

Oakland Cemetery Ordinances

City Code Chapter 94 adopted by the City Council, City of Hutchinson, Minnesota
Telephone: 320-234-4455 ~ Fax: 320-234-5644 ~ www.ci.hutchinson.mn.us/cemetery

§94.01 PURPOSE; APPLICATION; CONTROL

- (A) Oakland Cemetery is owned and operated by the city. The Cemetery operates under the supervision of the Public Works department, as directed by the Mayor and City Council. It is the city's goal to make Oakland Cemetery a quiet and beautiful cemetery. To secure this effect and for the mutual protection of cemetery users, the city hereby adopts the following ordinances. All lots, lot owners, and users of the Cemetery shall be subject to these ordinances and amendments or alterations thereto that shall be adopted by this city from time to time.
- (B) The City Council shall set rates, charges and fees for cemetery services.

§94.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CEMETERY. A hallowed park for earth interments or above-ground entombments.

COLUMBARIA. An above-ground structure of vaults, known as 'niches', for the entombment of cremains.

CREMAINS. Cremated human remains.

GRAVE. A space of ground or structure reserved for interment or entombment of human remains.

INTERMENT. The disposition of human remains or cremains by burial or entombment.

LOT. Space in the cemetery reserved for the interment or entombment of human remains. The term includes and applies to one or more adjoining graves.

MARKER. A memorial of natural stone or other approved material that does not extend above the surface of the lawn.

MEMORIAL. A monument or marker.

MONUMENT. A memorial of natural stone or other approved material that extends above the surface of the lawn.

§94.03 CERTIFICATE OF OWNERSHIP, SOLE AGREEMENT, EXCEPTIONS, AMENDMENTS

Cemetery Deed. The cemetery deed, these ordinances and any amendments thereto shall be the sole agreement between the city and the lot owner. The statement of any sales agent shall in no way bind the city.

(B) **Exceptions and modifications.** Special cases may arise in which the literal enforcement of an ordinance may impose unnecessary hardship. The city, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these ordinances. These exceptions or modifications shall in no way be construed as affecting the general application of these ordinances.

(C) **Amendments.** The city may, and it hereby expressly reserves the right, at any time or times, to adopt new ordinances, or to amend, alter or repeal any ordinance, or portion thereof.

§94.04 MODIFICATIONS AND AMENDMENTS

(A) **Exceptions and modifications.** 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, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appear advisable; and this temporary exception, suspension or modification shall in no way be construed as affecting the general application of the rule.

(B) **Amendments.** The city may, and it hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter or repeal any rule or regulation, or portion thereof.

§94.15 LOT OWNERSHIP, TRANSFER, ASSIGNMENT; CITY CONSENT REQUIRED

(A) **Descent of cemetery lots.** Descent of title and ownership of lots in case of death shall be subject to Minnesota State Statute 525.14.

(B) **Lot Transfers.** The only regular and legal proof of title by descent from a deceased owner is a certified copy of the decree of the proper probate court assigning the lot of the deceased owner, or his or her interest in it, to the person claiming it. Whenever practicable, this proof will be required. If for any reason this proof cannot be obtained, application should at once be made upon the death of the lot owner to the cemetery to ensure the records show the lot owner as the proper living person.

(C) **Consent of city.** No transfer or assignment of any lot, or interest therein, shall be valid until the consent of the city has been obtained. The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city from the record lot owner, including any fees charged for the transfer or assignment.

§94.16 LOT TRANSFER OR ASSIGNMENT; CITY CONSENT REQUIRED

(A) **Consent of city.** No transfer or assignment of any lot, or interest therein, shall be valid until the consent of the city has been endorsed thereon and the same has been recorded on the books of the city.

(B) **Indebtedness.** The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city from the record lot owner.

(C) **Transfer charges.** The city may fix a charge for all transfers of ownership in lots. No transfer of ownership shall be complete or effective until all charges are paid, if a charge is made.

§94.17 LOT SUBDIVISION PROHIBITED

The subdivision of lots is not allowed, and no one shall be interred in any lot except that they have an interest therein or except by written consent of all parties interested in the lot and of the city; provided, however, a relative or any record owner may be buried in the lot as provided for in these ordinances or in the statutes of the State of Minnesota.

§94.18 REPLATTING AND ROADWAYS

(A) **Right to replat and use property.** The city reserves the right to resurvey, enlarge, diminish, replat, alter or change all or any part, portion or subdivision of the property mapped and platted, including the right to lay out, establish, close, eliminate or change the location of roads, walks or drives, and to file amended maps or plats, and to use the same for the erection of buildings, or for any purposes or uses connected with, incidental to, or convenient for the care and preservation of the cemetery or for any preparation for other cemetery purposes, together with easements and rights-of-way over or through the premises and the right of installing, maintaining and operating pipelines, conduits, sprinklers, drainage, electric or communication lines, or for any other cemetery purpose.

(B) **No right granted in alleyways.** No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the cemetery, but a road, drive, alley or walk may be used as a means of access to the cemetery or buildings as long as the city devotes it to that purpose.

§94.19 LOT OWNER ADDRESS CHANGE; NOTIFICATION REQUIRED

It shall be the duty of the lot owner to notify the city of any change in his or her United States Postal Service address. Notice sent to a lot owner at the last address on file with the cemetery shall be considered sufficient and proper legal notification.

§94.20 COLUMBARIA

(A) Ownership of burial space in a columbarium shall be considered the same as ownership of other cemetery property and shall descend according to State of Minnesota statutes.

(B) One or two urns may be entombed in a columbaria niche, provided there is adequate space.

(C) Purchase of a columbarium niche shall include one bronze front plaque, regardless of the number of remains entombed, the size, design and color of which shall be determined by the city.

(D) No item shall be affixed to the columbarium, unless herein provided. One one-and-one-half inch (1½") veteran's medallion may be affixed to the lower left face of a columbaria niche. All medallions shall be uniformly installed on columbaria niches by authorized cemetery personnel only. Other medallions are not allowed on a columbaria niche.

(E) The lot owner is responsible for the maintenance of the medallion. The city is not responsible for maintaining medallions. If items are affixed contrary to the memorial permit, they may be removed by the city at the lot owner's expense.

(F) The city shall provide a central planter near columbaria for placement of flowers and other ornamentation, at the lot owners' expense, as permitted here-

in.

(G) The opening of a sealed niche for a second urn is considered an interment and is subject to established fees.

§94.21 PROCEDURES FOR REPURCHASE OF CEMETERY PROPERTIES

(A) **Repurchase.** When considering repurchase of cemetery property the city shall offer to willing sellers the greater of one-half (½) of the current price for properties or the original purchase price of the properties, whichever is greater.

(B) Certain properties representing a significant value to the cemetery may be identified. For these properties, the city reserves the right to offer more to obtain these specifically identified properties or to waive up to \$100 of fees related to the repurchase.

§94.35 GENERAL SUPERVISION

(A) **Admission to cemetery.** The city reserves the right to refuse admission to and supervise the conduct of persons using the cemetery, and to refuse the use of any of the cemetery facilities by any persons whom cemetery management may deem objectionable to the best interests of the cemetery.

(B) **Cemetery management in charge of funeral.** All funerals, upon reaching the cemetery, shall be under the supervision of cemetery management.

(C) **Casket not to be opened or body touched without consent.** The city reserves the right to refuse permission to anyone to open the casket or to touch the body without the written authorization of the legal representative of the deceased or without a court order.

§94.36 INTERMENTS AND DISINTERMENTS; REGULATIONS

(A) **Subject to laws.** Besides being subject to these ordinances, all interments and disinterments are subject to the ordinances and statutes of the city, county and state.

(B) **Time and charges.** All interments and disinterments must be made at the time and in the manner prescribed and are subject to the payment of related charges. At least forty-eight (48) hours' notice prior to interments and at least one week's notice prior to any disinterment is required. The city may refuse to make an interment until a more expedient time if the remains arrive at the cemetery after 4:00 p.m., or if too many funerals arrive at the same hour. The city also reserves the right to require additional time in the event of inclement weather. The city reserves the right to charge an additional fee if a funeral arrives after 4:00 p.m. or more than one-half (½) hour after the scheduled time.

(C) **Authorization to inter and disinter.** The city may inter or open a grave upon receipt of proper written authorization by any lot owner of record made on forms prescribed by the city or if the lot owner has previously provided written instructions on file at the cemetery. No interment or disinterment shall be completed until payment of applicable charges has been made.

(D) **Required concrete box or vault.** The city requires a concrete box or vault for full-size casketed interments. Cremains and infant caskets are exempt from this requirement.

(E) **Location of interment space.** When instructions from the lot owner regarding an interment space cannot be obtained, are indefinite, or cannot be followed, the city may open the space as it deems best and proper so as not to delay the interment.

(F) **Orders, other than written instructions.** The city shall not be held responsible for any order given by means other than clearly written instructions, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a lot where interment is desired.

(G) **Errors may be corrected.** The city reserves the right to correct any errors made making interments or disinterments, or in the description or transfer of any property, either by cancelling or substituting the transfer or refunding the amount paid on account of that purchase. In the event the error shall involve the interment of the remains of any person in that property, the city reserves the right to disinter and reinter the remains in property of equal value and similar location, or as otherwise directed by the lot owner.

(H) **Delays caused by protests.** The city shall in no way be liable for any delay in the interment or disinterment where a protest to the interment or disinterment has been made, or where ordinances or permits have not been complied with. The city may require any protest to be filed in writing.

(I) **Not responsible for identification or embalming.** The city shall not be liable for the interment permit nor for verifying the identity of the person interred; nor shall the city be liable in any way for the embalming or cremation of the body.

(J) **No interment or disinterment permitted unless property paid for.** No interment or disinterment shall be permitted in any property not fully paid for.

(K) **Interment of more than one body.**

(1) One casket, or one casket and one cremains, or two cremains are allowed to be interred in one grave space.

(2) A second right of interment may be purchased by the lot owner for the interment of an infant or cremains in between two blood relatives.

(3) Interment of up to four cremated remains will be allowed in certain cremation grave spaces of Section 12 and Schmidt's Addition.

(4) Certain reclaimed or repurchased properties throughout the cemetery may also be allowed multiple interments of cremains, depending on location, character of surrounding area, size of property, placement of memorials and other considerations made according to the judgment of cemetery management.

(L) **Interment of human remains.** The use of the property in the cemetery is restricted to the interment of human remains only.

(M) **Disinterment for profit prohibited.** Disinterment so the lot or items contained in the lot may be sold for profit, or disinterment contrary to written instructions of the lot owner, is forbidden.

(N) **May obtain different lot.** A body may be disinterred from its original lot and be interred in a different lot in the cemetery, provided there has been a property transfer or purchase for that purpose.

(O) **Care in disinterment.** The city shall exercise due care in making a disinterment, and it shall assume no liability for damage to any casket or burial vault while making the disinterment.

(P) **Disinterment during winter prohibited.** Disinterments during the time period of November 16 through April 14 are not allowed.

§94.37 REMOVALS

(A) **Removal for profit prohibited.** Removal of a body by the heirs so that the lot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original lot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

(B) **May obtain larger lot.** A body may be removed from its original lot to a larger or better lot in the cemetery when there has been an exchange or purchase for the purpose.

(C) **Care in removal.** The city shall exercise due care in making a disinterment and removal, and it shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

(D) **Removal prohibited.** Disinterment or removal of a body during the time period of November 16 through April 14 will not be allowed.

§94.38 PAYMENTS

(A) **Payment of service charges.** Charges for cemetery services must be paid prior to or at the time of the issuance of any order to inter or disinter. Satisfaction of all indebtedness due the city must be made before interment or disinterment.

§94.39 WORK AND IMPROVEMENTS; CITY CONTROL

(A) **Work to be done by city.** Only the city shall perform grading, landscaping work and improvements of any kind, and all care on lots, trees, shrubs and herbage of any kind, including trimming, cutting or removal. All interments and disinterments shall be made only by the city.

(B) **City directs and may remove improvements.** All improvements or alterations of individual property in the cemetery shall be under the direction of and be subject to the consent, satisfaction and approval of the city, and, should improvements be made without the city's consent, the city shall have the right to remove, alter or change those improvements at the expense of the persons making the improvement or the lot owner.

§94.40 LOT DECORATION

(A) **Floral regulations.** Ground planting of flowers is not permitted. The city shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the city, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to maintenance standards. The city shall not be liable for floral pieces, or for 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. The city shall not be responsible for plants, herbage or plantings of any kind damaged by the elements, thieves, vandals or by other causes beyond its control. The city reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind, without its consent.

(B) **Removal of floral frames.** Floral frames, when removed from the lot site, unless called for within five days by those lawfully entitled to them, may be disposed of by the city in any manner it sees fit.

(C) **Certain ornaments prohibited.**

(1) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, wood or iron cases and similar articles upon lots shall not be permitted, and if so placed, the city may remove the same unless they be wholly contained within an approved flower pot or flower box fitting over a monument. In no case shall any decoration or ornamentation be allowed if its design is deemed to be offensive in nature, include food and beverages or other items for human consumption, be constructed of glass, contain light-emitting elements, or be in any way designed to move either mechanically or by other means, including

by natural wind. The city may remove any decoration or ornamentation immediately if it does not comply with this section.

(2) No item may be affixed to monuments, except that a certain item may be affixed to the face of monuments, provided it does not protrude more than one inch (1") beyond the face of the monument and does not exceed twenty square inches (20 sq. in.) in size, and is maintained by the persons affixing such items. The city will not maintain items affixed to monuments.

(D) Cut flowers may be deposited on graves only on Memorial Day, except flowers may be in approved vases or holders. Only one flower holder per lot is allowed.

(E) Glass containers are not allowed.

(F) Cut flowers and plastic flowers will be removed from the ground within seven days after Memorial Day.

(G) Unsightly flowers and wreaths will be removed at the discretion of the city.

(H) Live plants will be allowed only in approved pots, urns or holders.

(I) Metal flower holders of an approved design are permitted. Cementing of these flower holders is not allowed. The bottom of the flower holder is to be a minimum of eighteen inches (18") from the ground. The city may remove non-conforming flower holders.

(J) Flower holders shall be placed in line with existing flower holders

(K) Wreaths are permitted if they are attached to the monument or placed in approved holders.

(L) All bronze cups must be turned down by November 1 to prevent damage.

(M) The city shall not be responsible for plant stands, pots and vases or other holders damaged due to freezing, snow removal for funerals, or damage due to the necessary removal of the items.

(N) Regulations are posted outside of the office building.

§94.41 VISITOR CONDUCT; REGULATIONS

(A) **Must use walks.** Persons within the cemetery grounds shall use only the avenues, walks, alleys and roads.

(B) **Trespassers on cemetery lots.** Only the lot owner and his or her relatives shall be permitted on cemetery lots. Any other person thereon shall be considered a trespasser, and the city shall owe no duty to the trespasser to keep the property, or the memorial thereon, in a reasonably safe condition.

(C) **Children.** Children shall not be permitted within the cemetery, or its buildings, unless accompanied by a responsible adult.

(D) **Flowers and the like.** All persons are prohibited from gathering flowers, either cut or wild, or disturbing trees, shrubbery or plants, or feeding or disturbing birds or wildlife.

(E) **Refreshments.** No person shall be permitted to have refreshments within the cemetery except as authorized by the city.

(F) **Loitering prohibited.** Persons shall not be permitted to loiter in the cemetery.

(G) **Loud talking.** Boisterous or unseemly conduct shall not be permitted in the cemetery.

(H) **Littering.** Littering at the cemetery is prohibited. All waste shall be disposed of in appropriate receptacles.

(I) **Automobiles.** Automobiles, including motorcycles and all other licensed vehicles, shall not be driven through the grounds at speeds greater than 15 miles per hour, and must always be kept on the right side of the cemetery roadways. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless those automobiles are in attendance at the funeral. Automobiles must stay on roadways and are not allowed on lawn areas.

(J) **Recreational vehicles.** No motorized recreational vehicles, including but not limited to, motorized scooters, snowmobiles, motorized carts, all-terrain and off-road vehicles or other similar recreational vehicles shall be admitted to the cemetery except those as may be in attendance at funerals or on business. This section shall not apply to any vehicle designed specifically for personal mobility.

(K) **Peddling or soliciting.** Peddling of flowers or plants, or soliciting the sale of any commodity, is prohibited within the cemetery without the approval of the city. Violation of these ordinances may result in dismissal from cemetery property.

(L) **Firearms.** No firearms shall be permitted within the cemetery except on special permit from the city, or at a military or veteran funeral.

(M) **Notices and advertisements.** No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the city.

(N) **Pets.** Pets shall not be allowed on the cemetery grounds or in any of the buildings.

(O) **Hours.** The cemetery grounds shall remain open from 8:00 a.m. to 4:30 p.m., Monday through Friday, and at other times by special arrangements.

(P) **Improprieties.** There shall be observance of all proprieties at the cemetery, whether embraced in these ordinances or not. Improprieties shall not be allowed, and the city shall prevent improper behaviors and assemblages.

(Q) **City to enforce rules.** Employees are hereby empowered to enforce all ordinances, and to exclude from the cemetery any person violating the same. Employees shall have charge of cemetery grounds and buildings, and at all times shall supervise and maintain control of all persons at the cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors.

§94.42 FEES, GRATUITIES AND COMMISSIONS PROHIBITED

No person, while employed by the city, shall receive any fee, gratuity or commission, except from the city either directly or indirectly, under penalty of dismissal.

§94.43 PROTECTION AGAINST LOSS OR DAMAGE; DISCLAIMER

(A) **Disclaimer.** The city disclaims responsibility for losses or damages caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

(B) **City may charge for unusual repairs necessitated by acts of God and the like.** In the event that it becomes necessary to repair or reconstruct any natural stone or concrete work on any section or lot, or any portion or portions thereof in the cemetery which has been damaged as herein described, the city shall give a ten (10) day written notice of the necessity for the repair to the lot owner of record. The notice shall be given by depositing the same in with the United States Postal Service, addressed to the lot owner of record at his or her address as stated in the records of the city. In the event the lot owner fails to repair the damage within a reasonable time, the city may direct that the repairs be made and charge the expense to the lot owner of record.

§94.44 CEMETERY FUNDS

(A) **Cemetery funds shall:**

(1) Be used for any care and maintenance necessary by natural growth and ordinary wear including planting, cutting, watering and care of lawns, trees and shrubs, the cleaning and upkeep of buildings and the maintenance of utilities, walls, roadways, walks and other improvements of the cemetery.

(2) Not be used for the maintenance, repair or replacement of any memorials, sod or flowers owned by lot owners that may be caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided, except that the City Council may direct that certain repairs or maintenance be done using City funds.

(3) Be deposited with others of like character and intent.

(4) Not be used to benefit any one individual property, but rather be used for the good of the Cemetery as a whole, except that the City Council may approve use of city funds to make repairs or improvements to specific properties, at their discretion.

(5) Be limited to appropriations made by the City Council for the care of the grounds, buildings and cemetery maintenance.

(6) Be used in whatever manner deemed appropriate by the city for the care, reconstruction, repair, and maintenance of all or any portion of the cemetery improvements, and for other costs necessary to the preservation of the city's legal rights.

§94.45 MEMORIALS; STANDARDS AND PERMITS

(A) **Memorials.**

(1) Only one central memorial, placed in the center of the lot, and in line with existing memorials shall be allowed on a lot.

(2) Memorials shall be no larger than the maximum size indicated for each type of memorial, based on the size of the grave and lot, as prescribed by the city.

(3) A permit, obtained prior to or at the time of installation, is required for each memorial installed at the cemetery.

(4) The city reserves the right to correct any errors made by its employees or by another person or persons regarding the location, size, or placement of a memorial.

(5) A written request may be issued to the city for the placement of unusually shaped or oversized memorials. These memorials, personal columbaria, or private mausoleums may be allowed in areas of the cemetery where adequate space may be purchased and be subject to provisions herein.

(B) **Markers.**

(1) All markers must be set flush with the ground.

(2) Flower vases integrated into flush markers are not permitted.

- (3) Markers of bronze or other materials shall be recessed so as to be flush with other marker materials.
 - (4) Lettering, or designs in markers placed on concrete or stone may protrude no more than one-quarter inch (1/4") above the concrete or stone.
 - (5) Veterans' markers approved by the Department of Veterans' Affairs, may be affixed into the markers, provided they are countersunk into the face of the stone or cement wash so the base of the medallion does not protrude higher than the face of the stone.
 - (6) Any items affixed to markers are the responsibility of the lot owner; the city is not responsible for the maintenance of these items. If the items are affixed contrary to the memorial permit, they may be removed by the city at the lot owner's cost.
- (C) **Monuments.**
- (1) All monument foundations shall be installed by the same company or persons supplying the monument, which company or person shall be responsible for and guarantee the quality and strength of the foundation.
 - (2) Monuments and their foundations shall not encroach into the space required for interment of a full-sized vault and casket burial, which is approximately eight feet, six inches by three feet, six inches (8' 6" x 3' 6"), unless other restrictions are necessary based on the size and type of property.
 - (3) Veterans' markers approved by the Department of Veterans' Affairs, may be affixed onto monuments, as provided herein.
- (D) **Designated in-ground cremation areas only.** Only one marker or monument is allowed in designated in-ground cremation areas. Markers and monuments shall not exceed the permitted size, as identified by the city.
- (E) **Cement washes required.** Cement washes will be required on all memorials in the size specified in the permit, as determined by the city. The city may also approve washes of natural stone, provided they shall have less ongoing maintenance when compared to cement washes.
- (F) **Bronze as part of memorials.** Bronze that is imbedded on a memorial must be recessed so as to be flush with the surrounding stone or cement, except that any bronze lettering or design shall protrude no more than one-quarter inch (1/4") above the surface of a marker or one inch (1") from the surface of a monument.
- (G) **Permit required.**
- (1) A permit is required to install memorials. Permits will be required for each memorial and must be obtained prior to installation. The city will fix, and from time to time revise, any permit fee.
 - (2) Any memorial installed without first obtaining a permit may be removed until the permit is obtained. An additional charge for equipment, labor and storage may be assessed for removal of unpermitted memorials.
- (H) **Large memorials, areas of the cemetery.** Large monuments, unusually shaped or oversized monuments, personal columbaria or private mausoleums may be allowed in areas of the cemetery where adequate space may be purchased. Each request for memorials not complying with these ordinances shall be reviewed independently with regard to required space and appropriate fit of the memorial and shall be approved only by special permit issued by the city.
- (I) **Exceptions.** Areas set aside as cremation grave spaces and certain cremation properties in portions of Section 12 and Schmidt's Addition will be allowed one monument regardless of the number of cremains interred, which shall not exceed the maximum size identified in the permit.

§94.46 MEMORIALS; CONSTRUCTION REGULATIONS

- (A) Persons employed in placing or erecting monuments, or bringing in materials, shall, as to the city, operate as independent contractors only under permit from the city and be under the supervision of the city. These persons are prohibited from attaching ropes to monuments, to trees or to shrubs. These persons shall not permit material to be on adjoining lots or block avenues or pathways longer than necessary. These persons shall take care to do as little injury to the grass, trees and shrubs, etc., as possible and are responsible for removing debris and restoring the grounds and sod to their original condition.
- (B) Damage done to any property shall be repaired by persons placing or erecting memorials. Damage that is not repaired in a timely manner may be repaired by the city, and the cost of the repairs shall be charged to the persons installing the memorial.
- (C) No material, machinery or other item used for the construction of memorials may be brought into the cemetery until required for immediate use; nor under any circumstances when a funeral is in process. Nor shall any memorial work be conducted except during normal cemetery hours. Material may not be placed on adjoining lots without permission from the city. Work shall proceed promptly until the erection of the memorial is completed.
- (D) No work of any kind shall be done while a funeral or interment is being conducted.
- (E) The installation of coping, curbing, fencing, hedging, plantings, grave mounds, borders, enclosures of any kind, brick, cinders, tile, stone, marble, terra cotta, sand, cement, gravel or wood shall not be allowed on or around any lot. The city reserves the right to remove the same if so erected, planted or placed and charge the cost of removal to the lot owner.
- (F) The city shall have the authority to reject any permit application based on the plan or design for any memorial which, on account of its size, design, inscription, kind or quality of stone is, in the opinion of the city, unsuited to the lot on which it is to be placed.
- (G) The city reserves the right to stop all work of any nature being done at the cemetery whenever, in its opinion, proper preparations therefor have not been made, when tools and machinery are insufficient or defective, when work is being executed in a manner so as to threaten life or property, when persons installing memorials are guilty of misrepresentation, when any reasonable request on the part of the city is disregarded, when work is not being executed according to the permit, or when a worker violates these ordinances. Completed work is subject to the approval of the city.
- (H) All memorials shall be constructed of natural stone. Should any memorial become unsightly, dilapidated or dangerous, the city shall have the right to correct the condition or to remove the same, at the expense of the lot owner.
- (I) No memorial shall be removed from the cemetery, except by the city. Only upon the written order of the lot owner and permission being subsequently granted by the city shall a memorial be removed.

§94.47 PLANTS AND FLOWERS; REGULATIONS

- (A) Cut flowers may be deposited on the graves only in approved vases or holders. Only one flower holder per lot will be allowed.
- (B) Glass containers will not be allowed.
- (C) Cut flowers and plastic flowers will be removed from the ground within seven days after Memorial Day.
- (D) Unsightly flowers and wreaths will be removed.
- (E) Live plants will be allowed only in approved pots, urns or holders.
- (F) Metal flower holders will be permitted with a six-inch or larger shoe around the bottom of the vase holder. Cementing of these holders will not be allowed. The bottom of the flower holder is to be a minimum of 18 inches from the ground.
- (G) Non-conforming holders will be tagged and subsequently removed.
- (H) Holders shall be placed in line with existing holders.
- (I) Wreaths will be permitted if they are attached to the monument or in approved holders.
- (J) All bronze cups will have to be turned down by November 1 to prevent damage.
- (K) The city shall not be responsible for plant stands, pots and vases damaged in the winter due to snow removal for funerals or damage due to the necessary removal of the items.
- (L) Regulations will be posted in the office building. For information consult the custodian or caretaker.