

**CITY OF NEVIS
CEMETERY ORDINANCE NO.51**

**AN ORDINANCE REPEALING NO.33
AN ORDINANCE OF REGULATIONS AND RULES FOR THE MANAGEMENT, OPERATION
AND MAINTENANCE OF RESTHAVEN CEMETERY AND LAKEVIEW CEMETERY.**

The following regulations and rules are hereby adopted for the management, operation and maintenance of Resthaven Cemetery and Lakeview Cemetery, owned by the City of Nevis:

1. These regulations are designed to operate the Cemetery in an orderly fashion and to advance the interests and elevate the character of Resthaven and Lakeview Cemetery.
2. No changes can be made to these regulations without the approval of the Nevis City Council. Special requests must be presented to the Council and, if granted, will appear on the deed or addendum to the deed.
3. City Administration is responsible for collecting the fee for the sale of burial plots upon receipt of payment, the Administration office will issue a cemetery deed as proof of ownership. Attached to the deed will be a copy of the rules and regulations. The City Sexton 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.
4. Cost Schedule

City Resident	\$400.00
Marking Fee in Summer	\$150.00 per occurrence
Marking Fee in Winter	\$350.00 per occurrence
Sexton Fee	<u>\$ 50.00</u>
Non-City Resident	\$600.00
Marking Fee in Summer	\$150.00 per occurrence
Marking Fee in Winter	\$350.00 per occurrence
Sexton Fee	<u>\$ 50.00</u>
5. The City will not sell lots on a lay-by-plan.
6. One grave space may contain one (1) body burial and/or up to two (1) cremations.
7. Owners wishing to sell unused lots may sell them only to the City of Nevis at no more than the initial purchase price. Proof of such price and presentation of adequate proof of ownership will be necessary at time of sale.
8. No one will be permitted to purchase cemetery lots for the purpose of resale or speculation.

9. Graves will be located and marked by the City Sexton and Cemetery Operator.
10. All burials shall be in permanent vaults or so-called grave boxes of permanent material into which the caskets are deposited.
11. No lot enclosures such as fences, hedges, curbs, borders or enclosures of any kind shall be allowed around any gravesites. The city reserves the right to remove if so erected, planted, or placed.
12. Permanent plantings of any kind are not permitted.
13. All graves shall be level with the ground, mounds being prohibited.
14. No automobiles, trucks, wagons, snowmobiles, ATV'S, motorcycles, or other motor vehicles shall drive on any cemetery lots, except those vehicles used in cemetery maintenance by the City of Nevis. No vehicle shall drive through the cemetery on platted driveways at no more than 10 miles per hour.
15. No advertising of any form shall be displayed in the cemetery.
16. No flowers, either wild or cultivated, shall be picked in the cemetery, no tree or shrub or other plant shall be marred, and no monument or stone shall be damaged or defaced.
17. No liquor of any kind shall be consumed in the cemetery.
18. No littering of premises will be allowed in the cemetery.
19. No person shall open or close any grave except under the supervision or authority of the city. Opening and closing of a grave will be at the expense of the cemetery lot owner. All interments and disinterments of a cremain 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 Council. *Disinterment/Reinterment MN Statue 149A.96.*
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.
20. No person shall make any excavation, set any mound, set or reset any monument without getting permission from the City of Nevis. All work shall be done under the supervision of the City of Nevis.
21. 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.

22. Monuments are to be placed on a slab of concrete or stone of a minimum of 4 inches in thickness, with 4 to 6 inches extending around the edge of the monument at ground level for the purpose of mowing the grass. No Ledgers are allowed in Resthaven or Lakeview Cemetery. All monuments or headstones will be placed at the head of the grave facing east.
23. No flower containers are to be left on the gravesites with the following exception: Any wreaths or temporary plants will be allowed two weeks before and two weeks after Memorial Day and two weeks after any burial. Any such items found in the cemetery after this time, will be disposed of by the City of Nevis.
24. Emblems or flagstuffs furnished by the Veterans shall be placed on gravesites two weeks prior to Memorial Day and removed two weeks after Memorial Day.
25. The use of City water is restricted to watering flowers and plants only. Watering of grass and sod with City water is prohibited in the cemetery.
26. 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 the 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.
27. Penalties: any person convicted of a violation of this ordinance shall be guilty of a misdemeanor.

This Ordinance adopted July 8, 2019 by the action of the Nevis City Council of Nevis, MN at its regular meeting.

Mayor Jarod Senger _____

Councilor Rich Johnson _____

Council Jeanne Thompson _____

Councilor Sue Gray _____

Councilor Teresa Leshovsky _____

ATTEST:

Dawn M. Veit City Admin/Clerk/Treasurer