



1924 Town Road
Two Harbors, MN 55616
PH: 218-834-5255
EMAIL: silvercreek@frontiernet.net

**RESOLUTION 2023-8
ESTABLISHING RULES, REGULATIONS, AND CHARGES FOR
SILVER CREEK TOWN CEMETERY
AS AMENDED AND ADOPTED ON SEPTEMBER, 19 2023**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF SILVER CREEK, that the following rules, regulations, and charges are established for the Silver Creek Cemetery:

SECTION 1: CONDITIONS FOR PURCHASE OF RIGHT OF INTERMENT IN DESIGNATED PLOT: Pursuant to Minnesota Statutes, Section 365.27, the right to be buried in a designated plot of the cemetery of the Town of Silver Creek shall be sold only to a person who is a resident of, or landowner within, the Town of Silver Creek, at the time of purchase. Upon payment, the Clerk will issue a Right of Interment document indicating the plot and space number, executed by the Board of Supervisors, which shall be retained in the records.

A resident or landowner may purchase the Right of Interment(s) for up to 8 family members, including non-residents. Names for each reserved space must be provided at the time of purchase.

A non-resident may purchase a Right of Interment only for burial of a deceased Township resident.

The designated plot on the Right of Interment shall specify one person when casket burial is planned or two people when cremation is planned.

The Right of Interment applies to burial of human remains only. The Town retains ownership of the cemetery plot and the land upon which it lies. The Silver Creek Cemetery exists for interment of remains and does not permit marking of empty graves.

SECTION 2 INTERMENTS (BURIALS). Prior to opening a grave, the Town requires the following:

- 2 business day's notice
- Prepayment of grave opening fees
- The date and time of the service
- The size of the casket or urn to be buried
- And if interring one urn in a grave shared by two, direction as to burial in the east or west end must be provided.

No burial shall be made in the cemetery unless all laws, ordinance, rules and regulations regarding interments have been complied with and all associated fees have been paid.

Silver Creek Cemetery does not allow any type of burial other than casket or cremation.

Notes for Funeral Home: A concrete grave liner (cemetery vault) shall be required for all casket interments. The Town reserves the right to postpone a burial due to weather or soil conditions if necessary. Winter burials are discouraged.

Grave opening and closing shall be done by Town employees only.

SECTION 3: MARKERS AND MONUMENTS. Graves may only be marked after a burial has taken place and fees for the designated plot and grave opening have been paid in full. The term marker refers to stones located at the foot of a lot. The term monument refers to an above ground stone located at the head of a family plot of four or eight lots. Only one marker shall be installed on any one lot; even when two cremains are interred in the same lot. The only exception is for Veteran's markers. A lot with two cremains in which one was a Veteran may have both a Veteran's marker and a second marker for the family member. Only one monument shall be installed on any four or eight lot family plot. Every marker

and monument shall be placed in the location shown on the cemetery plat or as directed by the caretaker. The Board of Supervisors reserves the right to charge a fee for the marking and supervision of the installation of any marker or monument.

No marker or monument shall be constructed of limestone, sandstone, wood or other material, which will not assure relative permanency.

All markers are limited to a height restriction of 16 inches.

Single markers shall be not less than eight inches wide nor more than twenty-four inches in length.

Double markers shall not be less than eight inches wide nor more than forty-four inches in length and shall not exceed the size of the lot or lots including concrete apron. These dimensional restrictions shall not apply to markers provided by the federal government.

Monuments shall be no wider than 16 inches, no longer than 48 inches, and shall not exceed 30 inches in height. All monuments and above ground markers shall be pinned, grouted, or cast into the base and concrete apron. All measurements do not include the 6-inch concrete apron or border that shall be placed around a monument. All foundations for monuments must be of sufficient depth and stability to support the proposed structure.

SECTION 4: INSTALLATION OF MARKERS AND MONUMENTS. Persons engaged in placing markers and monuments shall provide adequate planking to protect turf and shall remove materials, equipment, and refuse immediately upon completion of the work. Ropes and cables may be attached to trees or other objects only on approval of the Town Foreman. The lot owner or his estate is responsible for any failure to abide by this regulation and shall pay for any resulting charges or damages.

SECTION 5: PERMANENT CARE. All cemetery repairs, mowing, and maintenance will be under the direction of the Board of Supervisors.

SECTION 6: IMPROVEMENTS. Plants, shrubs, and flowers may be placed on cemetery lots in removable containers only and shall be removed by September fifteenth of each year. No trees or vines may be planted, plastic flowers used, nor may fences be erected. The Board of Supervisors reserves the right to authorize removal of any tree, shrub, vine, plant, or flower which may become unsightly, dangerous, or not in keeping with the landscape design or the rules and regulations of the cemetery.

SECTION 7: DUTIES OF ACTUARY. The Town Clerk shall be the actuary of the cemetery and shall in addition to other records and duties imposed upon the Clerk in relation to the cemetery, keep a register of all interment and disinterment.

SECTION 8: LOT PRICES AND INTERMENT RATES. The Town Board will review cemetery rates on an annual basis and establish them for the upcoming year.

SECTION 9: DISINTERMENT. Written permission of the lot owner and the next of kin shall be filed with the Town Clerk, and the required fees paid before any grave may be opened for any purpose. This provision does not apply when disinterment is ordered by duly authorized public authority.

SECTION 10: TRANSFER OF DESIGNATED LOTS: No reselling of a Rights of Interment or of deeded plots is allowed. Cemetery deeds (plots purchased prior to year 1989) may be inherited down or transferred as any other property.

SECTION 11 UNUSED OR UNWANTED PLOTS: Should the family no longer want a plot sold in the past as deeded property may bring the deed in to request a refund. No refund will be provided for unused Rights of Interment. MN Statute 365.27 Subd. 3 states: "If a lot is sold but not used, ownership reverts to the town 40 years after the sale or 40 years after the most recent recording with the county recorder of a notice of the kind described in section 541.023 or another document that relates to the ownership, whichever is latest. The town may take legal action in the same way as any other person to clarify the ownership or assure the marketability of the lot."

SECTION 12: GENERAL. The Board of Supervisors reserves the right to amend these rules, regulations, and charges in order to promote the general objectives and best interests of the cemetery and is not required to give notice of such intended action. The Board of Supervisors also reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the Township whenever any of these objects become unsafe or unsightly.

These preceding conditions shall not be construed to limit the Board of Supervisors from considering unique or special circumstances and permitting the burial or interment of individuals they deem fit within the general intent and purpose of the Town of Silver Creek Cemetery.

Adopted this 19th Day of September 2023.

Greg Hull, Board Chair

Chuck Voss, Supervisor

Scott Krech, Supervisor

ATTEST:

Alison Oftedahl, Clerk