

ORDINANCE NO. 2014 - 13

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II OF THE
CITY CODE RELATING TO THE CITY CEMETERY

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 5, Article II of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 5

PUBLIC FACILITIES AND PROPERTY

ARTICLE II. CITY CEMETERY

SEC. 5.10. CEMETERY GRAVE LOTS AND COLUMBARIUM NICHES.

Individual grave lots for full burial and cremains shall be created within the City Cemetery, as well as columbarium niches for interment of cremains. ~~and the~~ The surveys and records covering ~~these~~ all individual lots and columbarium niches shall be kept by the City Clerk.

SEC. 5.12. CEMETERY FUND.

- (a) A Cemetery Fund shall be maintained which shall be comprised of the monies in the following accounts:
- (1) ~~Perpetual~~ Permanent Care and Maintenance Account - Statutory reserve account for use in the long-term care[,] and maintenance[, and improvement] of the City Cemetery and the lots and niches therein. This fund shall not exceed the maximum of \$25,000 per acre or what is currently set forth in Minnesota Statutes Section 306.41(a), as it may be amended from time to time, whichever amount is greater.
 - (2) Land Acquisition Account - Account for the acquisition of additional cemetery lands and for the reacquisition of unused cemetery lots and niches.
 - (3) Capital Improvement Account - Account for use in the general maintenance, improvement, and recordkeeping of the City Cemetery and the lots and niches therein.
- (b) All sums received for deposit to the credit of these accounts shall be kept, managed and administered by the City's Finance Officer.
- (c) Balances in accounts which are not used in any given year shall remain in said accounts.
- (d) A report showing in detail how Cemetery Fund monies were expended in the preceding calendar year shall be included in the annual financial report of the City.

SEC. 5.13. SALE OF LOTS AND NICHES.

- (a) The City may sell lots for the amount designated by City Council resolution. ~~[\$100.00 of the fee shall be credited to the Land Acquisition account and the remainder of the fee shall be credited to the Perpetual Care account.]~~ All fees shall be paid prior to interment.
- (b) Lots shall only be sold to persons who would be eligible for interment pursuant to Section 5.14.
- (c) The income of the Cemetery Fund shall be expended by the City in the manner as will, in its judgment, be most advantageous to the City Cemetery as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of those funds. The City is hereby given the full power and authority to determine in what manner the income of the Cemetery Fund shall be expended, and it shall expend the income in a manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair, maintenance, improvements, and land acquisition, including record keeping, related to all or any portion of the cemetery grounds.

SEC. 5.14. ELIGIBILITY FOR INTERMENT; FEES FOR INTERMENT; FEES FOR LOT AND NICHE PURCHASE.

- (a) Any deceased person may be interred in the City Cemetery.
- (b) Fees for interment and costs for purchase of a burial lot or columbarium niche shall be included on the Annual Fee Schedule adopted by the City Council. There shall be two categories of fees for interment, and for purchase of a burial lot or columbarium niche. The purchase price for a burial lot or columbarium niche, as well as the interment fees, as they relate to the dead of the City, as defined below, shall be established at a rate that is lower than the purchase price and interment fee established for other deceased persons.
- (c) "The dead of the City" are those persons who were at the time of their death residents of the City, or persons who prior to their death had been actual residents of the Town, Village, or City of Bloomington for a period of at least ten years, or the spouses or children and their spouses of the above persons, or the parents, grandparents, or grandchildren of the above persons.

SEC. 5.18. TRANSFER OF LOT/NICHE OWNERSHIP.

- (a) Whenever any lot in the City Cemetery has been sold by the City for burial purposes, it shall be inalienable except as hereinafter provided. Any conveyance or alienation or attempted conveyance or alienation of any right, title, or interest in or to such lot contrary to the following provisions shall be void.
- (b) Lot or columbarium niche owners may transfer their lots or niches in the following ways:
 - (1) ~~Sale or Conveyance of a lot or niche [to a Qualified Person, as described in Sec. 5.14 (c).]~~
[The lot may be sold or conveyed to another person who is qualified to be buried in the City Cemetery. All such proposed transfers must be reviewed and approved by the City Manager, and records of all title transfers must be filed with the City Clerk in order to be valid.] When a lot or niche is sold or conveyed to another person, there must be a written agreement of sale signed and acknowledged by the owner and spouse, if any, and the proposed purchaser. Such agreement shall convey the lot or niche to the cemetery, and must contain a request that the cemetery issue a new conveyance directly to the proposed purchaser. Such agreement shall state the specific purchase price and shall affirm payment of the purchase price has been paid to the owner. The purchase price shall not exceed the price that would be charged by the cemetery in its sale of a similar lot or niche at the time of the transfer. Upon filing of the agreement with the cemetery, a transfer and service charge of not more than \$15 shall be paid to the cemetery, and the cemetery shall then promptly issue a conveyance of the lot or niche to the designated purchaser.
 - (2) Sale or Conveyance to City
A lot or niche, if empty, may be resold or reconveyed to the City for the original price paid for the lot or niche or for \$50.00, whichever amount is greater. If the original price is unknown, the resale price shall be the current sales price for lots.
 - (3) Conveyance to City in Trust
Any lot or niche owner may in his or her lifetime convey his or her lot or niche to the City in trust for the use and benefit of any person qualified to be buried in the City Cemetery. Such conveyance may contain such conditions, provisions, and covenants as the parties may therein agree upon, provided that such terms are not inconsistent with city or state cemetery laws and are acceptable to the City.
 - (4) Transfer by Will
Any lot or niche owner may dispose of the lot or niche by will to any surviving relative, or to the City in trust for the use and benefit of any person qualified to be buried in the City Cemetery.
 - (5) Transfer by Intestate Succession
Upon the death of an intestate lot or niche owner, the lot or niche, unless used by the decedent or otherwise disposed of according to the above provisions shall descend according to the provisions of Minnesota[-] Statutes[-] Sec[-]tion 525.14.
 - (6) The City may refuse to consent to a transfer when there is any indebtedness due the City from the record lot or niche owner.
 - (7) The City may fix a charge for all transfers of ownership in lots or niches. No transfer of ownership shall be complete or effective until all charges are paid, if such charge is made.

SEC. 5.19. [RESERVED].COLUMBARIUM.

(a) Definitions.

Columbarium (Columbaria) - an above ground repository composed of niches designed for the purpose of interring the Cremains of the deceased.

Columbarium Niche(s) - an individual recess within a columbarium, either single or double, designated to contain cremains of the deceased within a cremation urn or container.

Columbarium Individual Niche(s) - an individual recess within a columbarium, designated to contain the cremains of one deceased within a single cremation urn or container.

Columbarium Companion Niche(s) - an individual recess within a columbarium, designated to contain the cremains of two deceased within two cremation urns or containers.

Columbarium Niche Front - the granite piece covering the columbarium niche.

Columbarium Niche Name Plaque - the plaque placed on the front of the columbarium niche embossed with the name of the deceased and other pertinent information.

Cremains - the ashes of a cremated human body.

(b) General.

- (1) Ownership of burial space in a freestanding columbarium shall be considered the same as ownership of other cemetery property and shall descend according to state law.
- (2) Occupied columbarium niches must be marked by a columbarium niche name plaque, as best determined by the Cemetery Custodian. No other additional ornamentation will be allowed on or in front of the columbarium.
- (3) Purchase of a columbarium niche shall include a bronze niche front plaque, which shall be uniform in style and size on each columbarium. The City Clerk's Office will arrange for the bronze plaque.
- (4) The City is not responsible for unauthorized cremains deposited on the Cemetery.
- (5) Flower holders, vases or other fixtures shall not be allowed to be attached to the columbarium.
- (6) With the exception of the interment of a second cremains within a companion niche, any opening of a sealed niche shall be considered a disinterment and applicable fees will be charged.

Section 2. The effective date of this ordinance is January 1, 2015.

Passed and adopted this 22nd day of September, 2014.



Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney