



Proposed for August 16, 2021

**CITY OF CARVER
CARVER COUNTY, MINNESOTA
ORDINANCE NO. 06-2021**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CARVER CITY CODE
RELATING TO CEMETERIES**

Chapter 12 CEMETERIES

ARTICLE I. IN GENERAL

Sec. 12-1. Penalty.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-16.

Secs. 12-2 - 12-20. Reserved.

ARTICLE II. MOUNT HOPE CEMETERY

Sec. 12-21. Mount Hope Cemetery.

Mount Hope Cemetery, as acquired by the city by deed, shall hereby be established as a city cemetery and shall be controlled, managed, and operated as set forth in this article.

Sec. 12-22. Plat adopted.

The survey of the land and the plat thereof, made as Mount Hope Cemetery, is adopted as the plat of the city cemetery, the same to be known and designated as "Mount Hope Cemetery."

Sec. 12-23. Sale of sites.

- (a) All cemetery sites shall be purchased at the city clerk's office. All sites shall be sold in consecutive order or as determined by the city. The fee amounts shall be as provided in the city fee schedule.
- (b) No purchase of a cemetery site shall be considered final until the purchaser has satisfied of applicable provisions of the rules and regulations adopted by the city pursuant to section 12-37 of this chapter.

Sec. 12-24. Maintenance and perpetual care funds.

- (a) A person purchasing a cemetery site shall pay the required sum per site to the city. The purchase price received shall be credited to the Mount Hope Cemetery fund. Monies earned by the fund shall be used for the maintenance and perpetual care of the site.
- (b) All income received by the city from the cemetery fund shall be used solely for the purpose of defraying the cost of caring for, maintaining, and improving the cemetery sites. Any income so received in excess of the amount necessary to pay for the care and beautification of the sites or any income not spent in any year for this purpose shall remain in the cemetery fund.

Sec. 12-25. Sale or other transfer of sites.

No cemetery site may be sold or otherwise transferred or disposed of, except by will or operation of law, without the approval of the city. The city retains a first option to repurchase a site, which option may only be exercised consistent with the rules and regulations adopted by the city pursuant to section 12-37 of this chapter.

Secs. 12-26 – 29. Reserved.

Sec. 12-30. Installation of monuments or markers.

- (a) Persons engaging in placing monuments or flat monuments shall provide adequate planking to protect turf and shall remove materials, equipment, and refuse immediately upon completion of work.
- (b) The cemetery site owner is responsible for any failure to abide by the provisions of this section 12-30 and shall pay for any and all charges or damages resulting.
- (c) The cemetery site owner is also responsible for any and all damage resulting from injury or damage to the cemetery or other cemetery sites during the excavation of the grave site or recovered thereof.
- (d) Contractors and others engaged in such work must notify the city before beginning the same. All work in the cemetery, of whatever kind, must be carried on subject to the direction and control of the city. No monument or flat monument may be placed in the cemetery until written authorization has been issued by the city.

Sec. 12-31. Vaults and mausoleums.

Vaults and mausoleums are not permitted in Mount Hope Cemetery.

Sec. 12-32. Reserved.

Sec. 12-33. Duties of actuary.

The city clerk shall be the actuary of the cemetery and shall, in addition to other records and duties, keep a register of all interments, disinterments and reinterments.

Secs. 34 – 35. Reserved.

Sec. 12-36. Rights reserved to the city.

The city reserves the right to remove items from a cemetery site consistent with the applicable provisions of the rules and regulations adopted by the city pursuant to section 12-37 of this chapter.

Sec. 12-37. Rules and regulations.

Pursuant to the authority of Minnesota Statute §306.025, subd. 7, the City Council is authorized and empowered to adopt and amend, from time to time, rules and regulations relating to the use and operation of Mount Hope Cemetery, which rules and regulations may be adopted by resolution.

This ordinance shall be in effect from and after the date of its passage and publication.

Read and adopted and ordered published at a regular meeting of the City Council of said City on the 16th day of August, 2021.

Vicky Sons-Eiden, City Clerk

Courtney Johnson, Mayor