

CITY OF HANOVER
WRIGHT / HENNEPIN COUNTIES

CEMETERY POLICY

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2300.01 PREFACE

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

It is the aim of the City of Hanover to make the Hanover City 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 Hanover 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 Hanover City Council shall from time to time designate. The Hanover City Council may review charges made for associated costs such as grave and monument locating. If it is deemed advisable, the Hanover City Council may adjust prices accordingly. The rates and charges are reviewed annually by the Council and will be set by resolution.

2300.02 ESTABLISHMENT

A Cemetery has been established and is continued upon land acquired by purchase from Richard and Johanna Saenger on July 19, 1900, and is described as follows:

Beginning at a point on the section line eight and 75/100 (8 75/100) chains north of the southeast corner of the north east quarter (1/4) of the southeast quarter (1/4) of section thirty five (35) township one hundred and twenty (120) range twenty four (24) running north on said section line two (2) chains thence due west three and 75/100 (3 75/100) chains to place of beginning. Three quarters (0.75) of an acre to be used for cemetery purposes.

No person shall lay out or establish any cemetery, or use any lot of land within this City for the burial of the dead except in the said Hanover City Cemetery, or some other tract of land duly designated as a cemetery by an ordinance of the City Council.

2300.03 DEFINITIONS

Burial, cremation

The interment of the ashes of a deceased person.

Burial, traditional

The interment of an intact dead body in a coffin or casket.

Burial plot

See Grave.

Certificate of cremation

Certificate of ownership

City

The City of Hanover, Minnesota, owning and controlling the cemetery.

Cemetery

A hallowed park for earth interments.

Disposition permit

Grave

A space of ground reserved for one full body interment or two cremains

Interment

The disposition of human remains or cremains by burial.

Lot

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

Lot owner

Memorial

A marker of granite or other approved material that does not extend above the surface of the lawn.

Memorial, seasonal

Monument

A marker of granite or other approved stone that extends above the surface of the lawn.

Wash

2300.04 LEGAL TITLE

The City of Hanover 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 Hanover 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.

2300.05 LOT OF OWNERSHIP

Subd. 1. The laws of the State of Minnesota govern the descent of title to cemetery lots, as well as matters pertaining to assignments, conveyances, devices, trust deeds, and inalienability. The City will issue at the time of full purchase price a certificate of ownership to each lot owner.

Subd. 2. Descent of title is proven during probate of the estate of a descendant. When a Lot owner's estate has been probated, a Certificate of 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, the title will then be established under Rule 1.03.

Subd. 3. In the case of a deceased Lot owner's estate not being 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 the affidavit are not objected to within one year and no adverse claim is presented within the same timeframe, such an affidavit shall be conclusive proof of the facts and claims therein contained.

Subd. 4. When the 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.

Subd. 5. 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.

Subd. 6. Consent to a transfer or an assignment may be refused due to any indebtedness to the City from the lot owner of record.

Subd. 7. 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 previously issued Certificate cancelling ownership of the former owner.

Subd. 8. A lot owner may dispose of his or her lot by Will to any one of his or her surviving relatives, 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.

Subd. 9. The City will repurchase any lot with proof of ownership at the original purchase price. If ownership has been transferred due to Will, the new owner may have to prove the relationship to the previous owner.

2300.06 LOT BURIALS

Subd. 1. All fees or charges are payable to the City of Hanover. Patrons of the cemetery are requested not to pay any fee or gratuity to anyone other than the City Clerk or his or her representative.

Subd. 2. A lot purchase must be paid in full prior to interment. Interment prior to payment must be arranged at the City Hall office.

Subd. 3. Within the Hanover City Cemetery, Rows 10, 12, and 13 have been designated as cremation burials and sold as such. All other rows will be considered traditional burials. If a burial is planned for one casket and one set of cremains, a lot may be sold as a traditional lot even though it may be located in the cremation row of 12 or 13.

Subd. 4. 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.

Subd. 5. No lot shall be used for any other purpose than for the burial of the human dead.

Subd. 6. No easement or right of interment is granted to any plot owners in any road, drive, alley, or walkway within the Cemetery.

Subd. 7. Descriptions of lots will be in accordance with the cemetery plots. All records will be kept at the City Hall office.

Subd. 8. 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.

Subd. 9. It is the duty of the plot owner to notify the City of any change of address. Notice sent to a plot owner at the last address on file in the Cemetery records shall be sufficient and proper legal notification.

2300.07 INTERMENT AND DISINTERMENT

Subd. 1. 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.

Subd. 2. The City reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterments, 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.

Subd. 3. Prior to interment, a copy of the Disposition Permit or Certificate of Cremation must be supplied to the City.

Subd. 4. Prior to interment, payment of any and all indebtedness due the City must be arranged at the City Hall Office.

Subd. 5. The right is reserved by the City to insist upon at least twenty four (24) hours notice prior to any interment, and to at least one week notice prior to any disinterment or removal.

Subd. 6. In order to maintain accuracy and consistency of the grave sites, the City requires interment preparation to be completed by a professional business.

Subd. 7. 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.

Subd. 8. Lot owners shall not allow interments in their lots in return for remuneration of any kind.

Subd. 9. Acceptable burials for one gravesite include:

- One casket burial.
- Two cremains.
- One casket burial and one cremation burial.
- Parent and child in one casket.
- Two infants in one casket.

Subd. 10. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all burials will be placed in acceptable vault structures.

Subd. 11. All interments, disinterments, and removals must be made at the time, and in the manner, and upon charges fixed by the City.

Subd. 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.

Subd. 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 are in

noncompliance. The City shall be under no duty to recognize any protests of interments unless in writing and filed with the City.

Subd. 14. The City will not be liable for the Disposition Permit nor for the identity of the person sought to be interred.

Subd. 15. The City will not be liable for floral pieces, baskets, or frames for funeral services held in the Cemetery.

2300.08 MEMORIALS AND MONUMENTS

Subd. 1. These rules apply to **all** Memorial and Monument work. **Before placing an order** with such a company, care should be used in selecting a reputable dealer who understands the Hanover City Cemetery Policy so as to avoid difficulties which may arise in cases where memorial or monument work ordered does not comply.

Subd. 2. All markers, memorial or monument, placed in the Cemetery shall be of bronze, granite or marble. No vertical joints therein will be permitted.

Subd. 3. All Memorials or Monuments will be required to be installed within six (6) months of the interment of an individual. Should this time frame occur or expire during winter months, it will be extended and completion of such work shall commence by May 31st.

Subd. 4. No lot owner shall erect or place, or cause to be erected or placed, on a lot in the Cemetery, any marker not approved by the City. The City reserves the right to reject any Memorial or Monument by reason of failure to abide by the rules and regulations governing Memorials or Monuments and its installation.

Subd. 5. No coping, curbing, fencing, hedging, trees, shrubs, borders, or enclosures of any kind shall be allowed around any lot; and no walks of bricks, 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.

Subd. 6. The United States Government furnishes markers for the graves of veterans of which there are two types: an upright monument which is 42 inches in height, and a flat memorial 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.

Subd. 7. Surface burial vaults, or so called, constructed of cement, concrete, artificial or cast stone will not be permitted in the Cemetery.

Subd. 8. 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.

Subd. 9. All markers shall be set in the place and position determined by the City with a six (6) inch concrete wash with sufficient gravel for leveling. The City has created a concrete “sidewalk” for markers in Rows 12, 13, 14, and 15.

Subd. 10. Markers may be of flat or upright type. Monuments may not exceed 60 inches in height. The base of the marker must meet the wash requirement in Section 4.08. No part of the marker shall overhang any area of the wash.

Subd. 11. Should any marker 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.

Subd. 12. Persons engaged in erecting monuments or other structures are prohibited from attaching ropes to monuments, trees and shrubs; from scattering their material over adjoining lots; from blocking avenues of pathways; or from leaving their materials on the grounds longer than is absolutely necessary. A canvas must be used for the placing of all excavated material. This must be done with little injury as possible to the grass, trees, and shrubs. All debris must be removed and the ground and sod restored to its original condition.

Subd. 13. 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.

Subd. 14. When a funeral or interment is being conducted nearby, all work of any description must cease.

Subd. 15. A footstone marker will be allowed in order to accommodate a brass veteran’s marker or a marker for a cremation burial on a traditional burial plot. The marker must be set in a concrete wash and be flush to the ground.

2300.09 SEASONAL MEMORIALS

Subd. 1. Placing boxes, shells, toys, metalwork, ornaments, chairs, settees, or similar articles upon the burial plot will not be permitted. The City reserves the right to remove any articles deemed unacceptable.

Subd. 2. The ground planting of flowers by lot owners or relatives is not permitted. Potted plants must be in a plant stand or alongside the marker, and **must not** be sunk into the ground. Plant or wreath stands may be placed within 12 inches from the marker.

Subd. 3. Glass containers, of all kinds, and cans are prohibited on the burial plot. If placed thereon, such items will be removed by the City.

Subd. 4. The City shall have the authority to remove all flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery that have become unsightly, dangerous, detrimental or diseased, or if not conforming to the standards maintained.

Subd. 5. The City shall not be liable for floral pieces, baskets, or frames in which or to which floral items 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 the lot owner or relatives.

Subd. 6. The placement of flowers, plants and artificial flowers are as follows:

- Seasonal memorials may be placed on burial plots from May 15th through October 15th.
- Winter memorials may be placed on the burial plots from December 1st until March 1st.
- All flowers, plants, and artificial flowers must be placed in non-glass containers, in a plant stand or upon the concrete marker base.
- **No separate concrete base or pad is permitted.**
- Artificial flowers must be securely fastened to a stand or container.
- Flags and markers placed to acknowledge military service may be kept at the burial plot year round.

2300.10 GENERAL CARE AND MAINTENANCE

Subd. 1. 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.

Subd. 2. The general care assumed by the City shall in no case mean the maintenance, repair, or replacement of any marker 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 military or authority, whether the damage be direct or collateral.

2300.11 CONDUCT AND USE OF CEMETARY

Subd. 1. Persons visiting the Cemetery shall enter or leave by using the driveways. Persons should not use other means of entering.

Subd. 2. Persons visiting the Cemetery may do so during the hours between 7 am and sunset.

Subd. 3. Persons visiting the Cemetery or attending funerals or interments are strictly prohibited from:

- Picking flowers of any sort whether cultivated, wild, or on a burial plot.
- Breaking or injuring any tree, shrub or plant.

- Writing upon, defacing, or injuring any memorial, fence, or other structure within the Cemetery grounds.
- Allowing pets on the Cemetery grounds and defecation is strictly forbidden.
- Throwing of rubbish on the drives, paths, or any part of the Cemetery grounds.
- Removing seasonal memorial items from burial plots unless it is the lot owner or relative.

Subd. 4. 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 and boisterous verbal utterances.
- Improper conduct.
- Idling or loafing on the grounds.
- Interactive gaming.
- Consuming food or refreshments within the Cemetery grounds.
- Peddling or soliciting the sale of any commodity with the Cemetery.
- Placing of signs, notices, or advertisements of any kind within the Cemetery.

Subd. 5. 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 the driveway or road right-of-ways within the Cemetery at such location or in such position as to prevent any other vehicle from passing the same.
- Overnight parking is not permitted from sundown to sunrise.
- Using the Cemetery grounds or any road therein as a public thoroughfare.

Subd. 6. 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.