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MEMO

TO: County Commission

FROM: Robert W. Wilson

Date: March 13, 2025

Subject: Cass County Abandoned Cemetery Policy

At the Cass County Cemetery Committee meeting on February 24th the Committee recommended the Commission consider adopting a policy that clarifies several points related to abandoned cemetery. This policy was drafted in coordination with the Administration and State's Attorney's Offices.

The policy defines what an abandoned cemetery is (the definition is taken directly from North Dakota Century Code), articulates that abandoned cemeteries are not available for future burials, and directs follow-up actions if a burial occurs at an abandoned cemetery unbeknownst to the sexton. The policy also directs that the County enter into agreements with individuals who care for and maintain abandoned cemeteries – and sets the rates for the agreements.

Finally, the policy also directs that the County will update the North Dakota Department of Health and Human Services within one year of a new sexton being assigned management of the Cass County abandoned cemeteries.

Recommended Motion: That the Commission adopt the County Abandoned Cemetery Policy as recommended by the County Cemetery Committee on February 24, 2025.

Cass County Abandoned Cemetery Policy

Cass County assists in maintaining and caring for several abandoned cemeteries. These cemeteries are Rose Valley Cemetery, Golliet Cemetery, Addison Cemetery, Sheyenne Pioneer Memorial Cemetery and Cass County Central Cemetery.

An abandoned cemetery is defined as a cemetery where the cemetery association has disbanded, or the cemetery is neglected and contains marked graves older than 60 years.

According to ND State Law, CHAPTER 23-06-30:

Abandoned cemeteries are to be maintained by counties. The board of county commissioners of each county may provide for the identification, cataloging, recording, and shall provide for the general maintenance and upkeep of each abandoned cemetery located within such county using revenues derived from its general fund levy authority.

The board shall, at least once each year, proceed to have the weeds and grass cut, restore gravestones to their original placement, and perform any other general maintenance necessary to maintain the dignity and appearance of the grounds.

For the purposes of this section, a cemetery means any tract of land used as a burial plot and which is filed with the recorder of the county as a public burying place.

The board of county commissioners of each county shall provide for the registration, with the department of health and human services, of each abandoned cemetery within such county unless such cemetery has been previously registered. Such registration must take place within one year of notification being made to the board, by any interested party of the existence of such abandoned cemetery.

Burial Policy in Cass County Abandoned Cemeteries:

The abandoned cemeteries (Rose Valley Cemetery, Golliet Cemetery, Addison Cemetery, Sheyenne Pioneer Memorial Cemetery and Cass County Central Cemetery) are closed for any burials (cremated remains or traditional casket).

NO burials are allowed in any of the abandoned cemeteries as these cemeteries are considered inactive.

Per NDCC 23-06-11 – Burial without final disposition-transit permit – Penalty

It is unlawful for a person, acting as a funeral practitioner, to inter, remove, or otherwise dispose of as authorized by law the body of any deceased individual without having received a final disposition-transit permit.

If the sexton determines that a burial has occurred in these abandoned cemeteries without notification (final disposition-transit permit) and against cemetery policy, those remains may be disinterred and reinterred, at the expense of the family of the deceased, in another cemetery of their choice.

Care and maintenance of Abandoned Cemeteries:

Cass County utilizes volunteers to mow and maintain these cemeteries. If an individual requests payment for providing this service, they must notify the Cass County Cemetery Sexton and they must sign a contract with Cass County. Reimbursement for services is determined by the County, not by the individual providing services.

Additional work (i.e. planting trees, seeding, leveling the grounds and markers) cannot be completed without approval from the sexton.

Payment for care and maintenance of Abandoned Cemeteries:

If payment is requested, an invoice must be sent to the Cass County Finance Office (PO Box 2806, Fargo, ND 58108) prior to the end of the year. The sexton of the cemetery should also be notified and a copy of the invoice provided to them.

Reimbursement amounts:

\$550 a year for the mowing and maintenance of Rose Valley and Addison Cemeteries

\$250 a year for mowing and maintenance of Golliet Cemetery, Sheyenne Pioneer Memorial Cemetery and Cass County Central Cemetery.

Registration of Abandoned Cemeteries:

The Application For Registration of Cemetery (SFN 8109) form with the North Dakota Department of Health and Human Services must be updated with in one year of a new Sexton being assigned to manage these cemeteries. This must be sent to the Department of Health and Human Services Vital Records Department (600 E Boulevard Ave, Dept 325, Bismarck, ND 58505-0250) and a copy kept at Cass County.