

CITY OF AURORA
Ordinance No.68

THE CITY COUNCIL OF THE CITY OF AURORA, ST. LOUIS, COUNTY, MINNESOTA
ORDAINS:

SECTION 1. DEFINITIONS.

City. The City of Aurora, 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 repository composed of niches to hold cremation urns.

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

Mausoleums. An external free-standing building enclosing the interment space or burial chamber of a deceased person or persons.

Memorial. A monument, marker bench, or large urns (marked or unmarked).

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.

SECTION 2. ESTABLISHMENT.

A cemetery has been established and is continued upon land owned by the City of Aurora Minnesota, and described as Forest Hill Cemetery, City of Aurora. The plat of the cemetery filed with the county recorder in St. Louis 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 Forest Hill Cemetery, or some other tract of land duly designated as a cemetery.

SECTION 3. SALE OF LOTS.

The prices of cemetery lots and services will be set by resolution of the City Council. Any person paying for a lot is entitled to a license agreement conveying the lot. A license agreement conveying a lot gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes. Sale of lots between individuals is prohibited.

SECTION 4. CONDITIONS OF LOT PURCHASE.

All lot agreements are subject to reasonable rules and regulations as the 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 Council may provide.

SECTION 5. HANDLING OF FUNDS.

All money received from the sale of lots and other services must be paid to the City treasurer. No lot agreement to any cemetery lot shall be issued, nor any cemetery service performed until a receipt showing payment to the City of the cost thereof is exhibited to the person who issues the agreement or performs the services. 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 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 as approved by the City Council.

SECTION 6. BURIAL PERMITS.

Before any interment, a burial permit shall be obtained from the funeral home or State Registrar of Vital Statistics. No interment shall be made unless the City is notified and a copy of such burial permit is filed with the City. Within thirty-six (36) hours after the death of any person in the City and before the body is removed for burial within the City, the mortician, funeral director, or person having charge of the interment shall apply for the permit. This application shall be accompanied by a death certificate as prescribed by the Minnesota Department of Health. No burial permit shall be issued until the application and death certificate is completed and presented. The body of a deceased person shall not be brought into 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.

SECTION 7. INTERMENTS.

No interment shall be made in any site, except by Board approval, of the body or remains of any person who was not, at the time of death, the owner thereof, or the relative of the owner by blood or marriage. All excavations shall be made under the direction of the Director of Public Works. When graves are requested to be dug by the Director of Public Works or his agents, at least twenty-four (24) 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 or arrangements have been made through a funeral home.

- a. Only one casket burial per grave site is allowed.
- b. Casket Burial between grave sites is not allowed.
- c. Private burial of cremains must be arranged through the City Clerk's Office.
- d. Two (2) cremain burials per grave site are allowed.
- e. Burial of cremains between sites is not allowed.
- f. Burial of cremains over a casket burial is not allowed.
- g. An urn vault is optional.

SECTION 8. BURIAL VAULTS.

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

SECTION 9. FUNERAL SUPERVISION.

All funerals, on reaching the cemetery, shall be under the supervision of cemetery management.

SECTION 10. 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 superintendent, 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.

SECTION 11. TRANSFER OF LOTS.

No cemetery lot or fractional lot may be resold or otherwise disposed of, except by will, without the approval of the Cemetery Board, in accordance with the procedures outlined in [Minn. Stat. § 306.15](#).

SECTION 12. 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 the original purchase price. Repurchase shall be completed through the City Clerk's Office

SECTION 13. CONDUCT OF PERSONS IN THE CEMETERY.

- (a) No person may discharge any firearm within the cemetery grounds without written permission of the superintendent.
- (b) No person may remove any object from any place in the cemetery or make any excavation without the written permission of the City.
- (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 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.

SECTION 14. MONUMENTS and MARKERS.

Acceptable Memorialization is as follows:

- a. Monuments or markers are allowed in Blocks 5-16, markers only are allowed in Blocks 17-24.
- b. No monument may be placed on a lot platted for less than one burial.
- c. No monument or marker may be placed unless the location has been approved by the City and the full purchase price of the lot has been paid.
- d. Monuments and markers must be constructed of granite, marble, or bronze material.
- e. Single markers or monuments shall consist of one piece and shall not be more than 16 inches in width nor less than 24 inches in length. Double markers or monuments shall

not exceed 16 inches in width and 36 inches in length. Quad markers or monuments shall not exceed 16 inches width and 48" in length. Other dimensions of double and quad markers shall be the same as for single markers or monuments. These restrictions shall not apply to markers or monuments provided by the federal government.

- f. Markers or monuments between grave sites are not allowed.
- g. One marker at the foot of a casket or cremain burial where one burial is on the site is allowed in addition to a family monument or marker.
- h. A marker can be placed over each cremain burial where two burials are on the same site in addition to a family monument or marker.
- i. The City reserves the right to remove all monuments or markers without liability to the owner whenever any of these objects become unsafe as per Section 21 of this ordinance.
- j. Memorialization cannot be placed for anyone who is not buried in the cemetery; however, memorialization for a veteran buried overseas is allowed.
- k. Aurora Public Works staff will install military markers. All other monuments and markers are the responsibility of the lot owner.

SECTION 15. FOUNDATIONS.

All monuments shall be placed on foundations of solid masonry at a depth and size to be determined by the Cemetery Board. All foundations for monuments must be constructed so as to extend four (4) inches beyond the monument on all sides and must be of sufficient depth and stability to support the proposed structure. A four (4) inch concrete border is recommended around markers. The City reserves the right to excavate and build all foundations.

SECTION 16. INSTALLATION OF MONUMENTS AND MARKERS.

Upon placement of an order for a monument, the lot owner or monument salesperson shall furnish the dimensions of the proposed monument to the Director of Public Works, who in turn will authorize the construction of the foundation, and all charges must be paid before the monument is placed thereon.

- a. Persons engaged in erecting monuments and other structures shall provide adequate planking to protect turf and shall remove all materials, equipment, and refuse immediately upon completion of the work.
- b. Scattering of materials on adjoining lots, or leaving materials on the ground longer than absolutely necessary is prohibited. In all cases the work is subject to the control of the cemetery superintendent and work must be conducted within the regulations of the cemetery. Ropes and cables may be attached to trees or other objects only on approval of the superintendent.
- c. Monument salesperson and/or installer shall be responsible for ground preparation, including tree root removal, when installing monuments or markers.
- d. Monument companies must provide to the city a Certificate of Liability Insurance to maintain commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products-completed operations,

personal injury, advertising injury, and contractually assumed liability. The City shall be named as an additional insured.

SECTION 17. MAUSOLEUMS.

Mausoleums may be placed only on cemetery lots designated by the Cemetery Board for such structures.

SECTION 18. COLUMBARIUM NICHES.

Each niche may contain one cremation urns of appropriate size. The cost of a niche will include burial opening and closing costs. One four (4) inch by ten (10) inch bronze plaque will be included per niche. Each plaque must be engraved according to cemetery specifications. No other additional ornamentation will be allowed on or in front of the columbarium.

SECTION 19. DECORATION OF LOTS.

- a. Lot owners are not allowed to change the grade of any lot nor interfere with the general plan of the Cemetery; however, lot owners may bring the lot and monument or marker to level grade at their expense.
- b. Lot owners may lay sod after receiving approval from the Director of Public Works.
- c. The private planting of trees, shrubs and bushes is not allowed.
- d. Decorations on wire hangers or objects anchored to the ground with wire are not allowed and will be removed by Public Works maintenance staff.
- e. One planter is allowed per grave site. Planters may be placed one week before Memorial Day and must be removed by September 30. Any planters left beyond September 30 will be removed by Public Works maintenance staff.
- f. The use of shepherd hooks or elevated plant stands is acceptable.
- g. One vigil light and up to two solar lights per grave site is allowed.
- h. Any and all ornamentation other than one planter, one vigil light, and up to two solar lights per grave site will be removed by Public Works staff.
- i. Artificial flowers are not allowed.
- j. The City reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the owner whenever any of these objects become unsafe and in keeping with the landscape design of the Cemetery.

SECTION 20. HOURS.

The cemetery has no posted hours.

SECTION 21. HAZARDOUS MONUMENTS/MARKERS

At least annually, City staff will conduct an inspection in the cemetery for blighted monuments, markers and/or headstones that are considered to be in a dangerous condition. A dangerous condition shall include leaning, crumbling, cracking, broken and sinking. Attempts will be made by City Staff to contact the lot owner and require repair. Said notification shall be by certified letter, placed in the US Mail. Lot owner shall be given ninety (90) days to comply with

requirements to correct the unsafe situation. If no lot owner or family can be found after due diligence, the City will remove the dangerous headstones and monuments and will store items at City facilities. If footstones mark the graves, the monument will not be replaced. If the dangerous monument is the only marking for the lot, a flat marker will be installed using designated Cemetery Memorial funds. All documentation will be recorded in the Office of the City Clerk.

SECTION 22. PENALTY.

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 23. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this 3rd day of June, 2014

Mary Hess, Mayor

ATTEST:

Britt See-Benes
Administrator/Clerk Treasurer

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