

CONSTITUTION -BY-LAWS

-AND-

RULES AND REGULATIONS

-OF-

Livonia Cemetery

Town of Livonia Sherburne County State of Minnesota

Adopted – May 23, 2011
Amended -- July 25, 2011

Livonia Cemetery is located in Livonia Township, Sherburne County in the NW corner of section 25 at the intersection of 245th Avenue and 104th Street. Livonia Cemetery is owned by Livonia Township and is operated in accordance with applicable laws and the constitution, bylaws, rules and regulations adopted for the Cemetery.

Constitution of Livonia Cemetery

I. Name

The name of the cemetery shall remain Livonia Cemetery.

II. Objectives

The objective shall be the operation, maintenance, and preservation of Livonia Cemetery.

1. To operate the cemetery in a manner that is in compliance with all local, county, and state rules and regulations.
2. To maintain the grounds in acceptable condition by providing for mowing of grass, trimming of trees, and/or further landscape architecture.
3. To preserve the historical monuments and grave markers as they contain architectural values, exemplifying craftsmanship in particular material and styles of that era. Preservation may include, but is not limited to, leveling and installation of a base.

III. Government

The direction of the affairs and business of the cemetery shall be conducted by a Cemetery Board appointed by the Livonia Township Board of Supervisors (“Town Board”).

1. The Cemetery Board shall consist of four or five members, namely, a Chairperson/Caretaker, Secretary/Treasurer/Actuary, and two or three other members. At least one member shall be a Town Board member. The Town Board may remove a member of the Cemetery Board at anytime without cause.

2. Upon the expiration of their term of office, or sooner if they resign or are removed, they shall deliver to their successor or to the Cemetery Board all books, papers, and property of every description in their possession belonging to Livonia Cemetery.
3. The Cemetery Board shall have responsibility for the management of the Cemetery consistent with the provisions of the Cemetery Constitution, Bylaws, Rules and Regulations, and applicable law. The Town Board retains the authority to direct the activities of the Cemetery Board to the extent necessary to ensure the proper management of the Cemetery.
4. The Cemetery Board shall report to the Town Board at the annual town meeting in March of each year and at such other times as are necessary to keep the Town Board informed of the activities of the Cemetery. The Cemetery Board will have a minimum of two meetings during the year. Other meetings will be held as necessary to ensure the proper management of the Cemetery.
5. Any vacancies on the Cemetery Board shall be filled by appointment of the Town Board upon a recommendation of the Cemetery Board.

IV. Fee Schedule and Expenditures

1. All fees related to the Cemetery shall be as established in a fee schedule recommended by the Cemetery Board and adopted by the Town Board. The fee schedule shall be reviewed annually by the Cemetery Board and the Town Board.
2. All expenditures of the Cemetery Board shall be made by claim to the Town of Livonia and paid from the Cemetery account by the town treasurer after approval by the Town Board.

V. Duties of Officers

1. Chairperson:
 - A. Shall preside at all meetings of the Cemetery Board.
 - B. Appoints all committees.

2. Secretary/Treasurer:

- A. Shall keep minutes of all meetings of the Cemetery Board, handle the correspondence, and notify the membership of meetings.
- B. Shall receive all monies and convey to the town treasurer to be deposited into the Cemetery account.

3. Actuary:

- A. Shall keep a register in which the name, age, gender, date of birth, date of death, and cause of death (if known) shall be entered as whatever the written law requires.
- B. Such records shall be open to public inspection, except as provided in law. Shall furnish to whoever requests an accurate summary of such records during any specified year for a fee determined by the Cemetery Board.
- C. Shall sell all lots at such prices as the Cemetery Board shall fix, as approved by the Town Board, and deliver the record of sale to the said buyer.
- D. Shall write a receipt for all monies received from the sale of lots.
- E. Shall deliver receipts and all monies to the town treasurer for deposit to the Cemetery account.
- F. Shall maintain a map of the cemetery.
- G. Shall keep a record of lots sold and those that are available.
- H. Issue records of ownership for lots and new records of ownership upon a properly documented transfer of a lot.

4. Caretaker:

- A. Shall provide for the care of the cemetery grounds and property therein.
- B. All interments, disinterments, entombments, and cremations in the cemetery shall be under their direction.
- C. All monument companies must contact the caretaker or Town Hall before any type of marker is to be placed.
- D. Any future improvements needed on the cemetery grounds shall be brought before the Cemetery Board.

By-Laws of Livonia Cemetery

Livonia Cemetery shall be governed by the following rules and regulations.

Article I

Section 1. This cemetery shall perpetually be used as a place of burial for human remains only.

Section 2. Persons eligible to purchase gravesites in Livonia Cemetery must be residents or relatives of Livonia Township descendants and show proof of previous or current residency in Livonia Township. Relatives include: persons related to the owner of the lot by blood, marriage, or adoption. Cemetery Board discretion may be used as needed.

Section 3. The management of Livonia Cemetery shall be vested in a Board consisting of four or five members, who shall have control and supervision of said cemetery.

Article II Sale of Lots

Section 1. All fees or charges shall be set by the Cemetery Board and approved by the Town Board and are payable to the Town of Livonia. Copy of the fee schedule is available on request.

Section 2. A record of the sale of the lot shall be issued upon payment in full. Lot sales will be recorded with the Town Board by the Cemetery Board Actuary.

Article III Transfer of Lots

Section 1. General Prohibition. No cemetery lots shall be resold or transferred by an owner without written consent of the Cemetery Board.

- A. An owner of a cemetery lot may reconvey lots to the Cemetery Board and receive a refund of the original price paid.
- B. An owner of a cemetery lot may devise lot(s) by will to a relative or to the Cemetery Board in trust for the use and benefit of any person

- or persons designated in the will.
- C. No cemetery lot may be affected by a testamentary devise unless the lot is specifically mentioned in the will and limited by it to one particular person.
 - D. In all cases of transfer or conveyance all appropriate documents required by the Cemetery Board must be provided by the owner or the owner's personal representative before a new record of ownership will be issued.
 - E. Upon all proper documentation being submitted to the Cemetery Board pursuant to the requirements of Article III Section 1., (D.) the actuary will cause a new record of ownership to be issued to the new owner.

Article IV Interment

Section 1. The Cemetery Board will not be liable for the interment permit nor the identity of the person to be interred.

Section 2. No interment of two or more bodies shall be made in one grave except:

- A. Parent and child in one casket.
- B. Two infants in one casket.
- C. Two urns of ashes in one gravesite.
- D. One body and one urn of ashes providing there is an immediate family relationship.

Section 3. No interment may be made in the cemetery unless all ordinances, rules and regulations regarding interments have been complied with and burial fee and lot purchase price has been paid.

Section 4. At least forty-eight (48) hours, notice must be given to a Cemetery Board member or caretaker prior to the use of any gravesite. No digging is permitted until a board member or caretaker has been located and verified the burial site.

Section 5. All burials shall be made in concrete, bronze or approved vaults. Use of vaults for infant burial will be at discretion of the Cemetery Board.

Section 6. Interment hours are 8:00 a.m. to 5:00 p.m. daily with exception of Memorial Day, July 4th, Thanksgiving and Christmas. Consideration will be

given for unreasonable hardship with an additional fee for interment set by the Cemetery Board.

Section 7. Immediate burial required by the State of Minnesota Board of Health will be permitted on holidays and Sundays with an additional interment fee.

Section 8. All funerals on entering the cemetery are under the caretaker's direction.

Section 9. Funeral directors, upon arrival or prior to burial, must present necessary burial permits.

Section 10. A casket containing a body is to remain closed in the confines of the cemetery unless there is consent of the legal representative of the deceased or upon an order signed by a court of competent jurisdiction.

Section 11. So far as possible burials will be provided for during all times of the year including winter. Additional charges for the actual cost of a burial during difficult weather may be incurred.

Article V Disinterment

Section 1. Disinterments are not permitted unless written orders are filed with the Board.

Section 2. Disinterments requested by order of a court of competent jurisdiction require a certified copy of such order presented to Cemetery Board and caretaker.

Section 3. Coroner directed disinterments for inquest purposes, must present signed authorization to release the body to the coroner. This disinterment is the complete responsibility of coroner without assistance from cemetery caretaker.

Section 4. Disinterments are permitted when lot owner or heir can show just cause for transfer to another lot or area.

Section 5. The Cemetery Board will not be liable for damage to any casket or container during removal.

Section 6. If replacement vault or outside container is required by the caretaker, it is the responsibility of persons requesting disinterment.

Article VI Cemetery Grounds

Section 1. General care of cemetery:

- A. All general care of lots and graves having perpetual care is done by the Cemetery Board without additional expense to lot owner.
- B. Care of roads, walks, boundaries, structures, trees, shrubs and grass are assumed by the Cemetery Board.
- C. A written order is required for additional care of gravesites or markers. An additional charge will be made by the Cemetery Board if request is approved and work completed.

Section.2. Planting of graves and lots:

- A. Each grave will be sodded level with the lawn adjacent to it. Permanent mounds are prohibited.
- B. Vases which are a component part of a monument are permitted.
- C. Planting flower beds or small plants on individual graves will not be permitted.
- D. Planting of trees or shrubs is not allowable except when authorized by Cemetery Board.
- E. Cut flowers will be permitted on graves from May 1st to October 15th. They shall be removed by owners as soon as floral tribute has wilted.
- F. All plastic and artificial flowers are prohibited.
- G. Pots, urns or stands left unused will be disposed of.
- H. Flowers and other items placed directly on the grave will be removed by the caretaker prior to routine grass cutting.
- I. Sodding or seeding of the grave following interment or removal will be the responsibility of the Town Board as soon as circumstances permit.
- J. Lot enclosures such as curbing are prohibited.
- K. The Cemetery Board or the Town of Livonia cannot be held responsible for any damages, loss, or theft of any personal property such as flowers, plants, decorations, vases, markers or monuments.

Article VII Markers and Monuments

Section 1. No more than one gravestone shall be allowed in the following instances:

- A. Two bodies in the same grave, or
- B. Two urns in the same grave, or
- C. One body and one urn in the same grave.

Section 2. Monuments will be permitted. Size and location of monuments permitted will be at the discretion of the Cemetery Board.

Section 3. Markers of limestone, sandstone, or any artificial material are prohibited.

Section 4. Four inch white cement skirts around markers will be required. The Cemetery Board reserves the right to excavate for and build all foundation for markers.

Section 5. Caretaker or Town Hall shall be notified before markers or monuments are delivered to Livonia Cemetery.

Section 6. Markers and monuments shall not be placed on gravesites until payment of the fee for the purchase of the gravesite and the marker setting fees have been paid to the Cemetery Board.

Article VIII General Rules

Section 1. All persons are prohibited from picking flowers, breaking trees, shrubs or plants or marring or defacing any monument or stone within the cemetery.

Section 2. All lot owners and their representatives shall observe the rights and interests of adjoining grave owners.

Section 3. All workmen in any capacity within the confines of the cemetery are subject to the direction and control of any Cemetery Board member.

Section 4. Firearms will not be allowed in the grounds except at military funerals or Memorial and Veteran's Day observances.

Section 5. The Town of Livonia or the Cemetery Board will not be liable for any accidents or injuries on cemetery property.

The adoption of these rules and regulations on May 23, 2011 shall insure to all lot and grave owners the full rights granted them by previous agreements with the Cemetery Board in the matter of contracts, conveyances, and other written agreements in conformity with law signed by authorized officers of the Livonia Cemetery Board.

These By-laws are subject to change at the discretion of the Cemetery Board and final approval of Livonia Township Board of Supervisors.

Approved this 23rd day of May, 2011 by the Town Board of Livonia Township.

Amended this ____ day of _____, 2011 by the Town Board of Livonia Township..

Board Chair

Attest