

Resolution No. 2017-74

**CEMETERY REGULATIONS
CITY OF APPLE VALLEY**

I. Definitions

Authorized Person: The person or persons legally entitled to control the human remains or Cremains provided under Minnesota Statutes Section 149A.80.

Cemetery: The entire land area owned by the City of Apple Valley for cemetery purposes located at the southeast corner of County Road 42 and Pilot Knob Road.

Cemetery Hours: The Cemetery shall be open from dawn (one half hour before sunrise) to dusk (one half hour after sunset).

Cemetery Supervisor: The City employee designated by the Public Works Director to oversee the maintenance and operations of the Cemetery.

City: The municipal government of Apple Valley, Minnesota.

Columbarium (Columbaria): An above-ground structure with recesses designed for the purpose of interring the Cremains of the deceased.

Columbarium Niche(s): An individual recess within a Columbarium, either single or double, designated to contain Cremains of the deceased within a cremation urn or container.

Columbarium Single Niche(s): An individual recess within a Columbarium designated to contain the Cremains of one (1) deceased within a single cremation urn or container.

Columbarium Double Niche(s): An individual recess within a Columbarium designated to contain the Cremains of two (2) deceased within two (2) cremation urns or containers.

Columbarium Niche Front: The granite piece covering the Columbarium Niche.

Columbarium Niche Name Plaque: The plaque placed on the Columbarium Niche Front inscribed or embossed with the name of the deceased and other pertinent information.

Columbarium Vase: A three-inch bronze vase designed to contain a small arrangement of silk flowers. The vase is attached to the Columbarium Niche Front.

Cremains: The ashes of a cremated human body.

Cremation Grave Lot(s): A designated parcel within the Cemetery three (3) feet, six (6) inches wide by three (3) feet, six (6) inches long for purpose of containing the Cremains of the deceased.

(moved to Outer Cremation Burial Container)

Cremation Boulder: A large piece of granite or other suitable material with receptacles designed for the purpose of interring the Cremains of the deceased.

Cremation Boulder Single Receptacle: A Cremation Boulder with one receptacle designed to contain the Cremains of one (1) deceased.

Cremation Boulder Double Receptacle: A Cremation Boulder with two receptacles designed to contain the Cremains of two (2) deceased.

Cremation Boulder Scrolls: The curved bronze pieces placed on the top of a Cremation Boulder cover inscribed or embossed with the name of the deceased and other pertinent information.

Disinter/Disinterment: To exhume the remains of the deceased.

Expanded Cemetery: The land area purchased by the City of Apple Valley after 1997 for cemetery expansion.

Grave Lot(s): A designated parcel, either traditional or cremation, within the Cemetery for purposes of containing the remains of the deceased.

Head End: The end of the Grave Lot which is designated for the placement of Markers and Monuments.

Inter/Interment: To bury the remains of the deceased.

Marker(s): A flat stone or other suitable material set at grade level and inscribed with the name of deceased and other pertinent information.

Marker Row(s): Rows containing Traditional or Cremation Grave Lots whereby privileges are granted to memorialize the burial with the installation of a Marker(s).

Memorial Bench: A granite bench placed in a feature or common area of the cemetery, or on a Grave Lot in an area dedicated for a bench where no burials have nor will take place.

Monument(s): A vertical stone or other suitable material set above grade level and inscribed with name of deceased or family name and other pertinent information.

Monument Row(s): Rows containing Traditional or Cremation Grave Lots whereby privileges are granted to memorialize the burial(s) with the installation of a Monument

provided two (2) or more Traditional or Cremation Grave Lots are purchased adjacent to each other.

Original Cemetery: The land occupied by the Lebanon Cemetery of Apple Valley prior to 1998.

Outer Cremation Burial Container: A container made of concrete, or other suitable material as approved by the Cemetery Supervisor or Designee, for the purpose of containing an urn or cremation container.

Outer Traditional Burial Container: A concrete burial vault or concrete grave liner (box), for the purpose of containing a casket.

Permitted Plant Stand(s) or Plant Stand(s): A single stake with a pot or pot holder at the top of the stake. Maximum height of a Plant Stand is four (4) feet and maximum diameter of the pot is twelve (12) inches.

Required Fees: Applicable fees associated with a Lot/Niche/Boulder purchase, Monument Privilege, Interment/Opening, Monument or Marker Locating, Columbarium Niche Name Plaque, Cremation Boulder Scrolls, Overtime, Weekend/Holiday, Cremation Vault, Right of Second Burial, and Administrative Transfer.

Traditional Grave Lot(s): A designated parcel within the Cemetery three (3) feet, six (6) inches wide by ten (10) feet long, or greater, for purposes of containing the remains of the deceased.

II. Interment

- A. No Interment shall be made in the Cemetery except upon approval by the Cemetery Supervisor or Designee. Notice should be given a minimum of 24 hours prior to the time of the intended Interment.
- B. No Grave Lot, Columbarium Niche, or Cremation Boulder shall be opened nor Interment made until all Required Fees have been paid. Cash and valid check are the only accepted forms of payment.
- C. All funerals shall be under the direction of the Cemetery Supervisor or Designee upon entering the Cemetery.
- D. No casket except for cherubs shall be interred unless enclosed in a concrete burial vault or concrete grave liner (box). No urn shall be interred unless enclosed in an Outer Cremation Burial Container.
- E. Grave Lots shall not be subdivided for purposes of sale. The City may allow subdivision of Traditional Grave Lots if the City determines at its sole discretion that subdivision is feasible. If a lot is subdivided, a Right of Subsequent (Second

Burial, Third Burial, etc.) fee is applied. Traditional Grave Lots may contain a maximum of three (3) burials. Two (2) cremains may be interred at the same time in each allowed burial, and a Right of Subsequent Burial fee applies. Vertical stacking of caskets is prohibited. If more than one burial is made in a single Traditional Grave Lot, the first burial shall be at the Head End of the Traditional Grave Lot. The following combinations are permitted in any given Traditional Grave Lot. Other combinations may be permitted if approved by the Cemetery Supervisor or Designee and if Required Fees are paid.

- 1) One adult outer burial container
- 2) One adult outer burial container and up to two infant cherubs
- 3) One adult outer burial container and up to two outer cremation burial containers
- 4) Up to two child outer burial containers
- 5) One child outer burial container and up to two infant cherubs
- 6) One child outer burial container and up to two outer cremation burial containers
- 7) One child outer burial container, one infant cherub, and one outer cremation burial container
- 8) Up to three infant cherubs
- 9) One infant cherub and up to two outer cremation burial containers
- 10) Up to three outer cremation burial containers

F. Classifications of outer burial container sizes which affect combinations allowed in a Traditional Grave Lot:

- 1) Adult outer burial container- over four (4) feet in length
- 2) Child outer burial container- two (2) feet, one (1) inch to four (4) feet in length
- 3) Infant cherub - two (2) feet and under in length
- 4) Urn outer burial container– 24 inches wide and 24 inches long and under

G. Two cremains may be allowed in a single Cremation Grave Lot. A Right of Subsequent Burial fee applies. Cremains shall be in containers small enough such that both fit in one outer cremation burial container. The interior of the outer cremation burial container which may be purchased from the City measures 12.5 inches wide, 8.25 inches deep, and 12 inches high. Interment of the two cremains in a Cremation Grave Lot shall be done at the same time to allow for sealing of the outer burial container. Interment of two cremains in a Columbarium Single Niche is allowed if the cremains are interred at the same time, the cremains fit inside the niche, and the right to a subsequent burial fee is applied.

H. The Cemetery Supervisor or Designee may require that planks or plywood be placed over grass or paths when Grave Lots are being opened or closed, when outer burial containers are installed, or when Monuments are erected.

- I. Interments shall take place between 7:00 a.m. and 3:30 p.m., Monday through Friday regular business days. Later burials are possible with the approval of the Cemetery Supervisor or Designee. Burials after 3:30 p.m. will be charged the Overtime Fee. Internments that take place on a Saturday, Sunday or City observed holiday will be charged the Weekend/Holiday Fee. The City reserves the right to limit the number of burials performed on a single day.
- J. Burial services may be held at the Grave Lot site. Serving of food or beverage in the Cemetery is prohibited.
- K. The City does not provide and is not responsible for temporary storage of caskets or urns.
- L. The City is not responsible for unauthorized Cremains deposited on the Cemetery.
- M. Occupied Grave Lots, Columbarium Niches, and Cremation Boulders must be marked by a Monument, Marker, Columbarium Niche Name Plaque, or Cremation Boulder Scroll within one year after Interment. No Grave Lot, Columbarium Niche, or Cremation Boulder shall be marked until all Required Fees have been paid. Cash and valid check are the only accepted forms of payment.
- N. Lots reclaimed from areas within the Original Cemetery shall be used as deemed appropriate at the sole discretion of the City.
- O. No more than four (4) bouquets or sprays are permitted to remain on a Grave Lot following a burial.
- P. Burial Transfers.
 - 1) Parties requesting burial transfers within the Cemetery will incur the costs in accordance with the Fee Schedule Appendix of Title III of the City Code; as well as the financial responsibilities associated with the transfer of the outer burial container and all other associated or related costs. All requests are subject to the approval of the Cemetery Supervisor or Designee.

III. Monuments and Markers

- A. Markers.
 - 1) Markers are permitted in the Cemetery subject to cemetery regulation.
 - 2) Nonconforming Markers in place prior to March 8, 2001, may remain.

- 3) The City is not responsible for the purchase, installation, maintenance, or replacement of any Marker.
- 4) A drawing of the Marker shall be submitted to the City prior to fabrication for review of material and dimension standards as specified in these regulations. The drawing shall show the width and depth of the Marker; width and depth of the concrete border; and the proposed material, finish, lettering, and carving design to be placed on the Marker.
- 5) No Marker or any part thereof may be constructed of wood, limestone, sandstone, or any other material which is not approved by the Cemetery Supervisor or Designee.
- 6) Installation of the Marker shall be performed by the Marker manufacturer or manufacturer's agent. All Markers shall be placed as directed by the Cemetery Supervisor or Designee.
- 7) The top of the Marker shall be set level with the grade.
- 8) A concrete border four (4) inches wide and four (4) inches thick is required around all Markers. On Cremation Grave Lots measuring forty-two (42) inches, the Marker's concrete border shall not exceed twenty (20) inches in depth.
- 9) Markers, including the concrete border, shall not exceed eighty (80) percent of the purchased lot width.
- 10) A maximum of three (3) Markers is allowed on a single Traditional Grave Lot.
- 11) A maximum of one (1) Marker is allowed on a single Cremation Grave Lot. A marker centered on multiple Cremation Grave Lots is considered the only permitted marker for each lot it rests on. The only exception is a foot marker from the U.S. Department of Veteran's Affairs, and the size cannot exceed 8 ½ inches long, 5 ½ inches wide, with a 7/16 rise and a 1 ½ inch wash or concrete border.
- 12) Markers may be placed prior to the burial of the deceased.
- 13) The burden of keeping the Marker in a safe and proper state of repair shall be on the Lot Owner, the heirs or assigns.

B. Monuments.

- 1) Monuments are permitted in the Cemetery subject to cemetery regulation.

- 2) Nonconforming Monuments in place prior to the City of Apple Valley taking ownership of the cemetery may remain.
- 3) The City is not responsible for the purchase, installation, maintenance, or replacement of Monuments.
- 4) A drawing of the Monument shall be submitted to the City prior to fabrication for review of material and dimension standards as specified in these regulations. The drawing shall show the width, depth, and height of the Monument and base; width and depth of the concrete foundation; and the proposed material, finish, lettering, and carving design to be placed on the Monument.
- 5) No Monument or any part thereof may be constructed of wood, limestone, sandstone, or any other material which is not approved by the Cemetery Supervisor or Designee.
- 6) Installation of the Monument shall be performed by the Monument manufacturer or manufacturer's agent. All Monuments shall be placed as directed by the Cemetery Supervisor or Designee.
- 7) So far as is practicable, a Monument shall be placed so as to allow and facilitate the use of mechanical cleaning and mowing equipment.
- 8) Each Monument shall be placed on a concrete foundation which will be a minimum thickness of four (4) inches; the top of the foundation shall be set level with the grade; the base of the Monument shall be a minimum of four (4) inches from the edge of the concrete foundation.
- 9) No Monument shall be placed on less than two (2) Grave Lots. The maximum monument size allowed is eighty (80) percent of the purchased lot width, or six (6) feet eight (8) inches, whichever is less, including concrete border; and two (2) feet in depth (twenty (20) inches on Cremation Grave Lots), including concrete border; unless otherwise approved by the Cemetery Supervisor or Designee.
- 10) Monuments in the Expanded Cemetery are only permitted in designated Monument Row(s).
- 11) Monuments may be placed prior to the burial of the deceased.
- 12) The burden of keeping the Monument in a safe and proper state of repair shall be on the Lot Owner, the heirs or assigns.

IV. Benches

- A. Benches placed in the Monument space of a Grave Lot in lieu of a traditional Monument will be subject to all of the rules and regulations regarding Monuments.
- B. Before a Memorial Bench may be placed in a feature or common area of the Cemetery, the absolute ownership and control of the Memorial Bench being placed on a feature or common area must pass to the City. The Cemetery Supervisor or Designee shall determine the need, style, size, color, location, and orientation of placement.
- C. The family name and first name(s) along with a relationship word as well as “In Memory of...” or “In Loving Memory of...” may be inscribed on any Memorial Bench that has been approved.
- D. Additional names, dates, epitaphs, engravings, emblems, etchings, carvings, or reproductions of photographs will not be permitted without the written approval of the Cemetery Supervisor or Designee.

V. Potted Plants and Decorations

- A. Potted Plants.
 - 1) All plants must be contained in Permitted Plant Stands.
 - 2) Hanging plants (e.g., shepherd’s hooks) and glass containers are prohibited.
 - 3) One Plant Stand is permitted per Grave Lot or Cremation Boulder. One Columbarium Vase is permitted per Columbarium Niche.
 - 4) The location of a Permitted Plant Stand on a grave may be altered by the Cemetery Supervisor or Designee.
 - 5) The City is not responsible for maintenance and care of plants, Plant Stands, and Columbarium Vases. The City is not responsible for stolen plants, Permitted Plant Stands, and Columbarium Vases. The City reserves the right to remove Plant Stands which become unsightly or dangerous on the Grave Lot in which they are situated or to any other Grave Lot, path, or roadway. Plant Stands that are vacant for more than one year are subject to removal.
 - 6) The City reserves the right to remove plants which interfere with routine maintenance of the Cemetery or which become unsightly, overgrown, dangerous, or diseased on the Grave Lot in which they are situated or to any other Grave Lot, path, or roadway.

B. Decorations.

- 1) Wreaths are allowed from November through February.
- 2) Permanent flags must be mounted in flag holders.
- 3) Vases or containers integrated into a Monument or Marker may be allowed subject to approval by the Cemetery Supervisor or Designee.
- 4) Cut flowers must be contained in a Permitted Plant Stand or an approved vase.
- 5) All objects not described above (including balloons, banners, food and beverages, knick-knacks, solar lights and lanterns, stuffed animals, wind chimes, windmills, windsocks, and statuary not incorporated into the monument) are prohibited and subject to immediate removal.
- 6) No item may be attached to the Monument or Marker, or Cremation Boulder.
- 7) Enclosures such as fences and coping are prohibited and subject to immediate removal.
- 8) The City reserves the right to remove any object which interferes with routine maintenance of the Cemetery or which is unsightly, overgrown, or dangerous on the Grave Lot in which it is situated or to any other Grave Lot, path, or roadway. All unauthorized objects are subject to immediate removal.

C. Columbaria

- 1) All flowers must be contained in a permitted Columbarium Vase. No other item may be attached to Columbaria, the Columbarium Niche Name Plaque, or the Columbarium Vase, or placed on or in the ground by the Columbaria.
- 2) Each Columbarium Niche may have one Columbarium Vase. Only Columbarium Vases purchased from the City and installed by Cemetery staff are permitted. The Columbarium Vase will be installed in the lower left of the Columbarium Niche Front.
- 3) The arrangement placed in the Columbarium Vase may not extend over any part of another Columbarium Niche Front.
- 4) All arrangements placed in Columbarium Vases need to be colorfast or treated with a waterproof sealant.

- 5) Purchase of a replacement Columbarium Vase, if desired, is the responsibility of the purchaser.

D. Permanent Plantings and Trees.

- 1) Permanent plantings and trees are not permitted within the Cemetery except those authorized in writing by the Cemetery Supervisor or Designee.
- 2) The Cemetery Supervisor or Designee shall select appropriate locations for and quantities of authorized plantings and trees. A list of approved species of trees shall be maintained by the Cemetery Supervisor or Designee.
- 3) The City may refuse to sell a Grave Lot adjacent to a Grave Lot or pathway containing a tree if the City determines excavating a grave on the lot is detrimental to the tree.
- 4) The City reserves the right to prohibit plantings or trees on a Grave Lot if the City determines it will interfere with routine maintenance of the Cemetery or will adversely affect an adjoining Grave Lot, path, or roadway.
- 5) The City reserves the right to remove any planting or tree which interferes with routine maintenance of the Cemetery or which is unsightly, overgrown, dangerous, or diseased on the Grave Lot in which it is situated or to any other Grave Lot, path, or roadway. All unauthorized plantings and trees are subject to immediate removal.

VI. Disinterment

A. No Objection to Disinterment.

The City shall not disinter human remains or Cremains without written authorization of the Authorized Person(s) and a permit issued by the Minnesota State Registrar or a licensed mortician.

B. Objections to Disinterment.

In the event that a requested disinterment is opposed, the City shall not disinter human remains or Cremains without written authorization of the Authorized Person(s), together with a permit issued by the Minnesota State Registrar or licensed mortician and a certified copy of the court order specifically ordering the disinterment.

- C. Exception; Movement within the Cemetery.

The City may disinter and reinter the human remains or Cremains within the Cemetery upon receipt of the written and notarized authorization of the Authorized Person(s) or by court order.

VII. General

- A. The City reserves the right to correct all errors and defects.
- B. Scheduled clean-ups shall occur on or about the first day of each month from March to November and as determined necessary by the Cemetery Supervisor or Designee. At these scheduled clean-ups, flowers and plants that have died will be disposed. Items which may have value will be retained for thirty (30) days. Following a thirty (30) day holding period, these items will be disposed. The City is not responsible for the return of any removed object, decoration, plant, or container.
- C. All work in the Cemetery is subject to the direction and control of the Cemetery Supervisor or Designee. Contractors and others engaged in such work must notify and obtain approval from the Cemetery Supervisor or Designee before beginning the same.
- D. Persons engaged in placing a Marker or erecting a Monument or other structure upon a Grave Lot are prohibited from attaching ropes or cables to trees or other objects in the Cemetery and are prohibited from placing material on adjoining Grave Lots or allowing the same to remain on the ground longer than is necessary. Persons engaged in such work must complete the work in a timely fashion after it has been commenced. In order to protect paths and grass from injury, the Cemetery Supervisor or Designee may require planks or plywood be placed over them when heavy material is to be moved.
- E. Animals are prohibited on Cemetery grounds, except for service animals, unless approved by the Cemetery Supervisor or Designee.