

INTERIM ORDINANCE NUMBER #41

**CARLTON COUNTY GREEN BURIAL CEMETERY AND
NATURAL ORGANIC REDUCTION FACILITY
MORATORIUM**

June 10, 2025

Article I. General Provisions and Definitions

Section 1.1 Purpose

This Ordinance places a one-year moratorium on the creation or expansion of green burial cemeteries and natural organic reduction (NOR) facilities in Carlton County. The purpose of this moratorium is to protect the planning process as the County studies such uses and their impacts and its official controls and the need for possible amendments to them to protect the health, safety, and general welfare of citizens.

Section 1.2 Background

Green burials are a method of laying a body to rest that emphasizes environmental sustainability without interfering with natural decomposition. Green burials have become popular in recent years following their decline after modern embalming gained popularity.

NOR is an emerging process of human disposition that transforms human remains into nutrient-rich soil through managed decomposition. The process begins with placing the body in a vessel, where organic materials such as alfalfa, straw, and wood chips create an environment conducive to natural decomposition. Once the compost is deemed safe, the decedent's responsible party can then receive the resulting soil for use in a variety of ways.

A statewide moratorium placed a temporary hold on establishing new green burial sites from July 2023 to July 2025 to allow for study of the environmental impacts and potential public health risks of green burials and NOR. In the meantime, in 2024, the state enacted Minnesota Statutes Section 149.955, which authorizes and regulates NOR. The Minnesota Department of Health published its Green Burial and Natural Organic Reduction Study on January 31, 2025.

This study examines the current regulatory landscape of green burials and NOR, with specific attention to Minnesota's unique context. It further studied the environmental and health impacts that may be caused by these disposition methods. The study makes recommendations focused on ensuring environmental protection, public health, and safety of these burial methods. To date, the state legislature has not enacted regulations on green burials following this study.

Carlton County Ordinance #27 does not adequately address the use, siting, and operation of green burial cemeteries and NOR facilities. Time is needed to study the Minnesota Department of Health's January 31, 2025, Green Burial and Natural Organic Reduction Study and recommendations, to study the impacts of these uses in Carlton County, and to determine what modifications, if any, are needed to Carlton County Zoning Ordinance #27.

Section 1.3 Authority

Pursuant to Minnesota Statutes § 394.34, counties have the authority to adopt "interim ordinances," which are also called moratoriums, when, among other things, they intend to conduct studies as to whether to amend their official controls or their comprehensive plan. Such

interim ordinances are adopted and put in place in order to protect public health, safety and welfare.

Section 1.4 Definitions

For purposes of this moratorium, the following definitions shall apply:

Green burial shall mean a burial of a dead human body in a manner that minimizes environmental impact and does not inhibit decomposition of the body by using practices that include at least the following:

- (1) the human body is not embalmed prior to burial or is embalmed only with nontoxic chemicals;
- (2) a biodegradable casket or shroud is used for burial; and
- (3) the casket or shroud holding the human body is not placed in an outer burial container when buried.

Green burial cemetery shall mean any public or private cemetery engaging in or allowing green burial, whether exclusively or in conjunction with traditional burial methods, though this definition only extends to the portion of the cemetery use utilizing green burials.

Natural organic reduction (NOR) shall mean the contained, accelerated conversion of a dead human body to soil.

Natural organic reduction facility (NOR facility) shall mean a structure, room, or other space in a building or real property where natural organic reduction of a dead human body occurs.

Section 1.5 Relationship with County Zoning Ordinance

The Carlton County Zoning Ordinance #27 shall be used for all administrative procedures, standards, and definitions not stated in this ordinance.

Article II. Moratorium Established

Section 2.1 Moratorium

In accordance with the purpose set forth above, and pursuant to the authority of Minnesota Statutes § 394.34 and the jurisdictional authority of the Carlton County Zoning Ordinance #27, a moratorium is hereby imposed on the construction or creation of any new green burial cemeteries or natural organic reduction facilities and on the expansion of any existing green burial cemeteries or NOR facilities in Carlton County.

Section 2.2 Effective Date and Duration

This Ordinance shall take effect on the date of its passage and shall be in effect for a period of one year from the date of enactment, unless earlier terminated by the Carlton County Board of Commissioners.

Section 2.3 Prohibitions

No person, firm, entity, or corporation shall create, construct, allow, own, or operate, unless lawfully in existence on the effective date, a green burial cemetery or NOR facility within Carlton County until the expiration or repeal of this Ordinance. No existing green burial cemetery or NOR facility within Carlton County on the effective date of this Ordinance shall be expanded in any way until the expiration or repeal of this Ordinance.

Article III. Administration and Enforcement

Section 3.1 Enforcement

Carlton County may enforce any provision of this Ordinance by any and all means authorized by Carlton County Ordinances, state statute, or federal law.

Section 3.2 Severability

Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 3.3 Study Directed and Authorized

The Carlton County Planning Commission has the responsibility of reviewing proposed amendments to the County's official controls. As such, the Planning Commission, with the input and assistance of staff, is hereby authorized and directed to commence a study on the desirability and need for the adoption of official controls to regulate the siting, construction, and operation of green burial cemeteries and NOR facilities within the County in order to protect public health, welfare and safety. The Planning Commission, with the input and assistance of staff, shall determine the most appropriate means of conducting the study, including what and how input shall be received from subject-matter experts, county residents, and other interested parties.

Section 3.4 Reports to the County Board

The Planning Commission, by and through the assistance of staff, shall report as it deems appropriate to the County Board on the progress being made on the study. If not done earlier, there shall be a progress report made to the County Board in January 2026.

Section 3.5 Study Outcome

The Planning Commission shall, prior to the expiration of the moratorium, make a report and recommendation with respect to ordinance amendments that the Carlton County Board should consider adopting regarding green burial cemeteries and NOR facilities.

Article IV. Expiration

This Ordinance shall become null and void upon the expiration of the moratorium, or its termination, whichever occurs first.