

City of Spicer Cemetery Policy

PREFACE

Spicer Cemetery is owned and controlled by the City of Spicer. It is under the direct supervision of the Mayor and the City Council of Spicer, Minnesota.

It is the aim of the City of Spicer to make the Spicer Cemetery a quiet and beautiful cemetery. To continue improvement and to preserve the appearance of the cemetery requires the cooperation of all lot owners.

For the mutual protection of every lot purchaser, the City of Spicer hereby adopts the following rules and regulations. All lot owners and all lots sold, shall be subject to said rules and regulations, amendments, or alterations as shall be adopted by the City from time to time; and the reference to these rules and regulations in the deed or certificate of ownership to lots shall have the same force and effect as if set in full therein.

Lots shall be sold at such rates as the Spicer City Council shall from time to time designate. The Spicer City Council may review charges made for grave openings, holding vault fees, and winter and summer interment charges. If it is deemed advisable, the Spicer City Council may adjust prices accordingly.

LEGAL TITLE

The City of Spicer sells only the exclusive right of burial in a specific grave space, or grave spaces known as burial plots. The legal title to all land in the cemetery remains in the Spicer City Cemetery; and all grave spaces will be subject to the laws of the State of Minnesota relating to the exclusive right of burial and are subject to the rules, regulations and fee schedule in effect at the time of interment.

SECTION 1 - LOT OWNERSHIP

- 1.01 The laws of the State of Minnesota govern the descent of title to cemetery lots, as well as matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The City will issue at the time of full purchase price, a certificate of ownership to each lot owner.
- 1.02 Descent of title is proved, normally during probate of the estate of a decedent. When a Lot owner's estate has been probated, a Certificate of the final decree should be filed with the City in order to establish the title of the new owner, provided the decree covers the cemetery lot, and determines the questions of ownership. If the cemetery lot is not covered by the decree, title will then be established under rule 1.03.
- 1.03 In case a deceased lot owner's estate has not been probated, ownership based upon relationship or devise may be presumptively established by filing an affidavit of claimant with the City. If the facts as stated in such affidavit are not objected to within one year and no adverse claim presented within that time, such an affidavit shall be conclusive proof of the facts and claims therein contained.
- 1.04 When title has been proven by either rule 1.02 or 1.03, the City will issue a Certificate of Ownership to the new owner upon surrender of the Deed or Certificate cancelling ownership of the deceased owner.
- 1.05 No transfer or assignment by a lot owner of any interest will be valid without securing the written consent of the City. Such consent will be granted only in those cases permitted by the laws of the state of Minnesota.
- 1.06 Consent to a transfer or an assignment may be refused due to any indebtedness to the City from the recorded lot owner.
- 1.07 When a transfer has been made in accordance with cemetery policies, a Certificate of ownership will be issued to the new owner upon surrender of the previous issued Certificate cancelling ownership of the former owner.

- 1.08 A lot owner may dispose of his lot by Will to any one of his relatives who may survive him, or to the cemetery in trust, for the use and benefit of the persons designated in the Will, but no such lot shall be affected by a testamentary devise unless the same be specifically mentioned in the Will and by such devise limited to one particular person.
- 1.09 The City will repurchase any lot with proof of ownership at the original purchase price. If ownership has been transferred due to Will, new owner may have to prove relationship to previous owner.

SECTION 2 - LOT AND BURIALS

- 2.01 All fees or charges are payable to the City of Spicer. Patrons of the cemetery are requested not to pay any fee or gratuity to anyone other than the City Clerk.
- 2.02 Lots may be purchased on deferred payments where no burial is to be made. Payments will be divided equally over six months with no interest. Lot purchase must be paid in full before interment.
- 2.03 Memorial or Monument Markers will not be installed on any lot until full purchase price and any indebtedness owed to the City has been paid.
- 2.04 No lot shall be used for any other purpose than for burial of the human dead.
- 2.05 No easement or right of interment is granted to any plot owner in any road, drive, alley, or walk within the cemetery.
- 2.06 Description of lots will be in accordance with the cemetery plots. All records will be kept at the City Office.
- 2.07 The City will take all reasonable precautions to protect lot owners and the property rights of lot owners, within the cemetery, from loss or damage. The City distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially from damage caused by the elements, any act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrection, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
- 2.08 It is the duty of the plot owner to notify the City of any change in his post office address. Notice sent to a plot owner at the last address on file in the cemetery records shall be sufficient and proper legal notification.

SECTION 3 – INTERMENT AND DISINTERMENT

- 3.01 The City will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired
- 3.02 The City reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterment's, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting a similar location as far as possible, or as may be selected by the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of remains of any person in such property, the City reserves and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- 3.03 Before interment the Funeral Director must present the necessary Burial Permit from the local health office.
- 3.04 Before interment will be performed, payment of any and all indebtedness due the City must be arranged at the City office.
- 3.05 The right is reserved by the City to insist upon at least twenty four hours notice prior to any interment, and

to at least one week notice prior to any disinterment or removal.

- 3.06 Lot owners are granted only the right of interment in their lots. The City reserves the right to refuse the interment of anyone who was not at the time of death, the owner of the lot or a relative of the owner by blood or marriage.
- 3.07 Lot owners shall not allow interments in their lots in return for remuneration of any kind.
- 3.08 Acceptable burials for one gravesite are:
 - a. Parent and child in one casket
 - b. Two infants in one casket
 - c. One casket burial and one cremation burial
 - d. Two cremations
- 3.09 The location of an interment shall be designated by the lot owner. Should the lot owner fail or neglect to make designation, the City reserves the right to make such designation.
- 3.10 In order to maintain a high standard of care and to eliminate sunken graves caused by collapse of wooden boxes, it is required that all burials will be placed in acceptable vault structures.
- 3.11 All interments, disinterment, and removals must be made at the time, and in the manner, and upon the charges fixed by the City.
- 3.12 Besides being subject to these rules and regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.
- 3.13 The City will in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with. The City shall be under no duty to recognize any protests of interments unless in writing and filed with the City.
- 3.14 The City will not be liable for the interment permit nor for the identity of the person sought to be interred.
- 3.15 The City will not be liable for floral pieces, baskets or frames for funeral services held in the cemetery.

SECTION 4 – MEMORIALS / MONUMENTS

- 4.01 These rules apply to all MEMORIAL / MONUMENT work. **Before placing an order**, care should be used in selecting a reputable dealer who understands the Spicer Cemetery rules so as to avoid difficulties which may arise in case memorial work ordered does not comply.
- 4.02 No lot owner shall erect or place, or cause to be erected or placed on a lot in the cemetery, any memorial not approved by the City. The City reserves the right to reject any memorial by reason of failure to abide by the rules and regulations governing memorials or installation.
- 4.03 No coping, curbing, fencing, hedging, trees, shrubs, borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, terra cotta, sand, cement, gravel, or wood shall be allowed on any lot. The City reserves the right to remove the same if so erected, planted, or placed.
- 4.04 The United States Government furnishes markers for the graves of veterans. There are two types; an upright type which is 42” high, and the flat type which is placed flush with the ground. Crosses or other grave markers of wood, iron, cement, concrete, or any like material are strictly prohibited, except the standard bronze insignia provided for the graves of veterans. The Cemetery Board recommends grave markers be of flat type, set even with the ground.
- 4.05 Surface burial vaults, so called, constructed of cement, concrete, artificial or cast stone, will not be permitted in the cemetery.

- 4.06 All lettering shall be carefully spaced and accurately set in line, both vertically and horizontally, and must be uniform in width and height. Incised lettering and engraving must be at least 3/16 of an inch in depth.
- 4.07 All memorials shall be set in the place and position determined by the City with a 6" concrete apron with sufficient gravel for leveling.
- 4.08 For any monument or marker, the length of the base shall be no more than one third of the width of the lot.
- 4.09 Should any memorial become unsightly, dilapidated, or a menace to life and limb, the City reserves the right to remove or repair same. Any cost incurred shall be at the expense of the lot owners.
- 4.10 Persons engaged in erecting monuments or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots or from blocking avenues of pathways or from leaving their material on the grounds longer than is absolutely necessary. A canvas must be used for the placing of all excavated material. They must do as little injury to the grass, trees, and shrubs as possible and must remove all debris and restore the ground and sod to its original condition.
- 4.11 Damage done to walks, lots, drives, trees, shrubs, or other property by dealers or contractors or their agents will be repaired by City funds and the cost of such repair shall be charged to the dealer or contractor or to his principal.
- 4.12 When heavy material is to be moved over paths or grass, planks must be laid for protection. The City reserves the right to refuse such work unless the grounds are thoroughly settled and in good condition.
- 4.13 While a funeral or interment is being conducted nearby, all work of any description must cease.

SECTION 5 - SEASONAL MEMORIALS

- 5.01 Placing boxes, shells, toys, metal designs, ornaments, chairs, settees, and similar articles, upon plots will not be permitted. The City reserves the right to remove any articles deemed unacceptable.
- 5.02 The ground planting of flowers by the lot owners is not permitted. The City shall have the authority to remove all flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the cemetery officials, they become unsightly, dangerous, detrimental or diseased or when they do not conform to the standards maintained.

The City shall not be liable for floral pieces, baskets or frames in which or to which floral pieces are attached. The City shall not be liable for lost, misplaced, or broken flower vases, artificial flowers, baskets, frames or any item that may have been placed by lot owners.

- 5.03 The placement of flowers, plants, and artificial flowers are as follows:
- Memorials may be placed at gravesite May 15th through October 15th
 - All flowers, plants, artificial flowers must be placed in containers, in plant stand or upon concrete grave marker base.
 - Containers must not be wider at the base than the concrete grave marker, to allow mowing deck clearance.
 - Plant stands may be core drilled into concrete grave maker.
 - Artificial flowers must be securely fastened to stand or container
 - NO SEPARATE CONCRETE BASE OR PAD IS PERMITTED.
 - Flags and markers placed to acknowledge military service may be kept at grave site year round.

SECTION 6 - GENERAL CARE AND MAINTENANCE

- 6.01 The general care of the cemetery is assured by the City. General care includes mowing the grass at reasonable intervals, raking and cleaning the grounds, and pruning shrubs and trees. The general preservation of the lots, grounds, walks, roadways, boundaries, and structures, shall remain and be reasonably cared for as cemetery grounds forever.

- 6.02 The general care assumed by the City shall in no case mean the maintenance, repair, or replacement of any memorial placed or erected upon lots. Including but not withstanding of any special or unusual work caused by impoverishment of the soil, the reconstruction of any marble, granite, bronze, or concrete work on any section or plot, or any portion(s) thereof on the cemetery caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or authority, whether the damage be direct or collateral.
- 6.03 Lot owners may arrange additional care of their lots. Estimates of desired work will be furnished by the City annually. Additional care must be paid by June 1 annually by the lot owner or by the establishment of a special care endowment (see number 6.04). Such arrangement may include the maintenance of any memorial structure, or any other purpose of use not consistent with the purpose for which the cemetery was established or is being maintained.
- 6.04 The establishment of a special care endowment, as mentioned in number 6.03, shall be maintained by the City for additional care and maintenance. Each year the annual care charge will be established and agreed upon by lot owners. Funds drawn from the special care endowment will only be those specifically agreed upon each year and will continue to be drawn upon annually until the endowment has been exhausted. Any interest earned from an endowment shall be invested to continue with the special care endowment.

SECTION 7 - CONDUCT AND USE OF CEMETERY

- 7.01 Persons visiting the cemetery or attending funerals are strictly prohibited from:
- Picking flowers (wild or cultivated)
 - Breaking or injuring any tree, shrub or plant.
 - Writing upon, defacing, or injuring any memorial, fence, or other structure within the cemetery grounds.
 - Pets shall not be allowed on the cemetery grounds and defecation is strictly forbidden.
 - The throwing of rubbish on the drives, paths, or on any part of the grounds.
- 7.02 It is of the utmost importance that there should be strict observance of the properties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place. **The following are expressly forbidden:**
- Loud or boisterous talking
 - Idling or loafing on the grounds
 - Consuming food or refreshments within the cemetery grounds.
 - Peddling or soliciting the sale of any commodity within the cemetery.
 - Placing of signs or notices or advertisements of any kind within the cemetery.
 - Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.
- 7.03 Motorized vehicles are prohibited from the following:
- Driving through the cemetery entrance at speeds in excess of 5 mph.
 - Driving or parking across or upon any grave, lot, or lawn.
 - Parking or leaving any vehicle on driveway or road right-of-ways within the cemetery at such location or in such position as to prevent any other vehicle from passing on the same.
 - Overnight parking is not permitted from sundown to sunrise.
- 7.04 Special cases may arise in which the enforcement of a rule may impose unnecessary hardship. The City hereby reserves the right to make exceptions, suspensions, or modifications of any rule or regulation. No temporary exception, suspension, or modification shall in no way be construed as a permanent change to the established rules and regulations.

Adopted this _____ day of _____, 2012