

Trout Lake Township

Itasca County Minnesota

CEMETERY POLICY

Adopted November 16, 2006
 Revised October 20, 2011

I. PURPOSE

The purpose of this policy is to confirm legal procedures mandated by Minnesota Laws [MN Statutes §§ 365.26 - .36 and Chapter 306], to establish consistency in public relations, administration, and perpetual care, and to guide management of cemeteries in Trout Lake Township to be financially self-sustaining.

II. AUTHORITY

This policy was adopted by the powers granted to town supervisors [MN Statute § 365.26. subd 2], exercising their right and responsibility to regulate cemeteries, as authorized by the electors [MN Statute § 365.26. subd 1] in 1984 when the Finnish cemetery was transferred, and in 1983 when the Norwegian cemetery was transferred [MN Statutes §§ 306.025 subd 1 - 7].

Reviewing this policy is expected periodically, and amending this policy may be accepted at any duly convened township board meeting.

III. DISCLAIMER

The Town Board does not claim record accuracy for cemetery transactions prior to ownership of the cemeteries although every attempt will be made to re-create and confirm records of sales and interments.

The Town Board aims to provide fiscally responsible perpetual care, but cannot guarantee perfection of workmanship or prevention of detrimental incidents beyond their control.

Temporary exceptions, suspensions or modification shall in no way be construed as affecting the general application of this policy.

IV. ADMINISTRATION

A. GRAVESITE PURCHASE

1. DESCRIPTION AND TERMS

- Trout Lake Township offers the sale of gravesites; each traditional gravesite is 4 feet wide by 8 feet long and is situated east to west; each niche for urns is 11.5 inches deep and may hold two 5.5" x 5.5" x 7" urns.
- Gravesites are only sold to people with family connections to a Trout Lake resident, past or present [authorized by MN Statute § 365.27 subd 1].
- Only whole gravesites may be purchased regardless of various burial needs.
- If buyers want two adjoining sites, they may choose any available location; if only one site is wanted, the caretaker will recommend 2 or 3 possibilities between two sold-but not adjoining-sites.
- Prices are established annually during the re-organizational board meeting in March. The prices for nonresidents are double a resident's cost.

2. DOCUMENTATION

- After a buyer confers with the caretaker, and a decision is made, the clerk sends an invoice and/or receives the money, and completes a deed.
- The original deed is printed and enveloped with archival materials and sent to the buyer; a copy is filed in the office safe.
- All pertinent data is computerized; a back-up copy is stored in a safe deposit box at American Bank.

3. DEED FOR RIGHT OF BURIAL

The deed grants the buyer the Right to Burial, but does not give absolute title to the soil [League of MN Cities. 1971: Cemeteries –Notes, Ordinances and Survey, pgs 6-7] or title to the columbarium. The grantee is bound to this policy, and the rules and regulations thus documented.

- **See Exhibits 1a: and 1b: *Trout Lake Township Cemetery Deed - traditional and niche.***

4. TRANSFER OF RIGHTS

- The deed may be Willed to another person, and the Right to Burial transferred, by submitting a notarized affidavit to either the caretaker or clerk.
- The deed may be passed on to family members without a Will, but must be according to an order of inheritance defined by law [MN Statute § 525.14]. Any alternation to the order will require a notarized affidavit by the person(s) invalidating their inheritance.
- Transfers will be acknowledged in writing, and permanently filed, but an amended deed will not be drafted.
- Deeds may not be re-sold for profit by an individual [MN Statute § 306.15]; the law ensures that the township, indebted for perpetual care, receives all revenue from gravesite sales.
- Deeds may be reverted back to the township. The township thereafter may re-sell the gravesite. [MN Statute § 306.242 subd 4]. Written documentation will acknowledge the gift — a qualified charitable contribution and IRS deduction.
- **See Exhibit 2: MN Statute § 525.14 *Descent of Cemetery Lot***

B. BURIALS

1. CONTACT PROCEDURE

- Local funeral homes will have on file current contacts, and directly contact the Cemetery Caretaker at home.
- Local funeral homes will send all pertinent documentation [MN statute § 149A.94 subd 3] and payments directly to the township office; checks payable to Trout Lake.
- Burial of cremation remains must be accompanied by a copy of the disposition permit or death certificate.

▪ See Addendum I for columbarium specifics

2. PRE-BURIAL WORK traditional

- Full burials require digging a space a couple inches beyond the size of a vault; vaults are 34" X 92", and at least 5' deep. The dirt is piled to the side, and the vault company covers it.
- Full burials are hand-dug when possible at Community Cemetery, but at Lakeside Cemetery, rental of equipment for digging is necessary, and authorized at the caretaker's discretion.
- Graves for cremation remains are dug deep enough so the container/urn has 2.5' of coverage.

3. POST-BURIAL WORK traditional

- Graves are covered immediately after family has left the scene; tamping dirt along sides is necessary; excess dirt is removed to border of cemetery.
- After settling of dirt on fresh graves, grass seed is sown; usually done in fall.

4. SERVICE RATE

- Burial rates are established annually during the re-organizational Town Board meeting in March.
- Nonresidents' rates are double the residents' rates.
- Burial of cremated remains are half the base rate. They are not offered in winter.
- Rates for winter burials (traditional) are charged an additional \$100 when ground is frozen.

5. APPLICATION FOR MONUMENT

- Trout Lake Township does not sell monuments, but regulates them as described in policy section VII-C.
- An application for placement of a monument, that describes the size and proposed date of installation, and is accompanied by a fee of \$25¹, must be received by the caretaker, either directly or through the clerk.
- With the caretaker's approval of the monument, the caretaker will mark, and oversee the monument's installation.
- An erroneous installation will result in personal liability, to be corrected at the family's expense.
- The clerk will permanently file the monument application with a photo.

¹ Veteran monuments are exempt from this fee.

6. APPLICATION FOR NICHE ENGRAVING

- Trout Lake Township regulates and administers engraving on the columbarium.
 - All engraving is uniform in placement, font, size, and content.
 - An application for engraving must be accompanied with pre-payment.
 - The pre-payment amount is an approximation above the town’s actual cost.
 - A diagram of the proposed engraving must have signed approval by the applicant and the signature waives any liability to the town.
 - The engraving will be completed as soon as feasible.
 - Actual cost to the town for the engraving (labor, mileage, fees) will be computed and any excess from the prepayment will be refunded to the applicant.
- See **Exhibit 3A: *Trout Lake Cemeteries Monument Application***
Exhibit 3B: *Lakeside Columbarium Niche Engraving Application*

7. REQUESTS FOR REMOVAL

- Disinterment may only be granted by vote at a legally conducted Town Board meeting, may only proceed after written authorization and payment are received, and will strictly adhere to MN Stat. § 149A.96.
- The rate for disinterment will be the current nonresident burial rate, plus an additional 25% to cover administration.
- See **Exhibit 4: MN Statute § 149A.96 *Disinterment and Reinterment***

C. PUBLIC RELATIONS

1. MAPS

Cemetery maps, with current changes in design, availability of gravesites, and approved by the Town Board, will be accessible at the township office. Copies may be distributed by the clerk and caretaker.

2. INFORMATION BROCHURES

Cemetery brochures with current rates and contacts will be available at the township office, from the caretaker, and ideally, posted at each cemetery. The Rules and Regulations described in this policy, Section VII, will also be distributed as needed. This policy is public information available upon request.

3. CONTACT LISTS

The clerk is responsible for ascertaining one contact address related to the deceased owner of a single gravesite, and one contact address representing family lots. The contact list may serve communication needs, such as regulation updates, unsafe monument notification, affidavit requirements, and donation requests.

4. ACCESSIBILITY

- Cemetery business is conducted in the office at Trout Lake Community Center, 24951 County Road 10, Bovey MN 55709; regular public hours are scheduled.
- Phone: 218-245-1100; Fax: 218-245-0264; e-mail troutlake@northlc.com
- The Cemetery Caretaker's home phone [218-245-1452] takes direct voice messages.

D. ACCOUNTABILITY

1. Income and expenses generated from sales and burials are entered in both the clerk's and treasurer's financial accounting system to the Cemetery Fund, and audited according to MN Statute § 366.21.
2. Trout Lake Cemetery Trust is managed by the county auditor; the principle, \$40,000, may not be spent; annual interest is used for maintenance as controlled by MN Statute § 306.38 subd 1.
3. Records are registered with MN Historical Society; the Record Retention Schedule was adopted by the Board in 2006 and is abided.

E. FINANCIAL STRATEGIES

1. Charges for services must exceed the township's actual expense; if not, either the services must be reduced, or rates be increased.
2. The annual interest received from Trout Lake Cemetery Trust should cover the expense of basic maintenance; if not, money from the Cemetery Fund should be deposited into the trust to keep up with rising wages.
3. Capital improvements will aim to be funded by the Cemetery Fund supplemented by donations, rather than by levying taxes.
4. Additional services may be developed to increase revenues.
5. The clerk, treasurer, and caretaker are expected to confer with each other and propose an annual cemetery budget in December.

VI. PERPETUAL CARE RESPONSIBILITIES

A. GROUNDS

Regular mowing and trimming of brush and trees are important not only for beautification, but for prevention of uprooted monuments, overgrowth and loss of markers, storm damage, and vandalism.

Family requests to remove scrubs, or straighten monuments is done at the caretaker's discretion; written maintenance requests for immediate work will be charged the current hourly rate plus 10%.

The township does not irrigate the grounds, nor maintain personal plantings.

B. MARKERS

Durable survey markers must be placed and maintained, not only for accuracy, but to prevent liable suits; proper signage is important for public information, family assistance and to prevent misuse; marking entrances with fencing is an important deterrent of vandalism.

Grave markers—stone monuments, wooden crosses, copper labels—are the personal property of the deceased's relatives; the township does not have the expertise, or funds to provide grave markers with perpetual care. Owners of elaborate monuments may want an insurance rider. All ornamentation is at the owners' risk.

C. DOCUMENTATION

Safe-keeping all documentation is an important aspect of perpetual care and is done as described in Administration, Section D.

VII. RULES & REGULATIONS

A. GENERAL:

- The Town Board and caretaker are obligated to communicate these rules and regulations;
- Inquiries are to be directed to the caretaker or clerk;
- Special requests or policy challenges are to be directed to the Town Board.
- Sales and burials are only for those with family connections to a Trout Lake resident, past or present;
- Cemetery records are maintained permanently and are open to the public in the office of the township clerk;
- Verbal agreements are nullified if not followed with agreed upon payment for purchase and/or service;

B. BURIALS:

- Personal excavating of graves is strictly prohibited.
- All burials must be accompanied with a burial permit and/or death certificate.
- Only two cremation burials are allowed per gravesite; if an urn is small (approved by caretaker) it may be placed within and/or above a full casket burial. Niches are 11.5” in depth and approximately 5.5” wide and 7” high and hold two 5.5” x 5.5” x 7” urns.
- Vaults are required for full casket burials;
- Deeds (Rights to Burial) may be Willed, inherited in an order defined by law, or reverted back to the township, but may not be re-sold by individuals.

C. MARKERS

- Applications for permanent markers are required, accompanied by fee for the service of staking the placement.

For traditional gravesites:

- Markers on single gravesites are limited to one headstone not to exceed 2.5 feet in width and placed on the west end, and a flat footstone (not to exceed 2.5 feet in width) placed on the east end;
- Markers on two adjoining gravesites may have one headstone not to exceed 4 feet in width and placed on the west end, and two flat footstone (not to exceed 2.5 feet in width) placed on the east end;
- Extraordinary monuments on family lots may require written liability clauses; insurance is recommended.

- Installing a border around the perimeter of any grave space is not allowed due to ground heaving and mowing complications.
- The township will not maintain and/or repair monuments;

For columbarium niches:

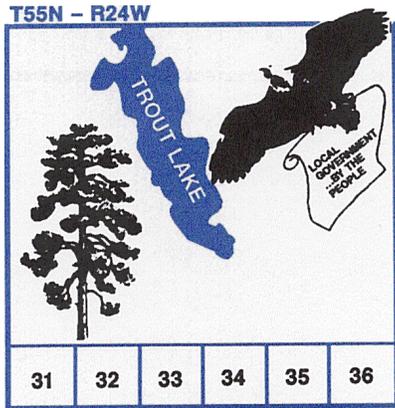
- Exterior name plates adhered or bolted onto the columbarium are not allowed; Military veteran emblems may be applied for and will be adhered to the surface.
- Applications with prepayment for the engraving of names and dates may be made with the town clerk and the engraving is administered by the town.
- All engraving is uniform in content, font, and size and the layout will accommodate identification of two burials per niche.
- The applicant must sign the final approval of the engraving template and waive the township of liability.
- The charge to the applicant for the engraving will be the town's cost.

D. PLANTINGS

- Plantings of flowers are permitted on traditional gravesites if designed for easy mowing; plantings must not exceed the width of the grave space; neglected plantings will be removed or mowed over.
- No glass containers or glass ornamentation is allowed.
- The township will not maintain individual plantings and/or ornamentation. Unsightly ornamentation will be trashed by the caretaker.
- Plantings of shrubs are not allowed on gravesites. Memorial trees are recommended at the township's community center where they will be perpetually cared for.
- Flowers left at the columbarium will be removed.

E. BEHAVIOR

- The Town Board manages the cemeteries to prevent misuse, but the township will not be held financially responsible for theft and/or vandalism.
- Vehicles of guests are confined to the driveways; only workers authorized by the caretaker may drive on the grounds.
- Visitors need to bring water if needed, and must take their trash away.
- Activities at the cemeteries are limited to grounds maintenance, memorial services and meditation.



TROUT LAKE TOWNSHIP

24951 County Road 10 Bovey MN 55709
Office 218-245-1100 fax 218-245-0264

C E M E T E R Y D E E D

Right To Burial in Traditional Gravesite

WITNESSETH, that Trout Lake's _____ **CEMETERY**,
organized under Minnesota Statutes, Chapter 306,
and particularly as the law applies to the Town of Trout Lake in Itasca County,
in consideration of the sum of three hundred dollars (\$300.00) in hand paid,
grants and assures unto _____, the Grantee, the

Right To Burial in the _____ section, lot _____, grave spaces _____,

with the provision for Perpetual Care, in accordance with the policy and practices of
Town of Trout Lake in the aforesaid Cemetery.

This Grant is Given and the
Grantee shall hold it subject to the following conditions and limitations:

- ◆ Two interments per grave space shall be allowed if room permits.
- ◆ Markers on grave spaces shall require an application process with the Town.
- ◆ Town of Trout Lake Cemetery Rules and Regulations shall be kept and observed by the Grantee, its lawful heirs and assigns.
- ◆ Burial rights to said lot shall pass in lawful order, or reverted back to the Town as specified in writing by the Grantee, witnessed and filed with the Town Clerk.
- ◆ This grant shall not be re-sold by the Grantee.

I certify that I have read, understand, and agree to all of the conditions and limitations stated above. I also acknowledge receipt of Town of Trout Lake Cemetery Rules and Regulations.

_____ Grantee

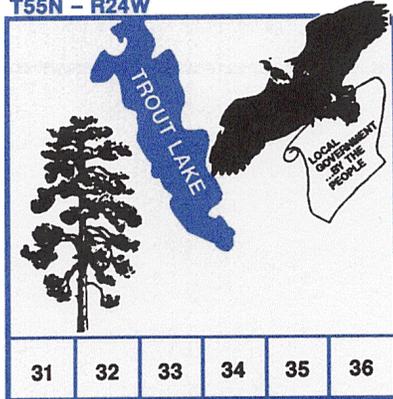
_____ Witness

In Testimony Whereof, the said Town has caused these presents to be executed in its name by the Chair, and attested by the Clerk, of its Board of Supervisors this _____ **day of** _____.

_____ Town Chair

_____ Town Clerk

T55N - R24W



TROUT LAKE TOWNSHIP

24951 County Road 10 Bovey MN 55709
Office 218-245-1100 fax 218-245-0264

CEMETERY DEED

Right To Burial in Columbarium Niche

WITNESSETH, that Trout Lake's **LAKESIDE CEMETERY**,
 organized under Minnesota Statutes, Chapter 306,
 and particularly as the law applies to the Town of Trout Lake in Itasca County,
 in consideration of the sum of three hundred dollars (\$300.00) in hand paid,
 grants and assures unto _____, the Grantee, the

Right To Burial Niche # _____,

with the provision for Perpetual Care, in accordance with the policy and practices of
 Town of Trout Lake in the aforesaid Cemetery.

This Grant is Given and the
 Grantee shall hold it subject to the following conditions and limitations:

- ◆ Two inurnments per niche shall be allowed if room permits.
- ◆ Engraving shall require an application process with the Town.
- ◆ Town of Trout Lake Cemetery Rules and Regulations shall be kept and observed by the Grantee, its lawful heirs and assigns.
- ◆ Burial rights to said lot shall pass in lawful order, or reverted back to the Town as specified in writing by the Grantee, witnessed and filed with the Town Clerk.
- ◆ This grant shall not be re-sold by the Grantee.

I certify that I have read, understand, and agree to all of the conditions and limitations stated above. I also acknowledge receipt of Town of Trout Lake Cemetery Rules and Regulations.

_____ Grantee

_____ Witness

In Testimony Whereof, the said Town has caused these presents to be executed in its name
 by the Chair, and attested by the Clerk, of its Board of Supervisors this ____ **day of** _____.

_____ Town Chair

_____ Town Clerk

EXHIBIT 2

Minnesota Statute § 525.14 Descent of Cemetery Lot

Subject to the right of interment of the decedent therein, a cemetery lot or burial plot, unless disposed of as provided in section 306.29, shall descend free of all debts as follows:

- (1) To the decedent's surviving spouse, a life estate with right of interment of the spouse therein, and remainder over to the person who would be entitled to the fee if there were no spouse, provided, however, if no person entitled to the remainder of the fee survives, then the entire fee to the surviving spouse with right of interment therein;
- (2) If there is no surviving spouse, then to the decedent's eldest surviving child;
- (3) If there is no surviving child, then to the decedent's youngest surviving sibling;
- (4) If there is no surviving spouse, child or sibling of the decedent, then, if not sold during administration of decedent's estate, to the cemetery association or private cemetery in trust as a burial lot for the decedent and such of the decedent's relatives as the governing body thereof shall deem proper.

The cemetery association or private cemetery, or, with its consent, any person to whom the lot shall descend may grant and convey the lot to any of the decedent's parents, siblings or descendants.

A crypt or group of crypts or burial vaults owned by one person in a public or community mausoleum shall be deemed a cemetery lot.

Grave markers, monuments, memorials and all structures lawfully installed or erected on any cemetery lot or burial plot shall be deemed to be a part of and shall descend with the lot or plot.

EXHIBIT 3a
Trout Lake Township Cemetery Monument Application

MONUMENT FOR _____

Applicant's name _____

Address _____

Phone _____

- Markers on single gravesites are limited to one headstone not to exceed 2.5 feet in width and placed on the west end, and a flat footstone (not to exceed 2.5 feet in width) placed on the east end.
- Markers on two adjoining gravesites may have one headstone not to exceed 4 feet in width and placed on the west end, and two flat footstones (not to exceed 2.5 feet in width) placed on the east ends.

1) Where is the monument intended to be placed? _____

2) What is the size of the monument? List dimensions _____

3) Who will be installing the monument? Include contact number _____

- Trout Lake Township's Cemetery Caretaker will mark the appropriate setting, and oversee the monument's installation. Please inform the workmen of this requirement.

4) When will the monument be installed? _____

Application fee \$25
Trout Lake Township
24951 Community Center Road
Bovey MN 55709

EXHIBIT 3b
Trout Lake Township Columbarium Engraving Application

ENGRAVING FOR _____

Applicant's name _____

Address _____

Contacts _____

AGREEMENT:

- The process for engraving names and dates on the columbarium is administered by the town.
- All engraving is uniform with the same font, size, and placement.
- Veteran emblems to be adhered onto the niche are acceptable.
- Pre-inurnment engraving may be arranged with final dates added later.
- A diagram of the engraving shall be pre-approved by the applicant.
- Pre-payment of an approximate cost to the town is required.
- The actual cost to the town for engraving, labor, and mileage will be sent as an invoice to the applicant after the engraving is completed and any excess from the prepayment returned.
- All tasks will be completed when reasonably feasible.

APPROXIMATE RATE: \$315.00

ORDER:

	<i>Last name</i>

	<i>First name</i>

	<i>Birth year and death year</i>

	<i>First name</i>

	<i>Birth year and death year</i>

Application fee \$315.00
Trout Lake Township
24951 Community Center Road
Bovey MN 55709

date paid _____
actual cost _____
refund _____

Minnesota Statute § 149A.96 Disinterment and Reinterment

Subdivision 1. **Written authorization.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-reinterment permit properly issued by the state registrar or a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

Subd. 2. **Interment defined.** For purposes of this section, "interment" means final disposition by burial or entombment. Bodies held in a receiving vault for nonwinter burials pursuant to a directive from the person or persons with legal right to control final disposition and section 306.99 shall not be considered interred for purposes of this section.

Subd. 3. **Exception; movement within a dedicated cemetery.** The authorities in charge of a cemetery may disinter and reinter a body or remains within the same dedicated cemetery upon receipt of the written and notarized authorization of the person or persons with the right to control the disposition as described in section 149A.80.

Subd. 4. **Disinterment opposed.** If the disinterment is opposed, no disinterment-reinterment permit shall be issued until the state registrar or licensed mortician receives a certified copy of a court order that specifically orders the disinterment and reinterment.

Subd. 5. **Reasonable cause to disinter; factors to be considered.** A presumption against removal operates against anyone who seeks to have a body or remains disinterred. To overcome the presumption, the party requesting disinterment must show reasonable cause for disinterment.

A district court in the district where the body or remains are interred shall consider the following factors when deciding whether reasonable cause for disinterment exists:

- (1) the degree of relationship that the party seeking disinterment bears to the body or remains;
 - (2) the degree of relationship that the party seeking to prevent disinterment bears to the body or remains;
 - (3) if applicable, the expressed wishes of the decedent;
 - (4) the conduct of the party requesting disinterment, especially as it may relate to the circumstances of the original interment;
 - (5) the conduct of the party opposing disinterment, especially as it may relate to the circumstances of the original interment;
 - (6) the length of time that has elapsed since the original interment;
 - (7) the strength of the reasons offered both in favor of and in opposition to disinterment;
- and
- (8) the integrity and capacity of the party seeking disinterment to provide a secure and comparable resting place for the body or remains.

Subd. 6. **Transportation of disinterred bodies.** All disinterred bodies or remains removed from a dedicated cemetery shall be transported in an appropriate container and manner.

Subd. 7. **Filing of documentation of disinterment and reinterment.** The cemetery where the body or remains were originally interred shall retain a copy of the disinterment-reinterment permit, the authorization to disinter, and, if applicable, the court order showing reasonable cause to disinter.

Until the body or remains are reinterred the original permit and other documentation shall be in the possession of the person in physical or legal custody of the body or remains, or attached to the transportation container which holds the body or remains.

At the time of reinterment, the permit and other documentation shall be filed according to the laws, rules, or regulations of the state or country where reinterment occurs.

If the death occurred in Minnesota, the state registrar or a licensed mortician shall inform the person requesting the disinterment and reinterment of the right to request an amendment to the death record according to Minnesota Rules, chapter 4601.

Subd. 8. **Opening of disinterred caskets or alternative containers.** The opening of any disinterred casket or alternative container is prohibited except when so ordered by a court of competent jurisdiction.

Subd. 9. **Cremated remains.** Subject to section 149A.95, subdivision 16, inurnment of the cremated remains and release to an appropriate party is considered final disposition and no further permits or authorizations are required for disinterment, transportation, or placement of the cremated remains.

Subd. 10. **Penalty for noncompliance.** In addition to any disciplinary action or measures taken by the commissioner pursuant to this chapter, any person violating this section may be guilty of a felony pursuant to section 307.08, subdivision 2.

ADDENDUM I
Lakeside Cemetery Columbarium
Crooked Road, Trout Lake Township, Itasca County, Minnesota
October 2011



1. Trout Lake Township, Itasca County, Minnesota installed a columbarium at Lakeside Cemetery located on the north side of County Road 460 (Crooked Road) in October, 2011.
2. The columbarium has 96 niches for inurnments and each niche may contain two urns if limited to five inches wide, by five inches deep, by 7 inches high.
3. A deed for “Right to Burial” is issued upon the purchase of a niche.
4. The price for the niche and the cost for an inurnment is set at the town’s annual reorganizational meeting.
5. Identification of niche ownership and inurnment is by engraving only, and the engraving process is administered by the town.
6. Prepayment for engraving is required with an application. The price is the town’s actual cost.
7. The applicant must approve the engraving template and sign a town liability waiver.
8. No plantings, or mementos are permitted around the columbarium; flowers left at the site will eventually be removed.

Current cost of a niche is \$300 residents; \$600 nonresidents.

Current cost of inurnment is \$30 residents; \$60 nonresidents.

Current cost of engraving is estimated at \$315.