



RIVERSIDE CEMETERY RULES & REGULATIONS

Est. 2001



CITY OF MONTICELLO
RIVERSIDE CEMETERY
RULES & REGULATIONS
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MONTICELLO RIVERSIDE CEMETERY

RULES AND REGULATIONS

EFFECTIVE NOVEMBER 1, 2001
AMENDED MARCH 9, 2015
AMENDED SEPTEMBER 26, 2016
AMENDED FEBRUARY 11, 2019
AMENDED DECEMBER 13, 2021

1. PURCHASE OF GRAVES:

1.1 All fees or charges shall be set by the City and are payable to the City at the Public Works Office located at 909 Golf Course Road, Monticello, MN 55362.

1.2 No grave shall be reserved with the intent to purchase for any reason.

1.3 Upon full payment of the purchase price of a grave, the City of Monticello will issue a cemetery deed/certificate of ownership conveying the grave, executed by the City, and the deed shall be recorded in the records of the City. Description of the grave will be in accordance with the cemetery plats, which are kept on file at the City Public Works Office.

2. CONDITIONS OF GRAVE PURCHASE:

2.1 All graves will be sold subject to these rules and regulations, or those hereafter adopted. The purchaser shall expressly agree, in the deed/certificate of ownership conveying the lot their rights are subject to such reasonable rules and regulations as the City Council may adopt. The deed/certificate of ownership, and these rules and regulations, and any amendments, constitute the sale agreement between the cemetery and the lot owner.

2.2 No grave shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials, as per the rules and regulations of the cemetery.

2.3 No easement or right of interment is granted to any grave owner in any road, drive, alley, or walkway within the Riverside Cemetery, but such road, drive, alley, or walkway may be used as a means of access to the owner's cemetery grave or graves.

2.4 The City reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location, as far as possible, or as may be selected by the City, or in sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event that such error shall involve the interment of remains of any person in such property, the City reserves, and will have, the right to remove or transfer such remains so interred to other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

3. TRANSFER OF GRAVES:

3.1 The owner of a cemetery grave may transfer the grave:

3.1.1 To the City of Monticello at the original sale price,

3.1.2 Any of his/her relatives, who may survive him/her by will for the use and benefit of the person designated in the will, or

3.1.3 To other persons not related to him/her.

In all cases, the owner must complete and have signed by witnesses and a Notary Public, a Transfer of Ownership document provided by the City of Monticello. The transfer of ownership document must be approved by the City prior to the transfer of graves by the owner. When a transfer has been made in conformance with these rules, the City will issue a deed to the new owner. In all cases, a transfer fee payable to the City of Monticello will apply based upon the City's current fee schedule.

3.2 No grave will be permitted to be re-sold, disposed of, or otherwise used until the purchase price, and all unpaid charges, have been paid in full.

3.3 No cemetery grave may be re-sold or otherwise disposed of, without approval of the City of Monticello.

3.4 Grave owners may not allow interments to be made on their grave unless the transfer of grave process has been completed.

4. DESCENT OF GRAVES or COLUMBARIUM NICHE or OSSUARY SPACE:

4.1 On the death of a deed/certificate owner; such rights shall be granted and conveyed by the City to the descendant's surviving spouse. If there is no surviving spouse, then to the descendant's eldest surviving child; if there is no surviving child, then to the descendant's youngest surviving sibling; if there is no surviving spouse, child or sibling of the descendant and the grave(s)/niches are not sold back to the City of Monticello during the administration of the descendant's estate or otherwise provided for by will, the City may convey the grave(s)/niches to any of the descendant's parents, siblings or descendants as it deems fit.

5. BURIAL PERMITS:

5.1 A burial permit shall be issued and delivered to the City of Monticello for all burials in the cemetery. In the case of a cremation burial the certificate of cremation shall be delivered to the City of Monticello.

6. INTERMENTS:

6.1 Deed/Certificate owners are granted only the right of interment in their columbarium niche, ossuary space or cemetery grave. The City of Monticello reserves the right to refuse to permit the interment of anyone who is not at the time the owner of the lot, or a relative of the owner, by blood or marriage. Permission, in writing, and with the seal of a Notary Public, of the grave owner must accompany all requests for permits to bury persons not members of the immediate family of the grave owner.

6.2 At least forty-eight (48) hour notice shall be given prior to the time set for the funeral service to assure a timely grave opening.

6.2.1 There will be a fee charged (set on the current fee structure) for any late arrivals to the graveside which causes an inconvenience to the burial operations (typically more than 15 minutes).

6.3 City Holidays are as follows: New Year's Day, Martin Luther King Jr Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and the day after Thanksgiving, ½ day – Christmas Eve and Christmas Day. If a family chooses a burial the day following a holiday – the family will be charged the Public Works Labor fee as stated in the most current fee schedule for time spent preparing for burial.

6.4 No casket shall be interred in the cemetery unless it is enclosed in a concrete vault or box. Ashes must be placed in a container prior to burial.

6.5 Should the grave owner or funeral director fail or neglect to designate the location, the City of Monticello reserves the right to make the interment in a location designated by the City. The City will not be responsible for any order given by telephone, or for any mistake occurring from the want of precise, proper instructions as to the particular location within a plot where interment is desired.

6.6 Interments are for the purpose of the human dead only. No pets, jewelry, artifacts, or other material items will be allowed to be buried.

6.7 The City will not be liable for the interment permit, nor the identity of the person sought to be interred.

6.8 No interment of more than one body shall be made in one grave, except in the following cases:

6.8.1 One adult and one child or infant.

6.8.2 Two infants or children.

6.8.3 Two urns of ashes.

6.8.4 One adult and one urn of ashes.

6.8.5 Two cremated remains – one urn.

6.9 The cost of interments, including burial of ashes, shall be set by the City.

6.10 Payment in FULL of all fees, must be made prior to burial.

7. COLUMBARIUM/OSSUARY:

7.1 Ownership of interment space in a columbarium shall be considered the same as ownership of other cemetery property and shall descend according to state law.

7.2 No more than two urns or vases can be placed within a single niche. The urns must be either 5 ½" x 5 ½" x 7" square or a vase size of 10" high x 6" diameter.

7.3 The initial opening and closing of a columbarium niche for the interment of cremains is included in the sale price. However, applicable charges, to be paid in advance, will be levied for the opening of a sealed niche for any other reason.

7.4 The niche face plate is removed by the City of Monticello cemetery employees only.

7.5 Cremains will not be placed in the columbarium or ossuary by anyone other than a City of Monticello cemetery employee.

7.6 The etching of the niche face plate will be done by a contractor of the City of Monticello.

7.7 Flower holders, vases, or other fixtures shall not be allowed to be attached to the columbarium. Fresh flowers will be removed by the City of Monticello when they become unsightly.

7.8 Urn bags will be provided by the City of Monticello for the ossuary.

7.9 The City of Monticello will not buy back previously sold columbarium niches. If cremains are removed, the niche is forfeited back to the City of Monticello for re-sale.

7.10 The removal of the cremains from the niche shall be considered a disinterment. At that time the niche shall be forfeited to the City of Monticello and resold. The etched or engraved niche front shall remain the property of the family. The cost of replacing the double niche front and etching or engraving the adjacent "door" (if needed) back to exactly how it was shall be the responsibility of the City.

7.11 The City of Monticello is not responsible for any loss or damage caused by an act of elements, thieves, vandals or any malicious doings to personal property.

7.12 Ownership of interment space and their heirs must adhere to these regulations.

8. DELAY OF INTERMENT:

8.1 The City of Monticello will be in no way liable for any delay in the interment of remains when a protest to the interment has been made, or where rules or regulations have not been complied with.

9. DISINTERMENTS:

9.1 Written permission of the grave owner, and the next of kin, shall be filed with the City, and a permit from the County Health Officer shall be secured and presented, and the required fees paid before any grave may be opened for any purpose. At least thirty (30) days written notice must be given prior to any disinterment. This provision does not apply when

disinterment is ordered by a duly authorized public authority.

9.2 The cost of disinterment will be the same as the current cost of interments unless otherwise stated in the fee schedule.

9.3 The City of Monticello will never disinter cremains once they are placed within the ossuary.

10. MONUMENTS, MARKERS AND FOUNDATIONS:

10.1 Every marker must be placed in the space reserved therefore, as shown upon the plat of such grave, or as directed by the City.

10.2 Monuments will be allowed in the old section of the cemetery only and are limited in size to a maximum of 36" for a single grave and a maximum of 72" for a double grave, including the 4" concrete border.

10.2.1 Monuments in the cremation section of the cemetery are limited to a maximum size of 36" for a single grave plus a 4" concrete border, bringing the total maximum width to 44".

10.3 Monuments will not be allowed in the new section of the cemetery. Only flat markers of sizes specified by the City will be allowed in the new section of the cemetery. Marker size shall not exceed 2' x 3' for a single grave, 2' x 4' for a double grave, and 12" x 18" for a single baby grave, including the 4" precast concrete border. All markers shall be uniform in thickness and a minimum of 4" thick with the exception of the brass veteran markers. Markers embracing more than two graves will not be permitted, unless otherwise approved by the City.

10.4 No monument or marker, nor any part thereof, may be constructed of limestone, sandstone, or any artificial material.

10.5 A foundation of concrete is required for monuments/markers. There shall be a minimum of 4" concrete/granite border set at grade level. Setting of all monuments/markers shall be performed by the City or its approved contractor, or an accepted monument company.

The City requires that all above ground monuments/markers must be attached to the foundation by setting it into the wet cement, pinning it into the cement, or adhering it to the foundation using exterior adhesive for stones such as PL400.

10.6 Prior to any monument/marker placement or removal for repair the City or its approved contractor shall be contacted in order to stake the area and supervise the placement.

10.7 For all graves there will be a staking fee payable to the City of Monticello as listed in the City's current fee schedule. This fee must be paid IN ADVANCE of the staking performed by the City.

10.8 The City requires that all flush markers in the new section of the cemetery shall be set at the head end and face east. Furthermore, all monuments/markers in the old section shall be set at the head end and face east unless existing conditions warrant placing elsewhere. Such variances will be approved in writing by the City prior to monument/marker placement.

10.9 Only one marker will be permitted on any one grave in the new part of the cemetery with the exception of a veteran marker which may be placed at the foot end, unless otherwise approved by the City.

10.10 A maximum of one upright monument or memorial bench monument and one flat marker will be permitted on any one grave in the old part of the cemetery.

10.11 Corner markers of like material may be placed on graves and/or lots in the old part of the cemetery only. Corner markers shall be no larger than 4" x 4" square and shall be placed flush with the ground.

11. PERMANENT CARE:

11.1 The general care of the cemetery is assumed by the City and includes the following:

11.1.1 Cutting of the grass at reasonable intervals;

11.1.2 Raking and cleaning of the grounds;

11.1.3 Pruning of the shrubs and trees that may be placed by the City; and

Maintaining the general preservation of the graves and grounds, walks, roadways, boundaries, and structures, to the end that said grounds shall remain and be reasonably cared for as cemetery grounds.

11.1.4 The general care of the cemetery may be awarded by contract to private firms by the City as they see fit.

11.2 General care of the cemetery assumed by the City shall in no case mean the maintenance, repair, or replacement of any monument marker erected upon graves, nor the doing of any special or unusual work in the cemetery.

12. LANDSCAPING IMPROVEMENTS:

12.1 Plants and flowers may be placed above ground, in pots on stands. Any pot placed on the ground will not be the responsibility of the City of Monticello, or its employees, should it be destroyed. Flowers and other items placed directly on the grave may be removed by the City prior to routine cutting of the grass.

12.2 No trees, shrubs, or vines may be planted, nor may fences be erected. The City reserves the right to remove any tree, shrub, vine, plant, or flowers which may become unsightly, dangerous, or not in keeping with the landscape design of the cemetery.

12.3 Pots, urns or stands that are left unused on a grave for a period of one (1) year will be

removed by the City.

12.4 All landscaping, grading, and seeding shall be done by the City of Monticello or its approved contractor. All graves will be seeded and kept flush with the adjacent ground. When weather conditions allow, seeding will be done following the burial.

12.5 The City will make water available to grave owners for care of flowers and plants in pots, set in stands, from spring to fall of each year, depending on weather. Grave owners may water the grass covering their graves.

12.6 The City cannot be held responsible for any damages, loss, or theft, of any personal property such as flowers, plants, decorations, vases, crocks, markers, monuments, etc.

12.7 The last week in April will be designated as Spring Cleanup in the cemetery. Easter arrangements will be allowed one week before and one week after Easter.

12.8 The last week in October will be designated as Fall Cleanup in the cemetery. All items left on the ground will be disposed of and the City will not accept liability for such items. The City recommends that above ground pots and stands should be removed before the first freeze and can be replaced at the appropriate grave site after the completion of Spring Cleanup. If pots and stands are left year- round, the City will not accept responsibility for such items if they are destroyed due to weather, snow plowing, vandalism, etc.

13. PERPETUAL CARE:

13.1 There shall be established a Perpetual Care Fund and all monies collected for perpetual care of graves shall be deposited in said fund, and shall be kept separate from all other funds of the City.

13.2 The fee for perpetual care shall be fixed by the Council of the City by resolution.

14. HOURS OF OPERATION:

14.1 The cemetery will be open to visitors from sunrise to one half hour past sunset. Permission to enter at all other times shall be secured from the City. The City reserves the right to refuse admission to the cemetery and to refuse the use of any of the cemetery's facilities, at any time, to any person or persons whom the City may deem objectionable to the best interest of the cemetery.

15. GENERAL REGULATIONS:

15.1 Persons within the cemetery shall use only the paths and walkways, and no one is permitted to walk upon or across lots or graves unless it is necessary to do so to gain access to one's own lot. The cemetery expressly disclaims any liability for any injuries sustained by

anyone violating this rule.

15.2 Persons visiting the cemetery or attending funerals are strictly prohibited from writing upon, defacing, or injuring any monument or marker, breaking or injuring any tree, shrub, plant, or other structure within the cemetery grounds.

15.3 The following acts are expressly prohibited, as well as any other violations of City Ordinances and regulations that may apply:

15.3.1 The driving of motor vehicles into the cemetery, unless attending a funeral, visiting a relative or a friend's grave site, or carrying on maintenance work authorized by the City.

15.3.2 The driving or parking of any motor vehicle across or upon any grave or lot.

15.3.3 Loud or boisterous talking or music.

15.3.4 Bringing of lunches or refreshments, including alcoholic beverages, into the cemetery or consuming them on the grounds.

15.3.5 Peddling or soliciting the sale of any commodity within the cemetery.

15.3.6 Placing of signs, notices or advertisements of any kind within the cemetery.

15.3.7 The throwing of rubbish on any part of the grounds.

15.3.8 The walking of pets (including dogs, cats, or any other household pet) on any part of the grounds.

15.3.9 The driving or parking of any snowmobiles, ATV's or motorized off-road bikes on any part of the grounds.

15.3.10 The placing of glass containers or bottles on any part of the grounds.

15.4 Special cases may arise in which the literal enforcement or interpretation of a rule may impose unnecessary hardship. The City reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, when in the judgment of the City such action appears necessary, and such a temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rules and regulations.

15.5 The City of Monticello reserves the right to amend these rules and regulations whenever it is determined that it is in the best interest of the cemetery to do so. Any and all amendments to these regulations will be approved by the City Council of Monticello.

15.6 The City of Monticello reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar objects whenever any of these objects become unsafe, unsightly, dangerous, or not in keeping with the landscape design of the cemetery.

15.7 Specific costs for graves, interments, disinterment, burial of ashes, and setting monuments/markers are not included in these rules because of the necessity to revise these rates. A current schedule of fees can be obtained from the City.

15.8 Individuals with questions or concerns about cemetery operations shall report their concerns to the Office of Public Works and shall not delay, interfere with or harass City employees, authorized contractors, or agents of the City as they go about their duties in the cemetery.

16. PENALTIES:

16.1 Violation of the City Ordinance is considered a misdemeanor and the penalty is described by law. These cemetery rules and regulations are part of the City Ordinance and shall be enforced and penalties imposed for violation of such rules and regulations.

17. CEMETERY MANAGEMENT:

17.1 The responsibility for the management of Monticello Riverside Cemetery and all matters related thereto shall be vested in the City.

17.2 The Monticello Parks Commission shall be the overseeing board for any maintenance or other issues with regard to Monticello Riverside Cemetery.

**ANY QUESTIONS OR CONCERNS IN REGARD TO THE MONTICELLO RIVERSIDE
CEMETERY RULES AND REGULATIONS AS SET FORTH HEREIN
SHALL BE DIRECTED TO:**

**MONTICELLO PARKS DEPARTMENT
909 GOLF COURSE ROAD
MONTICELLO, MINNESOTA 55362**

**TELEPHONE: (763) 295-3170
FACSIMILE: (763) 271-3272**

ATTEST

RIVERSIDE CEMETERY RULES AND REGULATIONS

Updates to the Rules and Regulations for Riverside Cemetery were presented to City Council at their meeting on December 13, 2021, for approval upon recommendation of the Monticello Parks Commission.

APPROVED BY the Monticello City Council this 13th day of December 2021.

CITY OF MONTICELLO

Lloyd Hilgart, Mayor

ATTEST:

Rachel Leonard, City Administrator