



CEMETERY RULES AND REGULATIONS

City of Appleton, Minnesota

APPLETON CEMETERY RULES & REGULATIONS
APPROVED BY THE APPLETON CITY COUNCIL
JULY 20, 2022

RULES & REGULATIONS

1. *General*

- a. Appleton City Cemetery sells only the exclusive right of burial in a specific grave space, or grave spaces, known as lots or graves. The legal title to all land in the cemetery remains in the City of Appleton and all grave spaces will be held subject to the laws of the State of Minnesota relating to cemeteries. The exclusive right of burial is subject to the rules, regulations and fee schedule in effect at the time of Interment.
- b. A complete record of all burials, including a diagram of the location of every grave, shall be kept in the files of the Appleton City Clerk.
- c. Persons visiting the cemetery or attending funerals are strictly prohibited from writing upon, defacing or damaging any memorial or breaking or injuring any tree, shrub, plant or other structure within the cemetery grounds.
- d. No dog, cat or other household pet will be allowed in the cemetery unless on a lease secured by the pet owners. Any and all pet droppings will be removed promptly by the pet owner.
- e. 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.
- f. Special cases may arise in which the literal enforcement or interpretation of a rule may impose an unnecessary hardship. The City reserves the right to make exceptions, suspensions, or modifications to any of these rules and regulations when the judgment of the City on such action appears necessary and such temporary exceptions, suspension, or modification shall in no way be construed as affecting the general application of such rules and regulations.
- g. The City of Appleton reserves the right to amend these rules and regulations in the best interest of the cemetery and is not required to give notice of such intended action. The City of Appleton also reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the owner whenever any of these objects becomes unsafe or unsightly.
- h. Specific costs for lots and staking fees are included in Appendix A as there may be necessity to revise these rates.
- i. All monies collected from grave sales and staking fees shall be held for perpetual care of the cemetery
- j. These rules and regulations shall supersede all previous rules and regulations, which may have been published for the Appleton City Cemetery.

2. **Lot Purchases**

- a. All lots will be sold subject to these rules and regulations, or those hereafter adopted. The purchaser shall expressly agree, in the deed conveying the lot, that his rights are subject to such reasonable rules and regulations as the Appleton City Council may adopt. The deed, these rules and regulations, and any amendments, constitute the sale agreement between the cemetery and the lot owner.
- b. No easement or right of interment is granted to any plot owner in any road, drive, alley or walkway which may be used as a means of access to the owner's cemetery lot or lots.
- c. No interment of other than the remains of human beings will be permitted.
- d. Different charges are set for residents and non-residents of the City. A resident of the City is defined as someone who is either currently listed on the city tax roll or who is currently renting within city limits.

3. **Interments**

- a. Casket vaults or outside containers are required **for all interments** and must be of concrete, granite, marble or steel construction.
- b. The maximum number of burials in a grave shall be as follows
 - i. One (1) full burial and one (1) cremated remain
 - ii. Two (2) cremated remains
- c. Exceptions to the limit of two (2) burials include:
 - i. A parent and child may be buried in one casket
 - ii. Two infants may be buried in one casket
 - iii. Two cremains may be buried in one urn
- d. No interment shall be made in the cemetery expect upon at least **36 hours notice** in advance of the time set for the funeral service.
- e. From approximate November 1st until approximately April 15th, any interment must give at least **72 hours notice** in advance of the time set for the funeral service. If an interment cannot be completed due to weather or ground conditions, interments can be held in the city's mausoleum until burials can resume.
- f. Lot owners are granted only the right of interment in their lots. The City of Appleton reserves the right to refuse to permit the interment of anyone who is not at the time of the owner of the lot, of a relative of the owner by blood or marriage. Permission, in writing and with the seal of a Notary Public, of the lot owner must accompany all requests for permits to bury persons not members of the immediate family of the lot owner.
- g. No interment may be made in the cemetery unless all rules and regulations regarding interments have been complied with and until the purchase price of the lot to be used and all burial fees are paid or arrangements have been made with the city for payment.

4. **Disinterments**

- a. Written permission of the lot owner and the next of kin shall be filed with the City and the required fees paid before any grave may be opened for any purpose. At least one month's notice must be given prior to any disinterment. This provision does not apply when disinterment is ordered by a duly authorized public authority.

5. Transfer of Lots

- a. The owner of the cemetery lot, or grave, may transfer lots:
 - i. To the City of Appleton
 - ii. By will to any of his/her relatives who may survive him/her for the use and benefit of the person designated in the will
 - iii. By will to other persons not related to him/her for the use and benefit of the person designated in the will.
- b. 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 Appleton. When a transfer has been made in conformance with these rules, such transfer shall be recorded in the cemetery records.
- c. Lot owners may not allow interments to be made on their lots for renumeration.

6. Descent of Lots

- a. On the death of the lot owner, such lot shall be granted and conveyed by the City to the deceased's spouse, children in order of age, parents siblings in order of age, or descendants who are qualified to be buried therein, unless otherwise provided by will. The City may request such evidence as it deems necessary to prove that the lots in question are received by the person who would be entitle to receive them.

7. Markers

- a. All markers, monuments and foundations must be located and marked by the City of Appleton personnel. Locate requests must be turned in to the City Clerk's Office 3 business days prior to stone setting.
- b. No corner lot markers, concrete or granite, will be permitted
- c. Any memorial not set in compliance with the regulations will be removed from the cemetery by the City of Appleton. The lot owner will first be notified in writing by the City Clerk that the monument is not set according to regulations. They will have 15 days to rectify the situation or the City will then remove the monument from the cemetery, assuming no responsibility for its maintenance or protection. If it is not possible to rectify the situation within 15 days, the monument company involved must notify the City, in writing, exactly when the situation will be corrected.
- d. All excess dirt from foundation excavations must be placed where specified by the City and old foundations must be removed from the cemetery grounds.
- e. All monument companies agree to set all memorials in conformity with the Appleton City Cemetery requirements and in accordance with trade standards of proper methods of handling and setting. If any fault from improper setting develops within five years from the date of placement in the cemetery, such fault will be rectified by the monument company without cost to the cemetery or owner of burial right.
- f. Persons engaged in erecting monuments and other structures shall provide adequate planking to protect turf and shall remove all materials, equipment, and refuse immediately upon completion of the work.
- g. Permanent markers

- i.* The size of a single grave marker shall be 2.0 feet by 1.0 feet
 - ii.* The size of a double marker shall not be less than 3.0 feet by 1.0 feet or no greater than 4.0 feet by 1.0 feet.
 - iii.* Flat grass markers must be set in concrete and have a 4 inch concrete wash on all sides
 - iv.* All upright monuments are to be set on a pre-stress concrete foundation that is 2 inches longer and wider than the base of the monument, with rounded or beveled edges. The foundation shall be level. The highest point of the foundation shall be flush with the ground
 - v.* The upright monument may be centered with the number of graves purchases to allow for a “family” section
 - vi.* All markers, including slab, must fit within property lines
 - vii.* All markers, monuments and foundations must be located and marked by the City of Appleton personnel. **Locate requests must be given to the City Office three (3) business days prior to stone setting.**
- h.* No temporary markers are allowed in the Appleton City Cemetery
- i.* Setting of Monuments in Block M
- i.* Monuments in rows 1, 3, 5, 7 and 9 shall be set on the east end of the grave facing west
 - ii.* Monuments in rows 2, 4, 6 and 8 shall be set on the west end of the grave facing east
 - iii.* Any other memorials that will be set adjoining any drive must be set flush with the ground
- j.* Setting of Monuments in Block K
- i.* Monuments in rows 1, 3, 5, 7, 9, 11, 13 and 15 shall be set on the west end of the grave facing east
 - ii.* Monuments in rows 2, 4, 6, 8, 10, 12 and 14 shall be set on the east end of the grave facing west.
 - iii.* Any other memorials that will be set adjoining any drive must be set flush with the ground
- k.* Setting of Monuments in Block L
- i.* Monuments in rows 1, 3, 5, 7, 9, 11, 13 and 15 shall be set on the west end of the grave facing east
 - ii.* Monuments in rows 2, 4, 6, 8, 10, 12 and 14 shall be set on the east end of the grave facing west.
 - iii.* Any other memorials that will be set adjoining any drive must be set flush with the ground
 - iv.* Grave size is 12 feet by 4.5 feet
 - v.* Monuments are place within the grave size.

8. *Perpetual Care*

- a. The general care of the cemetery is assumed by the City and includes the cutting of the grass at reasonable intervals, cleaning of the grounds, pruning of the shrubs and trees that may be placed by the City, and maintaining the general preservation of the lots and grounds, walks, roadways, boundaries and structures to the end that said grounds shall remain and be reasonable cared for as cemetery grounds. General care assumed by the City shall in no case mean the maintenance, repair or replacement of any marker or memorial placed or erected upon lots, nor doing of special, unusual work in the cemetery.

9. *Landscaping Improvements*

- a. No private planting of trees or shrubs will be allowed
- b. Nothing may be placed or planted around markers or on top of the grave
- c. The City reserves the right to remove any planting or tree which interferes with routine maintenance of the cemetery or which is unsightly, overgrown, dangerous or diseased on the plot in which it is situated or to any other plot, path, or roadway.
- d. All trees and shrubs shall be planted solely by the City in the place determined by the Public Works Director. Anything planted not in accordance with these regulations shall be removed immediately by City personnel.

10. *Decorations*

- a. Cemetery decorations, real or artificial, will be allowed year-round provided they are placed in a formal flower urn and set on the concrete or the marker itself, so as not to be a nuisance for lawn upkeep. Flowers, wreaths, etc. used at funerals or place on graves at other times will removed when they become unsightly by the cemetery caretakers, without responsibility for their protection or maintenance.
- b. Annuals must be planted in urns or planters and place on concrete or the marker itself. Sod must not be dug up or disturbed. Appleton City Cemetery reserves to itself the entire control of every tree, shrub or flower growing within cemetery grounds.
- c. Concrete urns or planters are permitted in the cemetery only if they are place on the pre-stress foundation or on a poured concrete extension in line with the monument. No urns or planters will be allowed to rest on the grave or within the burial area.
- d. All metal staffs, American Legion, Veteran of Foreign Wars, etc. must be set in the foundation of the memorial or they will not be permitted.
- e. *Memorial Day Decorations*: Items may be placed on the grave itself for Memorial Day weekend beginning at 5:00 p.m. the Friday before Memorial Day. All items must be removed by 8:00 am the Monday following Memorial Day.

11. *Cemetery Management*

- a. The City of Appleton Street, Parks & Cemetery Departments shall be responsible for the care and maintenance of the cemetery. The Public Works Director and street department laborers shall also be responsible for marking for interments, disinterments, and setting of markers.
- b. All work in the City cemetery is subject to the direction and control of the Public Works Director and the City Council. Contractors and others engaged in such work must notify the Public Works Director and/or City Office prior to beginning any work.

APPENDIX A

Fee for Current Cemetery Block-Price is per individual grave

City Resident	\$175.00
Non-Resident	\$525.00

Cemetery Staking Fee for any grave to be opened

\$40 / grave