

# **RULES AND REGULATIONS**

*Date: 05/09/2011*

## **PINEWOOD CEMETERY**

Crosslake, Minnesota

56442

## **RULES AND REGULATIONS FOR OPERATION OF PINEWOOD CEMETERY**

### **CROSSLAKE, MINNESOTA**

**Revised May 9, 2011**

1. These regulations are designed to operate the Cemetery in an orderly fashion and to advance the interests and elevate the character of the Pinewood Cemetery.
2. No changes can be made to these regulations without the approval of the Crosslake City Council. Special requests must be presented to the Council and, if granted, will appear on the deed or addendum to the deed.
3. The Mayor will appoint a member of the City Council to be responsible to ensure that these regulations are administered properly.
4. The City Clerk is responsible for collecting the fee for the sale of burial plots. Upon receipt of payment, the City Clerk will issue a cemetery deed as proof of ownership. Attached to the deed will be a copy of the rules and regulations. The City Clerk is also responsible to maintain an accurate record of all plots and burials. The cost of the burial plot will be determined by the City Council by a resolution.
5. Burial plots will be sold in multiples of one, up to a maximum of sixteen. Council approval is required for purchase of lots in excess of sixteen.
6. The price of each burial space will be determined by the City Council for residents and non-residents and may be changed from time to time by Council resolution. The fee will include perpetual care, unless subsequently changed by resolution of the Council. The charge for grave openings will be set by Council resolution. There

- will be an additional charge for weekend or holiday burials to cover employee overtime. In extreme winters, the City reserves the right to charge an additional amount for snow removal.
7. The owner of a burial plot is not authorized to sell such plot to another person. If for some reason the owner may not wish to utilize the burial plot, it can be re-sold to the City at the price the owner paid for it upon proper proof of such price and presentation of adequate proof of ownership.
  8. All interments and disinterments must be made at a time and in a manner approved by the City and upon payment of such charges as shall be established by the City.
  9. The right is reserved by the City to require a minimum of forty-eight hours notice prior to any interment in the summer and a minimum of seventy-two hours notice in the winter. A minimum of seventy-two hours notice is required prior to any disinterment.
  10. The City reserves the right to refuse the interment and to refuse to open any burial plot for any purpose except on WRITTEN application by a lot owner of record or his authorized representative.
  11. In order to assist maintaining the constant beauty of Pinewood Cemetery, no interment shall be made without the use of a steel reinforced concrete vault.
  12. When instructions received from a lot owner or his legal representative regarding the location in a lot of an interment space are indefinite or when for any reason the interment space cannot be opened where specified, the City may, at its discretion, open such other location in the lot as is deemed best and proper to avoid delaying the interment service. The City shall not be liable for payment of damages for such action or for any error that might develop there from.
  13. The City shall not be held responsible for the execution of any order given by telephone or for any error occurring from lack of receipt of proper written instructions pertaining to the funeral service or interment.
  14. The City reserves and shall have a right to correct without liability for the payment of damages, any errors that may be inadvertently made by the City either in making interments or disinterments, or in the installation of memorials. In the event of errors inadvertently made in the description, transfer or conveyance of burial rights, the City shall have the right to substitute and convey in lieu thereof other interment property of similar nature and location insofar as is possible, or as may be selected by the City, or in the sole discretion of the City to refund the amount of money paid on account of its purchase.

15. The City shall not be liable for the payment of any damages for any delay in the interment of a body of a deceased person caused by reason of a protest to the interment of such body or the violation of the rules and regulations of the cemetery.
16. No interment shall be permitted in any plot until such plot is fully paid for except as may be provided in the sales agreement.
17. Only one body shall be interred in one grave, except in the case of cremation, whereby up to 2 persons can be buried in one grave. Burial of more than one infant in one grave will be addressed individually by the Public Works Director and the City Administrator.
18. In making disinterments the City will exercise reasonable care but will not be liable for payment in connection with any damage to casket, urn or burial vault.
19. The original owner may at any time designate whom he/she wishes to have interred in the plot. Such designation may be recorded in the cemetery books at City Hall and will be recognized by the City subject to right of interment upon the part of the surviving spouse.

In case of a plot owner's death, the rights of the surviving spouse and next of kin will be recognized in accordance with the laws of the State of Minnesota insofar as the City is able to ascertain who such parties are. The City will not be responsible for any errors which may be committed due to lack of adequate information.

In the absence of written direction by the owner of the plot or provision contained in a will, the following will be recognized as having the rights to direct interments herein:

- A. The surviving spouse shall have the first right.
- B. Where there is no surviving spouse, the heirs of the purchaser may by an agreement in writing, determine who among them shall have the right of interment.
- C. In the event such original purchaser or his heirs shall not have arranged for future interments, then the direct lineal heirs of the purchaser or his or her spouse shall in the order of their death be entitled to interment thereon until the plots are filled.

D. In the case where there are no lineal heirs, then the nearest of kin to the owner and their respective spouses have the right to interment in order of their need.

20. No disinterments will be allowed except as provided by law, nor without the written consent of the surviving spouse or next of kin to the person whose body is to be disinterred or removed together with the written permit or order from the owner of the lot or his legal representative or person in control of such lot.

The City shall under no circumstances be held liable in case of disinterment or removal where it acts upon the written order of such persons. The City shall have the right to refuse to permit disinterment while the payments for the cemetery lot have not been completed or are in default.

21. Crosslake City Hall must be contacted before any monument is set. Non-compliance is subject to a fine. Monument measurements may be from ground level to 32" high by 12" wide by 40" long AND must fit within the grave site. All monuments must be placed on a concrete base large enough to allow a four (4) inch border. All monuments must consist of a solid material that cannot be disintegrated by the weather. Only 1 upright headstone will be allowed per plot.
22. The marker shall be placed at the head of the grave.
23. Emblems or flagstaffs furnished by the Veterans shall be placed flush with the ground, the location of which shall be directed by the cemetery management.
24. No seats, separate vases, urns, or other memorials other than the markers mentioned herein, will be permitted.
25. No planting of any kind in any section of the cemetery is permitted, other than by the cemetery management.
26. Glass containers, of ALL kinds, and cans are prohibited on graves. If placed thereon they will be removed by the caretaker. Metal vases, approved by the cemetery caretaker, are allowed on the grave space only. The City will not be responsible for brass vases not removed or tipped before snow covers them.
27. Flowers, wreaths or funeral designs will be permitted in the grave space only. Potted plants must NOT be sunk into the ground. No copings around graves will be permitted.
28. Cemetery management is authorized to remove all decorations including flowers, pots, and wire/artificial flowers as they become unsightly or uncared for.

29. Flags for graves of veterans and other organizations will be permitted two weeks before and two weeks following Memorial Day and Veteran's Day.
30. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right without notice to make exceptions, substitutions or modifications in any of these rules and regulations when in its judgment the same appear advisable and suspension or modification shall in no way be considered as affecting the general application of such rule.
31. The City shall be entitled in all cases to rely upon the statement, written or oral, of any person claiming to have knowledge of the facts and claiming to be authorized to act and shall incur no liability whatsoever by reason of any act committed by it or permitted to be done in reliance on such statement.
32. The City shall incur no liability whatsoever except for its willful acts or malfeasance.
33. The City reserves the right to plat and re-plat unoccupied and unsold lots, remove and change the location of trees, shrubs and other objects, lay out and change location of roads, paths and walks and to make such other changes or alterations as it deems necessary or advisable and to correct errors in locations and descriptions in contracts, deeds and interments without incurring any obligation to or securing the consent of lot owners.
34. These rules and regulations may be changed or modified at any time as occasion may require, without notice by the City to plot owners.

These regulations were effective as of January 1, 1972 and amended by the action of the City Council of Crosslake, Minnesota, Crow Wing County at its regular meeting held on February 1, 1993 and on May 9, 2011.

Darrell Schneider, Mayor  
Jennifer D. Max, Clerk/Treasurer

John Moengen, Councilmember  
Steve Roe, Councilmember  
Dean Swanson, Councilmember  
Rusty Taubert, Councilmember