

BY LAWS, RULES AND REGULATIONS OF THE CHURCH OF ST MARY'S CEMETERY ASSOCIATION

These rules, regulations and amendments shall replace and supersede all previously adopted rules, regulations and amendments.

INTRODUCTIONS AND DEFINITIONS

For the mutual protection and benefit of grave owners, the following Rules and Regulations have been adopted by St. Mary's Church Cemetery Association, located at Bellechester, Goodhue County, Minnesota.

All grave owners and visitors within the cemetery and all graves sold shall be subject to said rules and regulations and subject further to other rules and regulation, amendments or alterations as shall be adopted from time to time.

"Lot", "Plot", or "Gravesite" shall be used interchangeably and shall apply, with like effect, to one or more graves. The term **"Interment"** shall mean the permanent disposition of the remains of a deceased person by burial. The term **"Inurnment"** shall mean the permanent disposition of the cremated remains of a deceased person by burial. **"Memorial"** shall include a monument or marker.

A monument is above ground and placed at the head of the grave.

A marker is level with the ground and placed at the foot of the grave.

"Management" shall comprise the persons constituting St. Mary's Cemetery Association duly appointed by the Pastor in conjunction with the Parish Pastoral Council.

St Mary's Cemetery is owned and operated in accordance with the laws of the State of Minnesota and the rules and discipline of the Roman Catholic Church. It reserves the right to refuse admission to the cemetery and to refuse the use of any of the Cemetery's facilities at any time, to any person or persons whom the Management may deem objectionable to the best interests of the Cemetery.

ARTICLE I

- 1 St. Mary's Cemetery is intended for the burial of Catholics and members of their families who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any question of burial of a non-Catholic member of a lot owner's family or of a person not entitled to a Christian burial shall be decided by the Pastor.
- 2 Religious ceremonies other than those of the Roman Catholic Church are not permitted in the Cemetery unless the consent of the Pastor has been obtained.
- 3 Before any grave is opened, permission must be obtained from the Pastor or the management.
- 4 Permission for burial must be obtained from the current legal lot owner.

ARTICLE II

- 1 After September 19, 2001 the cost of each plot shall be \$250.00 of which \$125.00 shall be added to the perpetual care fund and \$125.00 will be placed in the general fund.
- 2 After July 18, 2011, in addition to the basic plot cost, a \$150.00 burial charge for a traditional burial and a \$75.00 charge for a cremation burial will be assessed to the holder of a plot purchased after that date by a person who is not a member of St. Mary's Parish. Burial charges for lots purchased prior to July 18, 2011 shall remain at the rates in effect at the time of purchase. This interment fee shall be paid at the time of the burial. Fifty percent of this money will be deposited in the cemetery association perpetual care fund and fifty percent in the cemetery association general fund.

ARTICLE III

- 1 Each plot is intended for the interment of one human body. Permission for more than one burial in said plot, either cremated or babies, must be obtained from the Pastor or the management. A \$50.00 interment fee for each additional burial will be charged to the plot holder for this service. 50% of said fee shall be added to the St. Mary's Cemetery Perpetual Care fund and 50% placed in the Cemetery general fund.
- 2 No more than two burials, either cremations or conventional, or a combination thereof, will be allowed on each gravesite.
- 3 Written consent from the Church of St. Mary's Cemetery Association is required for any sale, transfer or assignment of lots. St. Mary's Cemetery Association will buy back any unused lots at the original cost of those lots, or \$50.00 if the original cost cannot be determined. Title to graves descends by Will, Trust Agreement or Statutes of the State of Minnesota.

ARTICLE IV

- 1 The top of each urn or container of cremated remains must be at least 12 inches below the surface of the ground. The top of any casket, vault, or container of a human body must be at least 24 inches below the surface of the ground.
- 2 No grave shall be used for any other purpose than for the burial of the human dead.
- 3 No interment of a body may be made unless the remains are contained in a casket and vault.
- 4 The inurnment of a set of cremated remains must be contained in a suitable container. Approval for said inurnment be obtained from the Pastor.
- 5 The person bringing the cremated remains to the cemetery must give the **certificate of cremation** to a St. Mary's Cemetery representative.

ARTICLE V

- 1 Plots will be sold from south to north in consecutive order in the "east section".
- 2 Grave number markers in the "**east section**" and the "**R**" row will be furnished and installed by the Association at the foot end of each plot.

ARTICLE VI

Monuments and markers

- 1 All memorials shall be constructed of natural stone. No artificial stone, of any kind, will be permitted.
- 2 The monument shall rest on a concrete foundation. The foundation shall extend 4 inches beyond the perimeter of the base. **Monuments are not to exceed three feet in height.** If a flat marker is used, in addition to a headstone monument, it must be placed only on settled earth and directly above the foot end of the vault. A flat marker may not extend more than 1/2 inch above its' foundation
- 3 Foundations may not extend onto the grave of another.
- 4 St. Mary's Cemetery Association disclaims all responsibility for loss or damage beyond its' reasonable control. Should any marker or monument become damaged or a menace to the safety of persons within the cemetery, the Association shall have the right to either correct the condition or remove the same.
- 3 No memorials, markers or monuments shall be placed until approved and accepted by the association.
- 4 **Memorial dealers** shall abide by the rules and regulations set forth by the St. Mary's Cemetery Association.

ARTICLE VII

(Right to re-plat.)

The following rights and privileges are hereby expressly reserved to the Association to be exercised at any time or from time to time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of or preparation for disposal or interment of human dead bodies or other cemetery purpose.

- .1 To survey, enlarge, diminish, re-plat, alter, in shape or size or otherwise to change all or any portion of the cemetery.
- 2 To lay out, establish, close, eliminate or otherwise modify, or change the location of roads, walks or drives, provided ingress and egress to and from any plot is preserved and allocated to the plot holder.

ARTICLE VIII

Use of Cemetery

- 1 Lawns: Lawns shall not be disturbed for any purpose except under the supervision of the Association.
- 2 Ornaments and flower vases: The right is reserved to regulate the method of decorations of plots so that uniform beauty is maintained. The use of boxes, shells, toys, metal designs, ornaments, vases, glass or crockery jars and containers, wood or metal cases, etc. shall not be permitted on any plot and shall be removed by the Association. All flower vases must be installed with the approval and under the direction of the Association.
- 3 Liability for floral pieces or vases: The Association shall not be liable for floral pieces, vases, baskets, or flowers in which or to which such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the cemetery
- 4 Removal of floral frames; The Association reserves the right to remove any flowers, vases or floral designs. If floral frames are not removed by those lawfully entitled to them within seven days, the Association may remove and dispose of them in any manner it sees fit.

ARTICLE IX

Grading and Improvements

- 1 All grading, landscape work, and improvements of any kind and all care of plots shall be done, and all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed solely by the St. Mary's Cemetery Association.
- 2 All improvements or alterations of plots in the cemetery shall be under the direction and subject to the approval of said Association, and should they be made without its' written consent, the Association reserves the right to remove, alter or change such improvements or alterations at the expense of the plot holder.

ARTICLE X

Outside workers

- 1 No workmen other than the employees of St. Mary's Cemetery Association will be permitted to work in the cemetery unless authorized by said Association. However, plot holders may have certain work done in accordance with the cemetery rules and regulations at their own expense upon application to the Association; prices agreed upon and paid before work is done.
- 2 St. Mary's Cemetery Association reserves the right to stop all work of any nature whenever, in its' opinion, the work is not in deemed to be in the best interests of said Association.
- 3 All outside workers or venders are required to show a certificate of insurance prior to the commencement of any work.

ARTICLE XI

- 1 St. Mary's Cemetery Association disclaims all responsibility for loss or damage from causes beyond its' reasonable control, and especially from damage by an act of God, the elements, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, or any cause, similar or dissimilar beyond the control of said Association whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section or plot, including graves, or any portions or portion thereof in the cemetery which has been damaged by such causes, the Association shall give a written notice of the necessity for such repair to the plot holder of record. In the event the plot holder fails to repair the damage within a reasonable time, the Association may direct that the repairs be made and charge the expense against the plot and to the plot holder of record.

ARTICLE XII

Care

Care is understood as that care and maintenance of plots necessitated by natural growth and ordinary wear and includes cleaning, planting, cutting, watering, care of lawns, trees, and shrubs, and the maintenance of roadways and walks, provided there are sufficient funds for that purpose.

ARTICLE XIII

Memorials, Rules for memorial work.

- 1 **Memorial dealers shall abide by all the rules and regulations of St. Mary's Cemetery Association.**
- 2 The Association reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and materials of memorials, inscriptions, monuments or markers placed or to be placed in the cemetery. All memorials are subject to the approval of the management prior to placement, and acceptance or rejection shall be based upon such approval.
- 3 The Association also reserves the right to issue, under separate cover, detailed regulations and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments or markers to be placed in the cemetery. Such detailed regulations and instructions and all amendments thereto are hereby made a part of these rules and regulations.
- 4 All memorial work, or placement of any memorial, shall be on the written order of the plot holder and with a permit issued by said Cemetery Assn.
- 5 The Association reserves the right to fix charges for memorial foundations, memorial permits, placements or removals and the right to demand that charges be paid in advance and before the work is done.
- 6 No memorial shall be erected or placed until checked, approved and accepted, by the management. If the memorial does not conform in every detail to the appropriate design it shall be the sole responsibility of the dealer to correct any errors or deficiencies in material and workmanship.
- 7 The location and position on which a memorial is to be placed or erected on a plot shall be entirely subject to the approval and under the supervision of the Association.
- 8 No monuments extending above the surface of the ground shall be erected on plots not specifically set apart for such monument privilege.
- 9 Only one flat marker will be permitted on each grave. No marker shall be set to embrace two or more graves unless specifically permitted by St Mary's Cemetery Association. If a flat marker is used in addition to a headstone, it must be placed on thoroughly settled earth and directly above the urn containing the cremated remains or the foot of the vault. A flat marker may not extend more than ½ inch above its' foundation
- 10 While the Association will exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure, it disclaims responsibility for any damage thereto.
- 11 Should any memorial or marker become unsightly, dilapidated or a menace to the safety of persons within the cemetery. St. Mary's Cemetery Association shall have the right to correct the condition or remove the same, in either case at the expense of the plot-holder.
- 12 No memorials shall be placed or erected unless the grounds are thoroughly settled and in good condition.
- 13 No memorials may be delivered or installed between November 1 and April 15 without permission from the management.
- 14 No memorial work of any kind will be allowed unless there is represented or engraved thereon a Cross, or other Catholic Christian symbol in keeping with the design and size of the memorial, except that when a monument bears such a symbol, it may be omitted from corresponding markers if desired.

ARTICLE XIV

General rules

- 1 St. Mary's Cemetery Association reserves the right, without notice, to make temporary exceptions, suspensions or modification of these rules and regulations when, in its' judgment the same appear

advisable; and such temporary exception, suspension, or modification shall in no way be considered as affecting the general application of such rule.

- 2 In all matters not specifically covered by these rules and regulations, St. Mary's Cemetery Association reserves the right to do anything which, in its' judgment, is deemed reasonable on the premises and such determination shall be binding upon the plot holder and all parties concerned.
- 3 St. Mary's Cemetery Association reserves the right at any time and from time to time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof or to adopt any new rule or regulation with respect to said cemetery or anything pertaining thereto.
- 4 Any other matters not specifically addressed by these rules and regulations shall be in conformance with the rules and regulations contained in the **Handbook for Parish Cemeteries**, volumes 1 and 2 published by the Archdiocese of St. Paul and Minneapolis.

Adopted this 18th day of July, 2011

Fr. Bruce Peterson, Pastor

Leo Heppelmann, Chairman

Marge Majerus, Secretary

Ellen Huneke

Don Strauss, Committee Members