



**BAXTER CITY CEMETERY  
REGULATIONS**

**BAXTER, MINNESOTA**

**Date of Council Approval: June 3, 2014**

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## **REGULATIONS FOR THE BAXTER CITY CEMETERY**

### **I. General Information**

On July 24, 1916 the Chairman of the Baxter Town Board approved and granted permission for a Cemetery to serve its citizens. The Baxter City Cemetery is to serve the community as a municipal nonprofit organization to provide burial facilities for persons of any race, color or creed.

It is the objective of the Board of Trustee's to preserve the cemetery and provide a place of tranquility. To this end, it is necessary to establish Regulations to govern the activities within cemetery boundaries.

The purpose of these rules is not to restrain, but rather to guide use consistent with a common objective. The rules are intended to prevent the inconsiderate from taking advantage of others, whether suppliers of materials or services, the general public, visitors, or owners of interment or inurnment rights.

The regulations as herewith adopted will apply with equal force to all owners of interment or inurnment rights, the general public, visitors, funeral directors, suppliers of materials or services, and contractors performing work within the cemetery.

### **II. Authority**

These regulations are created pursuant to the reservation of right contained in the grant of interment or inurnment rights to owners, and under the authority granted by the City of Baxter under Ordinance, and the laws of the State of Minnesota.

1. All rules contrary to or inconsistent with lawful amendments hereinafter made are repealed when such amendments are effective.
2. The Board of Trustee's or their designee reserves the right to adopt additional rules or to amend, alter, or repeal any rule, or portion thereof at any time, without notice.
3. Management of the Cemetery is authorized to make temporary exceptions, suspensions or modifications of any rule without notice when, in the judgment of management, such action is necessary and in the best interest of the Cemetery.

### **III. Purpose**

The Baxter City Cemetery is dedicated and restricted to the burial of the human dead and will be used for no other purposes.

#### **IV. General Definitions**

1. The term "cemetery" is defined to include all property now or hereafter owned or otherwise controlled by the City of Baxter in the vicinity of Maplewood Drive, Baxter, Minnesota, named "Baxter City Cemetery," and dedicated by the City for cemetery purposes, including, but not limited to roadways, burial grounds, and any other improvements located thereon.
2. The term "lot owner" means the owner of interment rights or inurnment rights, as granted by the City in the original purchase or by legal succession. It does not include any person solely by reason of his or her being designated as having a burial right in a lot.
3. The term "interment" means the burial or the inurnment of the human dead.
4. "Burial" means the placement of human remains in a grave.
5. "Inurnment" means the placement of cremated remains in an urn or the interment of the urn in a burial space.
6. The term "lot or plot" means an area identified on a layout map filed in the City of Baxter offices, each providing a location for the burial of one to eight human remains.
7. The term "grave or burial space" means one of eight spaces within a lot. The exact locations identified on drawings filed with the City.
8. The term "cremains" means cremated human remains, sometimes referred to as "ashes."
9. The term "memorial" means any monument, marker, urn, vase or structure placed upon any lot for the purpose of identification or in memory of the interred.
10. The terms "contractor" or "independent contractor" means any person, firm or corporation performing any work in or on the cemetery grounds, other than an employee of the City.
11. The terms "management" or "board" mean officers and city employees who have the responsibility for the administration and operation of the Cemetery.
12. The term "office" means "city offices" of the City of Baxter located at 13190 Memorywood Drive, Baxter, MN.
13. The term "Trustee's" means an officer of an organized and advisory team whose mission and purpose is to supervise, develop and maintain the city's cemetery per Minnesota State Statutes 306.01-306.99, with duties and responsibilities assigned by the Chairman, City Council and City Administrator.
14. The term "Providers" means anyone needing access to the cemetery lot for necessary services including, but not limited to City Staff, Funeral Home Staff and Vault and/or Marker Suppliers.

#### **V. General Regulations**

1. The Board of Trustees is a public, non-profit entity which, under the laws of the State of Minnesota and the rights of burial granted lot owners, has the right to require all persons

entering the Cemetery to comply with rules adopted by the City Council. Management of the Cemetery has the authority to refuse admission to the grounds or to require any person to leave whose conduct is not consistent with these rules.

2. Pedestrians within the Cemetery are to use only the marked, established roads.
3. Children under sixteen (16) years of age are not permitted within the Cemetery, unless accompanied by a responsible adult.
4. The conduct of all persons within the Cemetery must respect the area as a sacred and reverent place. Noise and boisterous conduct is forbidden. The following are specifically not permitted within the Cemetery unless approved previously:
  - A. The use of intoxicating beverages, illegal substances or chemicals.
  - B. Consuming lunches, refreshments or picnics of any kind.
  - C. Idling or loitering on the grounds.
  - D. Peddling or soliciting the sale of any object or material.
5. No person shall have in his or her possession a firearm or explosive, excepting an on-duty police officer and members of military organizations (i.e. National Guard, American Legion Honor Guard) at funerals and civic functions.
6. All persons are strictly forbidden from or cutting any tree, shrub or plant; from marring or defacing any landmark, monument, marker, memorial or structure; or from defacing or littering the grounds, in any way.
7. The unauthorized removal of flowers, plants, shrubs, trees or any landmark, monument, marker, memorial, flower vases, flower urns or any tools, equipment or other such personal property is strictly forbidden.
8. All vehicles within the Cemetery must be operated with the maximum caution and consideration for others. The following specific regulations are to be adhered to:
  - A. The speed limit for vehicles within the Cemetery is five (5) miles per hour.
  - B. All vehicles must keep off the grass and travel or park only on the established roadways.
  - C. All vehicles must be operated at a minimum noise level.
  - D. Leaving or abandoning any vehicle on Cemetery property is prohibited. Vehicle will be removed at the owner's expense.
  - E. Management may prohibit motor vehicles or wheeled vehicles from entering the Cemetery at any time.
  - F. Bicycles, ATV's or snowmobiles are strictly forbidden in the cemetery.

9. Management will take reasonable precautions to protect Owner, and the property rights of Owners, within the Cemetery, from loss or damage; but management distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, acts of terrorism or order of any militia or civil authority.
10. Dogs, with the exception of seeing-eye dogs, cats or other pets are not permitted on the Cemetery grounds. Any pets brought to the Cemetery must remain in the vehicle.
11. All cemetery lots are payable at Baxter City Hall and all receipts and acknowledgments must be issued by that office.
12. The right to enlarge, reduce, replot or change the boundaries or grades of the Cemetery, or any section of the Cemetery, including the right to modify or change or remove or re-grade the roads is reserved to the Board of Trustee's. This reservation includes the right to lay, maintain, operate, alter or change pipe lines for watering purposes. The right to locate, alter, relocate, shrubs, trees and decorative features is also reserved to the Board of Trustee's or their designee.
13. The Board of Trustee's reserves to itself, to city staff and to those lawfully entitled thereto, a perpetual right of ingress and egress over all lots for the purpose of passage to and from other lots.
14. Lot owners are responsible for notifying management of any change in his or her post office address. Notices sent to a lot owner at the last address on file in the Cemetery office will be sufficient and proper legal notification.
15. In the event management is unable to allow an interment or inurnment in any lot for any reason beyond its control, or because the burial space, in the judgment of management, is not, at the time of burial, suitable for the disposition, then management may, without any further liability whatsoever, convey in exchange therefore, other interment property of equal value and similar location, as far as possible or in the sole discretion of management, refund the amount of money paid on account of said purchaser.

### **Sale and Purchase of Interment Rights**

1. Purchasers of interment rights must be a resident of the City of Baxter at the time of their death or have prior residency in the City for a period of at least ten (10) years. This will also include their children (Ord. 2-2-10).
2. Purchasers of interment or inurnment rights in Baxter City Cemetery do not acquire ownership of any part of the lot, except for the rights of interment or inurnment as specified.
3. The receipt of Burial Rights, the instrument of transfer, and these rules, constitute the sole agreement between the Cemetery and the owner of the burial rights. Any statement of any employee or agent, unless confirmed in writing by an official of the Cemetery, shall not be binding.
4. Burial rights in Baxter City Cemetery are not sold in common ownership or joint tenancy. Ownership must stand in one name only.

5. The purchase of burial rights does not include the charges for interment or inurnment. The cost of any memorial marker, vault, urn or any other such item is not included.
6. The sale and/or transfer of any ownership or burial rights require the approval of the Board of Trustee's or their designee and must be in compliance with its rules and regulations. The transfer or the descent of title of deceased owners is prescribed by Minnesota Statutes.
7. All transfer of ownership of interment rights shall be made in accordance with the Minnesota Statutes, Section 306.15 as hereinafter amended.
8. A lot owner may dispose of his or her cemetery burial rights will to a surviving relative or in trust to the Board of Trustee's. The disposal of lots by owners is governed by Minnesota Statutes 306.29.

## **VII. Interments or Inurnments**

1. Regular interments or inurnments in the Cemetery will be made Monday through Saturday between the hours of 7:30 a.m. and 4:30 p.m. Certain exceptions and provisions apply, namely;
  - A. Overtime may be charged for all burials before the hour of 7:30 a.m. or when the vault cover has not been set in place by 4:30 p.m.
  - B. No burials shall be made on the legal holidays of Christmas, New Year's, Memorial Day, July 4th, Labor Day and Thanksgiving, or on Sundays. However, if and when the Board of Trustee's or their designee is required by law or because of unforeseen circumstances to allow burials to be made on Sundays or holidays, then additional fees may be charged.
2. No interment other than that of the spouse of the owner or person or persons designated in the Burial Rights document may be made in any lot without written consent of the lot owner or an authorized representative of the owner. If the owner of the lot does not designate the specific space to be used, then management reserves the right to make the designation.
3. No "green" burials will be allowed in the Baxter City Cemetery
4. Burials of caskets or cremains will be placed in vaults made of concrete, metal or material of a design approved by the Board of Trustee's or their designee. (07-22-1981).
5. Interments of more than one remains in a grave space is not permitted, except when specifically approved by the Board of Trustee's or their designee and where an additional burial right has been purchased.
6. Interments or inurnments can be made only by licensed personnel and properly authorized by Cemetery management.
7. A casket within the confines of the Cemetery and which contains any remains will not be opened, except for cremation, without proper authorization from the next of kin, a family representative of the deceased or a court order.

8. The Board of Trustee's requires a minimum notice of forty-eight (48) hours notice from June 1 to October 31 for an interment or inurnment. A minimum notice of seventy-two (72) hours notice from November 1 to May 31 prior to an interment or inurnment.

### **VIII. Disinterment**

1. Disinterment or reinterment within the confines of the Cemetery shall be subject to the rules of the Board of Trustee's and all State and local laws.
2. No disinterment or removal will be allowed or made, except by authority, in writing, of the owner of the lot in which the interment is made and by the legal next of kin of the decedent and/or by a court order.
3. All disinterment's and/or reinterment's within the Cemetery must be made by licensed personnel.
4. A disinterment by the heirs, beneficiaries or other claimants, so that the property may be sold or used for personal gain, is not permitted.
5. When remains are removed from the Cemetery, a permit from the local health department is required in addition to the authorization of the lot owner and the legal next of kin of the decedent and/or by a court order.
6. When the coroner, a court or other properly authorized authority request a disinterment, a certified copy of the order directing such action must be filed with the Board of Trustee's in advance. The Board of Trustee's assumes no liability for any claims resulting from such a disinterment.

### **IX. Perpetual Care of Cemetery Property**

1. The perpetual care of the Cemetery is assumed by the City of Baxter and, in general, includes such things as the mowing of the grass, raking of fallen leaves, maintaining the roadways, water systems, and cemetery buildings, if any, and the care of trees, shrubs and flowers that may have been placed by management. Perpetual care does not include watering of trees, shrubs nor plants in urns or containers.
2. As part of the perpetual care, the Board of Trustee's or their designee shall have the right to remove any tree or shrub upon any lot which has or shall become by reason of age or other cause unsightly or detrimental to the lot upon which it is situated or any adjoining lot or avenue.
3. To perpetuate the perpetual care of the Cemetery fifty percent of the monies received from all lot sales shall be placed in a Perpetual Care Fund. The income derived from this fund is used to defray the cost of the general care and maintenance as described above.

### **XI. Lot Decorations**

1. No person, including lot owners, shall place any objects (shells, toys, etc.) on lots with the exception of permitted monuments, grave markers, urns and benches.
2. No planting of trees, shrubs, or perennials is allowed on any lot and is subject to immediate

removal by the Board of Trustee's or their designee.

3. No artificial flowers are permitted in the cemetery from or after June 15<sup>th</sup> in any year. Lot owners shall remove same by June 15<sup>th</sup> or the Cemetery Overseer shall dispose of same. This is due to the hazard it may cause to employees.
4. Fresh floral bouquets in unbreakable vases will be temporarily permitted. The use of glass or china jars, tin cans or other unapproved containers on Cemetery grounds is prohibited and is subject to immediate removal by the Board of Trustee's or their designee. Flowers must be removed when they become wilted.
5. Permanent style cut flower vases manufactures of bronze, aluminum or other durable metals can be installed on any lot. The permanent flower vases must be an integral part of the maker and be a type and style that invert and when not in use the top portion of the vase will be at or below the surface of the ground.
6. Only one permanent cut flower vase is permitted to be installed for each lot. Two vases will be permitted in conjunction with a family plot.
7. The use of shepard hooks or elevated plant stands is encouraged. This assists in the maintenance of the cemetery and prevents damage to planting containers.
8. Do not empty planting containers on the grass. This causes damage to mowers and is a potential safety hazard for the mower operator. Black dirt is provided for your convenience along the east fence line. Do not bring in dirt or fertilizing material as this can create serious weed problems.
9. No enclosure of any kind, such as fencing, landscape edging or hedge shall be permitted around any grave or lot. Grave mounds will not be allowed and no lot shall be raised above the established grade.
10. Fresh evergreen wreaths are permitted from November 1<sup>st</sup> through the Christmas season and should be removed from the grounds before spring, or when they become unsightly. The Board of Trustee's or their designee reserves the right to remove any and all decorations that become unsightly.
11. Thatching of the graves with evergreen boughs or other materials is not permitted.
12. The Board of Trustee's or their designee will not be responsible for damage to or loss of plantings, cut flowers, potted plants, wreaths, trees, benches or other decorations caused by the elements, thieves, vandals, disease or other causes beyond its reasonable control.
13. The Board of Trustee's or their designee reserves the right to remove all floral decorations, trees, shrubs or plants when they do not conform to these rules, or which become unsightly, overgrown, dangerous or diseased on the lot on which they are situated, or to any other lot, path or roadway. Failure to arrange for or to give proper care shall constitute an order to remove same.

#### **XVIV. Monument Marker and Memorial Bench Requirements**

1. Monuments or markers constructed of any other material other than stone or real bronze will not be allowed. No monuments or markers may be constructed of limestone, sandstone, or any artificial material which will not assure relative permanency. All work to construct, install, letter, clean, repair or to do any other work pertaining to monuments within the grounds of the Cemetery is subject to the control and supervision of the Board of Trustee's or their designee.
2. Benches must be constructed of either concrete or marble. Foundations must be set level with the sod and be cut so as to go into the ground not less than four inches or more than eight inches. The outside measurements of the foundations must extend four inches around the perimeter of the bench. Benches placed at the foot of the grave cannot exceed 36 inches long and 30 inches wide. Benches placed at the head of the grave cannot exceed 42 inches long and 30 inches wide.
3. All structures, to insure sufficient support must have foundations built on solid masonry, of a depth and size deemed proper by the Board of Trustee's or their designee who shall have the power to stop all work not done in conformity to these rules. Foundations must be set level with the sod and be cut so as to go into the ground not less than four inches or more than eight inches. The outside measurements of the foundations must extend four inches around the perimeter of the monument.
4. Monument companies may erect monuments in the cemetery subject to the supervision of the Board of Trustee's or their designee and in compliance with the Baxter City Cemetery Rules and Regulations.
5. Only one marker shall be placed at each occupied burial space with the exception of bronze military markers. One marker may be placed for two or more occupied spaces such as in a family lot and shall be inscribed with the name and dates of each occupant.
6. No work will be permitted on legal holidays, Saturdays, Sundays or before or after normal working hours, unless special permission has been secured from the Board of Trustee's or their designee.
7. All deliveries and such work shall be done and completed only during the normal working days of Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. All work must be completed and the dirt and debris entirely removed from the grave site.
8. No work will be permitted near or in the vicinity of any burial service in progress or about to take place.
9. The foundation and setting of all markers shall be in the place and position determined by the Board of Trustee's or their designee.
10. No marker or memorial, or any portion thereof, may be removed from the lot or Cemetery except by written consent of the lot owner and with the approval of the Board of Trustee's or their designee. Permission from the U.S. Government is needed to remove Armed Service Veteran's memorials.

Adopted this 3<sup>rd</sup> day of June, 2014.

CITY OF BAXTER

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Darrel L. Olson  
Mayor

ATTEST:

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Kelly Steele  
Assistant City Administrator/Clerk