

ORDINANCE NO. 427

AMENDING ORDINANCE NO. 349 OF THE REVISED ORDINANCES OF 1972 TO THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, RELATING TO ESTABLISHMENT OF RULES AND REGULATIONS, IN REFERENCE TO MAINTENANCE OF CEMETERY LOTS AND SERVICES RENDERED AND ESTABLISHING GUIDELINES FOR SAID SERVICES.

BE IT ORDAINED BY THE BEULAH CITY COUNCIL:

Ordinance No. 349, Cemetery Code of the City of Beulah, is hereby revised and re-enacted to read:

Section 1. Definition

Whenever the word cemetery appears in this chapter it shall be construed to mean Beulah Cemetery tract, located at 724 County Road 21, Beulah, North Dakota, except that the Catholic Cemetery tract shall not be considered part of the Beulah Cemetery for the purposes of this Ordinance.

Section 2. General

No person shall be buried in the cemetery, except as prescribed by Ordinance. Any burial or other grave opening must comply with the provisions of this Ordinance, and applicable state and federal laws and regulations. The City Auditor's office shall act as the cemetery secretary, and shall keep a local register of all burials in the cemetery, showing as to each burial the name of the deceased, the date and location of burial, and the date of death.

Section 3. Disclaimer

The City shall take every reasonable precaution to protect the property, including markers, monuments, and covers, of lot owners within the cemetery, but it distinctly disclaims all responsibility for loss or damage, whether direct or collateral, from general maintenance services, from natural wear and tear, the acts of thieves, vandals, rioters or malicious mischief makers; from all acts of providence including but not limited to winds, tornadoes, cyclones, hail, snow, frost, fire, explosion or lightning; and from breakage or accident to equipment of any kind and character and from all causes beyond the City's reasonable control.

The City is not responsible for hiring, locating, or retaining a person or company to open any grave for interment, disinterment, or relocation of a grave. The City disclaims any and all responsibility for any damage caused during the course of opening any grave. Any person or company retained to open graves in the Beulah Cemetery shall be a licensed, bonded and insured contractor in the State of North Dakota.

Section 4. General Care

The City shall not provide for the care of monuments or markers. It shall, however, keep the grass cut and also maintain the entire area in a neat and generally tidy condition.

Lot owners or members of their families are permitted to do any work not involving construction (and not otherwise prohibited by Ordinance 427 herein) on their own lots, either before or after interment. However, all of the work shall be subject to the general direction of the City Auditor.

Mausoleums, commonly called private vaults, shall not be permitted in the Beulah Cemetery.

Section 5. Monuments and Markers Generally

Any stone exceeding one (1) foot in height, two (2) feet in length, or one (1) foot in thickness shall be classified as a monument. The foundation shall be built so as to provide a border five (5) inches in width around the bottom of the base of the monument, shall be adequate to permanently support the monument in true position, and shall be of a material approved by the City. Any stone with dimensions less than one (1) foot high, two (2) feet long, and not more than one (1) foot nor less than six (6) inches thick, shall be classified as a marker. All markers shall be set in a concrete or stone foundation, which shall have a five (5) inch concrete border around the marker, and the concrete border shall be flush with the level of the ground.

Section 6. Cemetery Guidelines

A. Vaults, Covers and Monuments

1. Vaults must be of material other than wood or fiberglass that will remain in their original condition for many years must be used for all burials.
2. Urn vaults are required for all burials of urns in the Beulah Cemetery.
3. Covers shall not be permitted in the Beulah Cemetery.
4. Monuments shall be of a material approved by the City. (See Ordinance No. 427, Section 5.) They should be similar in style and size typical to the area. Permanent monuments, headstones, or a grave marker are required on each grave site within 24 months after burial. They shall be installed only by a qualified person under the direction of the City of Beulah City Auditor. Grave monument and foot marker must be placed within the perimeter boundaries of the grave lot.
5. One (1) monument per lot or three (3) markers per lot, or a combination thereof approved by the City, are allowed. For military burials, one (1) monument and one (1) foot marker, or more as permitted by the City, is allowed per lot.

6. Two (2) traditional full body vaults or three (3) urn vaults, or a combination thereof approved by the City, per lot are allowed.
7. Persons wishing to install monuments, markers, or covers outside of the above parameters may submit a written request for a variance to the City Auditor's office. Said variance will be reviewed and decided upon by the Beulah City Council.

B. Care and Decorations

1. The grass cutting service is provided by the City of Beulah.
2. All family members and acquaintances are encouraged to periodically inspect graves of relatives and friends, clean them, and work to enhance cemetery beautification.
3. Artificial flowers and non-planted floral designs shall be allowed on or around the grave.
4. Wooden flower boxes, wooden frame borders or fences of any kind will not be allowed on or around the grave area. No lot shall be defined by any fence, railing, coping, hedge, embankment, or depression, nor may trees or shrubs be planted to define corners or boundaries. No cement curbs or wooden frames shall be permitted, and all unsightly curbs shall be removed.
5. No trees, plants, flowers, or shrubs shall be planted in the cemetery at any time. However, memorials for trees, shrubs, decorating, cleaning and care of our deceased loved ones are encouraged for beautification of the cemetery under the direction of the City of Beulah.
6. To prevent damage to adjoining lots and to preserve the beauty of the grounds, no trees or shrubs shall be planted on lots unless specifically authorized by the City.
7. Withered plants and flowers will be removed from lots, vases, and urns, unless said vase or urn is located upon the monument, marker, or foundation.
8. The City may remove or order removed all floral designs, trees, shrubs, plants, or foliage of any kind, and may also remove any non-green decoration not otherwise allowed for herein or approved by the City as soon as such items become unsightly, interfere with maintenance activities, become detrimental or diseased, in the opinion of City staff. The

City has no responsibility to return to its owners any item the City so removes or orders removed.

C. Monument Contractors

Monument companies and vendors shall be responsible for placement of markers in compliance with City of Beulah cemetery guidelines. Improperly placed items shall be removed at the expense of such companies or vendors.

Section 7. Conduct of Persons in Cemetery

Lot owners, their families, and visitors shall be admitted daily. They shall observe the following rules while visiting the cemetery:

- A. Children unattended by an adult, who will be responsible for their conduct, shall not be admitted.
- B. Bicycle riding shall not be permitted, except on roads or designated areas.
- C. Bicycles shall not be leaned against stonework of any kind.
- D. Automobiles shall proceed at a slow pace not to exceed five (5) miles per hour. All automobiles shall remain on the roadways. During funerals, the funeral directors may permit automobiles to drive upon other areas at their sole discretion.
- E. Alcoholic beverages shall not be allowed within the cemetery grounds.
- F. Firearms shall not be permitted, except as required for funeral honor guards. No live ammunition shall be allowed.
- G. Pets shall not be permitted.
- H. All persons are forbidden to sit or otherwise occupy any lot, other than their own.
- I. Cumbersome trucks and vehicles shall not be allowed to enter the grounds without special permission of the Beulah City Auditor's office.
- J. No person shall pluck any wild or cultivated plant, break any tree or shrub, mar any stonework, or deface any property whatsoever.
- K. No improper use, as determined by the Beulah City Council, of the national flag nor the display of any worn out or tattered flag will be allowed. No permanent flags or installation of permanent flag poles shall be allowed.

Section 8. Purchase of Lots

A. Procedure for Lot Sales and Site Selection

- 1. All the lots of the Beulah Cemetery shall be sold for the price of \$250.00 to be paid at the time of reservation and a certificate will be issued.
- 2. All lots are available to Beulah area residents, former residents, and their respective families. Separate burial of pets in the Beulah Cemetery shall be prohibited.

3. Sale of lots must remain in continuity whenever and wherever possible.
 - a. When a buyer desires to purchase two (2) or more lots, the City reserves the right to require that the selection of lots be made in such a location and manner so as not to leave any isolated single grave lots alongside those purchased.
 - b. Single grave lots shall be sold only from single grave sections, except as isolated single grave lots may be elsewhere available.
4. Persons wishing to purchase lots from the Baptist or Catholic sections of the Beulah Cemetery are advised to contact the respective churches directly to purchase said lots.

Section 9. Repurchase by the City

The City may, by mutual agreement with any lot owner, repurchase any unoccupied lot or lots located in the Beulah Cemetery from a lot owner or authorized person for a sum not to exceed the sum originally paid to the City for said lot(s). Except, however, lots located in the Baptist section of the Beulah Cemetery shall first be offered to the respective church for repurchase before the same are purchased by the City.

Section 10. Lot or Certificate Transfer

Reserved lots may be transferred to another person without being returned to the City. Except however, lots located in the Baptist section of the Beulah Cemetery shall be subject to any restrictions or requirements on transfer imposed by the respective church.

Section 11. Penalty Section

Any person, firm, corporation, or other business or legal entity violating any of the provisions of this ordinance shall be guilty of an infraction and shall upon conviction, be punished by a fine not to exceed one thousand dollars (\$1,000.00).

Section 12. Savings Clause

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 13. Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are hereby repealed, so far as the conflicting portions thereof are concerned.

Section 14. Effective Date

This ordinance shall be in full force and affect from and after its final passage and approval and publications of its title and penalty clause in the official newspaper of the City of Beulah, North Dakota.



DARRELL R. BJERKE, MAYOR

ATTEST:



HEATHER FEREBEE, CITY AUDITOR

First Reading:	July 17, 2017
Second Reading:	January 15, 2018
Final Passage:	January 15, 2018
Publication Date:	January 18, 2018