decorations of any kind must be removed within one week after the end of the holiday or ceremony which prompted the decoration. As an exception to this rule, for the Memorial Day holiday, private decorations shall be allowed during the period one week before Memorial Day and two weeks next following Memorial Day. The city retains the right to remove all such decorations which are in violation of this rule and dispose of them as the city deems fit, without further notice or obligation to the lot owners. No person shall plant any flowers, shrubs, trees or conduct any other landscaping in the cemetery under any circumstances, without the express written permission of the city.

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 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 any 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 onto 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 graves to a company or companies approved by the city.

Section 10. Cemetery Funds. All fees collected for cemetery use shall be put in separate designated funds not commingled with general city revenues. A percentage of the lot sale proceeds as set by the City Council from time to time shall be placed in a Perpetual Care Fund. Only the interest income from said fund may be used for cemetery maintenance. The principal of said fund shall be maintained permanently. All other cemetery funds shall placed in a general cemetery fund account, to be used for cemetery maintenance and improvement at the discretion of the City Council.

Section 11. 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.
- (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.
- (e) No person shall disturb the quiet of the cemetery by noise or improper conduct of any kind.
- (f) No person shall enter or leave the cemetery except at the gates provided.
- (g) 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 purposes relating to the cemetery.
- (h) 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 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 or skateboards.
- (i) 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 animals droppings must immediately be picked up and removed from the cemetery grounds by the person in control of the animal.
- (j) No person shall loiter at any time, nor be in the cemetery without permission of the city at any time between the hours of sunset 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 become effective immediately upon publication.

For City of Arlington:

/s/ David Czech

By David Czech

It's Mayor

/s/ David L. Krueger

By David L. Krueger

It's Administrator

First Reading: May 1, 2006
Second Reading: May 15, 2006
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