

CHAPTER 5.**ENVIRONMENT****530. GERMAN LIBERAL CEMETERY****Section 530.01. Definitions.**

Subd. 1. Burial Permit. Legal written permission for burial to occur.

Subd. 2. Burial Vault. A container that houses a casket for final Interment in the Cemetery.

Subd. 3. Cemetery. The entire tract of land owned by the City of Medina for Cemetery purposes located at 2695 Hamel Road/County Road 115, and as legally defined as:

Parcel 1: 16-118-23-12-0001

That part of Section 16, Township 118, Range 23, described as follows: Beginning at a point 26.93 chains West of the Northeast corner of said section 16; thence South 1.96 chains; thence West 3.17 chains; thence North 1.96 chains to section line; thence East 3.17 chains to the place of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Parcel 2: 09-118-23-43-0001

That part of Section 9, Township 118, Range 23, described as follows: Beginning at a point 26.93 chains West from the Southeast corner of said section 09; thence North 1.21 chains; thence West 3.17 chains; thence South 1.21 chains; thence East 3.17 chains to the point of beginning, except road, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Abstract Property

Subd. 4. Cemetery Custodian. The City contracted service provider assigned to oversee the maintenance and operations of the Cemetery.

Subd. 5. City. The City of Medina, Minnesota, owning and controlling the Cemetery.

Subd. 6. Columbarium. Above-ground structure repository composed of niches to hold cremation urns.

Subd. 7. Cremains. The ashes of a cremated human body.

Subd. 8. Disinterment. To exhume the remains of the deceased.

Subd. 9. Interment. Disposition of human remains or Cremains by burial or entombment.

Subd. 10. Gravesite. Designated parcel, either traditional and/or cremation, 39 inches wide and 108 inches long, within the Cemetery for purposes of containing the remains of the deceased.

Subd. 11. Mausoleums. An external free-standing building enclosing the Interment space or burial chamber of a deceased person or persons.

Subd. 12. Memorial. A Monument, Marker, or large urn (marked or unmarked).

Subd. 13. Monument. A Memorial that extends above the surface of the lawn.

Subd. 14. Marker. A Memorial of granite or other approved material inscribed with the name of the deceased and other pertinent information that does not extend above the surface of the lawn.

Section 530.03. Establishment. A Cemetery has been established and is continued upon land owned by the City of Medina, Minnesota, and described as German Liberal Cemetery, City of Medina.

Section 530.05. Sale of Gravesites. The prices of Cemetery Gravesites and services will be set by ordinance of the City Council. Any person paying for a Gravesite is entitled to a license agreement conveying the Gravesite. A license agreement conveying a Gravesite gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes.

Section 530.07. Conditions of Gravesite Purchase. All Gravesite license agreements are subject to reasonable rules and regulations as the Council may adopt from time to time relative to the use of the Cemetery. No Gravesite 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 530.09. Handling of Funds. All money received from the sale of Gravesites and other services must be paid to the City treasurer. No Gravesite license agreement to any Cemetery Gravesite 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 deed or performs the services. Money received from the sale of Gravesites and performance of services shall be placed in a City special revenue fund to be used only for the maintenance and improvements of the Cemetery. The treasurer shall keep an account of all receipts and disbursements of money belonging to the Cemetery funds and shall pay money out of the funds as approved by the City Council.

Section 530.11. 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.

Section 530.13. Burial Vaults. Burial Vaults are required for all remains. All caskets must be encased in a permanent type burial case or vault. Fiberglass vaults are prohibited. Classification of vault sizes which affect combinations allowed in a Gravesite are as follows:

- (a) Adult vault – up to thirty-four (34) inches wide and ninety (90) inches in length
- (b) Child vault – twenty-five (25) inches to forty-eight (48) inches in length
- (c) Infant cherub – twenty-four (24) inches and under in length
- (d) Urn vault – twenty-four (24) inches wide and twenty-four (24) inches long and under

Section 530.15. Interments. Permission in writing from a Gravesite owner must accompany all requests for permission to bury bodies of persons that are not members of the immediate family of the Gravesite owner. All excavations shall be made under the direction of the Cemetery Custodian. When Gravesites are requested to be dug by the Custodian or his/her agents, at least twenty-four (24) hours notice shall be given, and the outside dimensions of the vault 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 the purchase price of the Gravesite and all burial fees are paid. The following combinations are permitted in any given Gravesite:

- (a) One adult vault
- (b) One adult vault and up to two infant cherubs
- (c) One adult vault and up to two urns
- (d) Up to two child vaults
- (e) One child vault and up to two infant cherubs
- (f) One child vault and up to two urns
- (g) One child vault, one infant cherub, and one urn
- (h) Up to three infant cherubs
- (i) One infant cherub and up to two urns
- (j) Up to three urns

Section 530.17. Funeral Supervision. All funerals, on reaching the Cemetery, shall be under the supervision of the Cemetery Custodian. Serving of food or beverages in the Cemetery is prohibited.

Section 530.19. Disinterment And Removal.

Subd. 1. Before any Gravesite may be opened, written permission of the Gravesite owner and the next of kin shall be filed with the City, 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.

Subd. 2. Removal of a body by the heirs so that the Gravesite may be sold for profit, or removal contrary to the expressed or implied wish of the original Gravesite owner is forbidden.

Subd. 3. A body may be removed from its original Gravesite to a different Gravesite in the Cemetery when there has been a purchase for that purpose.

Subd. 4. The City shall assume no liability for damage to any casket or burial case in making the Disinterment and removal.

Section 530.21. Transfer Of Gravesites. No Cemetery Gravesite or fractional Gravesite may be transferred, conveyed, or disposed of by sale, will, trust or otherwise except in accordance with Minn. Stat. sections 306.15 and 306.29.

Section 530.23. City Repurchase Of Unused Cemetery Gravesite. A Gravesite owner may sell his or her unused Gravesite back to the City. The City may, at its option, repurchase the Gravesite at fifty (50) percent of the original cost.

Section 530.25. Conduct Of Persons In The Cemetery.

Subd. 1. No person may discharge any firearm within the Cemetery grounds, with the exception of federally recognized holidays, ceremonial burials, or without written permission of the City.

Subd. 2. No person may remove any object from any place in the Cemetery or make any excavation without the written permission of the Custodian.

Subd. 3. No person may obstruct any drive or path in the Cemetery or in any way injure, deface, or destroy any structure, gravesite, flower, tree, or other thing in the Cemetery.

Subd. 4. No person may drive any vehicle at a speed exceeding ten (10) miles per hour.

Subd. 5. No person may disturb the quiet of the Cemetery by noise or improper conduct of any kind.

Subd. 6. No person may enter or leave the Cemetery except at the entrance provided.

Subd. 7. 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.

Subd. 8. 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.

Subd. 9. Animals must be on a leash and under control at all times.

Section 530.27. Monuments, Markers and Large Urns.

- Subd. 1.** All Monuments and large urns are prohibited within the Cemetery grounds, with the exception of Monuments in place prior to the City taking ownership of the Cemetery may remain.
- Subd. 2.** All Markers shall be placed on the west end of the Gravesite to ensure all Markers are in a straight line, or as directed by the Custodian.
- Subd. 3.** No Marker may be placed unless the location has been approved by the Custodian and the full purchase price of the Gravesite has been paid.
- Subd. 4.** Markers must be constructed of granite, marble, or bronze material.
- Subd. 5.** A maximum of three (3) Markers is allowed on a single Gravesite.
- Subd. 6.** Single Markers, including the border and foundation, shall consist of one piece and shall not be more than 36 inches in width and must be flat and level with the ground. These restrictions shall not apply to markers provided by the federal government.
- Subd. 7.** If a single Marker is used over two or more Gravesites, a margin of 1½ inches must be allowed on either side.
- Subd. 8.** The City is not responsible for the purchase, installation, maintenance, or replacement of any Marker.

Section 530.29. Foundations. All Markers shall be placed on foundations of solid masonry at a depth and size to be determined by the Cemetery Custodian. The top of all foundations shall not be higher than two inches below the established grade. The City reserves the right to excavate and build all foundations.

Section 530.31. Installation Of Markers. Upon placement of an order for a Marker, the Gravesite owner or Marker salesperson shall furnish the dimensions of the proposed Marker to the Cemetery Custodian, who in turn will authorize the construction of the foundation, and all charges must be paid before the Marker is placed thereon.

- Subd. 1.** Persons engaged in placing Markers shall provide adequate planking to protect turf and shall remove all materials, equipment, and refuse immediately upon completion of the work.
- Subd. 2.** Scattering of materials on adjoining Gravesites, 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 Custodian and work must be conducted within the regulations of the Cemetery.

Section 530.33. Mausoleums. Mausoleums are prohibited within the Cemetery grounds.

Section 530.35. Columbarium Niches. Columbarium Niches are prohibited within the Cemetery grounds.

Section 530.37. Decoration Of Gravesites.

Subd. 1. Fresh cut flowers, potted plants, and artificial flowers are permitted from April 1 to October 31 and must be placed in a flower pot mounted in a single staked iron cemetery stand of standard size and sturdiness. No trees or vines may be planted, nor may fences be erected. The City reserves the right to remove any tree, shrub, vine, plant, or flower that may become unsightly, dangerous, or not in keeping with the landscape design of the Cemetery. Planting directly into the ground is prohibited, except in designated garden areas. The City shall not be responsible for damaged, lost, or misplaced flower pots or cemetery stands.

Subd. 2. Evergreen wreaths and winter artificial decorations may be placed from November 1 to March 31 and must be securely staked to avoid blowing or tipping.

Subd. 3. For grounds keeping purposes, the placing of ornaments, decorations, shepherd's hook plant stands or inappropriate containers such as glass jars or coffee cans shall not be permitted on the ground, and if so placed, the City may remove the same. Decorations or ornaments shall be allowed in a flower pot in a single staked iron cemetery stand of standard size and sturdiness, as long as they do not become unsafe or unsightly. Solar lights, balloons, lanterns, wind chimes and other items which are designed or intended to emit light or sound or which move by wind, mechanical or electrical power are prohibited and subject to immediate removal.

Subd. 4. 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, unsightly, or are in violation of the Cemetery decoration policy.

Subd. 5. Any items to be saved must be removed before the spring or fall deadline to allow for spring and fall cleanup.

Section 530.39. Hours. The Cemetery will be open to visitors from sunrise to sunset each day. Permission to enter at other times may be secured from the Custodian.

Section 530.41. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor.

Amendment History of this Section

Adopted October 5, 2010 (Ord. 493).