

CALVARY CEMETERY REGULATIONS



**The Calvary Cemetery is owned and operated by
Calvary Lutheran Church
302 Olena Ave. SE - Willmar, MN 56201
Phone (320) 235-2508 - Fax (320) 235-2543**

Rules Adopted by Church Council on September 9, 2003

Calvary Cemetery Regulations

The Calvary Cemetery is owned and operated by Calvary Lutheran Church, Willmar, Minnesota.

Profoundly aware of the great debt owed to those who have gone before us, who in love and sacrifice have entrusted this parish to us, it is proper and fitting that our parish cemetery be kept in the finest possible condition as our sign of respect and gratitude to them. We stand in awe before God who will one day raise them up and us likewise on the last day.

Our cemetery rules and regulations have been authorized by Minnesota State Statute 306 and drafted by the *Calvary Cemetery Committee* and adopted by the Church Council to facilitate the work of administration and care of the cemetery in extending to everyone equal and fair treatment to maintain uniform control as well as the beauty of our cemetery. All lot owners and visitors within the cemetery, and all lots sold shall be subject to these Rules and Regulations and amendments as shall be adopted by *the Calvary Cemetery Committee* from time to time, and the reference to these Rules and Regulations in the certificate of ownership to a lot shall have the same force and effect as if fully set forth therein.

The Calvary Cemetery Committee is an appointed group of dedicated Calvary members who meet periodically to update and discuss matters concerning they cemetery. Contact the church office for current members

I. FEES

- A. **LOT PURCHASE** - \$250.00 per 4'x8' lot (Includes perpetual care)
- B. **INTERMENT FEES.** Per grave \$50.00 (no interment fee for newly purchased lot to be used for immediate burial)

II. Descent of title of Lot(s)

On April 13, 1981, the Minnesota Legislature amended the descent of title by eliminating the male preference. Section 525.14 Minnesota Statute has been changed to read as follows:

"Subject to the right of interment of the decedent therein, a cemetery lot of burial plot, unless disposed of as provided in Section 306.29, shall descend free of all debts as follows:

- A. To the decedent's surviving spouse, a life estate with right of interment of the spouse therein, and remainder over to the person who would be entitled to the fee if there were no spouse, provided, however, if no person so entitled to the remainder of the fee survives, then the entire fee to the surviving spouse with the right of interment therein;
- B. If there is no surviving spouse, then to the decedent's eldest surviving child;
- C. If there is no surviving child, then to the decedent's youngest surviving sibling;
- D. If there is no surviving spouse, child, sibling of the decedent, then, if not sold during administration of decedent's estate, to the cemetery association or private cemetery in trust as a burial lot for the decedent and such of the decedent's relatives as the governing body thereof shall deem proper.

The cemetery association or private cemetery or with its consent any person to whom the lot shall descend may grant and convey the lot to any of the decedent's parents, siblings or descendants."

III. Interments.

- A. A family member and Cemetery Sexton before burial must locate gravesites. Family or funeral directors are to contact Cemetery Sexton to mark the sites for digging of the grave and stone or monument placement.
- B. No interment shall be made in the Calvary Cemetery except upon notice to the Cemetery Sexton a minimum of 24 hours in advance of the time of the intended interment.
- C. No grave shall be opened nor interment made until all interment fees have been paid.
- D. All funerals shall be under the direction of the Cemetery Sexton upon entering of the Calvary Cemetery.
- E. All burials will be made in a permanent steel or concrete outside container vault.
- F. No burial will take place until all laws regarding burials by the State of Minnesota are complied with.
- G. Classifications of vault sizes, which affect combinations, allowed in a grave lot:
 - (1) adult/child vault - over 3 feet in length
 - (2) infant/baby vault - 3 feet and under in length
- H. The numbers and combinations permitted to be buried in any given grave lot are as follows:
 - (1) one adult vault, or
 - (2) up to two urns, or
 - (3) one adult vault and one urn
- I. The Cemetery Sexton may require that planks or plywood be laid over grass or paths when graves are being opened or closed or when vaults are installed.
- J. Burial hours - 8:00 a.m. - 4:00 p.m., seven days a week.

IV. Dis-interment

- A. Dis-interments must have the proper authorization provided to the cemetery officials and copies provided for the files, this would be taken care of before any dis-interment will take place. The cemetery board will supervise all dis-interment. Arrangements for dis-interment of remains, vault removal, and restoring the rounds will be the responsibility of the lot owner's heirs, but must be authorized and attended by board members.
- B. Any person desiring to remove remains from the grave space of another must show proper authorization from authorities. The person requesting the removal must also sign a removal request. The request will indicate name(s), dates, lot number and location before removal are to take place and said documents will remain on file with the cemetery.
- C. After dis-interment, the lot ownership will remain deeded to the original owner and follow Minnesota laws of descent, unless the owner wishes to sell lot back to the town for the

purchase price. The dis-interment of a body of a deceased lot owner or any family member by heirs for profit or other reasons not considered proper by the board and against laws of the state of Minnesota and will not be permitted.

V. Monuments and Markers.

No monument, marker or permanent planting may be placed in the Calvary Cemetery without approval of the Cemetery Sexton. Monuments and markers are permitted in all areas of the cemetery.

If a monument or marker must be moved for an interment, it must be replaced as soon as possible at the family's expense.

Persons engaged in erecting a monument or other structure upon a lot are prohibited from attaching ropes or cables to trees or other object in the Cemetery without express permission from the Cemetery Sexton and are likewise prohibited from placing material on adjoining lots or allowing the same to remain on the ground longer than is necessary and must permit no unnecessary delay in completing the work after it has been commenced. In order to protect paths and grass from damage, the Cemetery Sexton may require that planks/plywood be laid down when heavy material is to be moved.

A. Definitions

Marker - A flat stone or other suitable material inscribed with name of deceased and any other pertinent information, set at grade level.

- (1) The largest size on a single grave is 14"x30"x4"
- (2) A double grave marker, no larger than 14"x48"x4"
- (3) All flat stones are to be flush with the ground in order to help with lawn mowing. If you have any questions about the area you have lots, please call a Church Sexton.
- (4) All monuments must be set in place under the supervision or guidance of the Church Sexton.

Monument - A vertical stone or other suitable material inscribed with name of deceased or family name and any other pertinent information, including a foundation set level with the grade.

- (1) A single lot, will be 30"x14"and no higher than 36"
- (2) A double lot, will be 48"x14"and no higher than 48".
- (3) All monuments must be set in place under the supervision or guidance of the Church Sexton.

Monument and flat stone marker sizes noted above are for the largest size, this does not mean you have to purchase this size; there are many beautiful smaller ones available also.

B. Markers

- (1) Every marker must be placed as directed by the Cemetery Sexton.
- (2) No marker nor any part thereof may be constructed of limestone, sandstone, or any other material which is not approved by the Cemetery Sexton.

- (3) The top of the marker shall be set level with the grade.
- (4) A 4" concrete border is recommended around markers.
- (5) A maximum of two markers is allowed on one grave lot.

C. Monuments

- (1) Monuments currently in place may remain and be maintained. Replacement shall be in accord with these regulations.
- (2) All monuments shall be placed in accord with the instructions and conditions of the Cemetery Sexton.
- (3) The Cemetery Sexton is instructed that, so far as is practicable, placement shall be made so as to allow and facilitate the use of mechanical cleaning and mowing equipment.
- (4) Each monument shall be placed on a concrete foundation which will be a minimum thickness of four inches; the top of the foundation shall be level with the grade; the base of the monument shall be a minimum of two inches from the edge of the concrete foundation.
- (5) No monument or any part thereof may be constructed of limestone, sandstone, or any other material, which is not approved by the Cemetery Sexton.

D. Private Mausoleums

Private mausoleums or any other above ground private burial structures are not permitted in the cemetery.

VI. Plantings and Grave Decorations

A. Plantings, Wreaths and Decorations

- (1) No hanging plants, except on Shepherds Hook, one per lot.
- (2) Permanent plantings are not permitted within the Calvary Cemetery except those authorized in writing by the Cemetery Sexton.
- (3) All plants must be contained in allowable plant stands. Allowable plants stands are those that are a single stake with a pot at the top of the stake. Maximum height of plant stands is four feet and maximum diameter of the pot is 12 inches. One plant stand or Shepherd Hook per lot
- (4) Glass containers are not permitted.
- (5) All wreaths and decorations must be mounted on aboveground stakes.

- (6) No eternal lights allowed.
- (7) All plants, decorations, wreaths and plant stands not maintained may be removed by the Cemetery.
- (8) Live or artificial flowers and plants are allowed on gravesites from May 20th to September 15th, as long as they are in regulation cemetery baskets or vases.
- (9) Planters will be allowed as long as they are not glass, ceramic or clay. They must be easily moved for the mower, not light enough to blow away in a windstorm.
- (10) No planter, box, basket or vase can weigh over 20 pounds. If found in violation, they will be removed without notice.
- (11) Funeral bouquets of flowers will be allowed for funerals and will be removed as they become unsightly or the next time the grounds are mowed.
- (12) All baskets, planters, vases, etc. will be removed by Sept. 15th, if not removed then; they will be removed at fall clean up, and disposed of after two weeks.
- (13) Flowers, plants, trees, shrubs, etc. will only be planted by the board, any others found will be removed. Families will discuss plantings with members of the Cemetery Board.
- (14) Planting on gravesite is strictly prohibited.
- (15) Dirt and grass seed may be planted as needed. Sod has not been found to work well because of soil conditions and lack of water.
- (16) The general care of the cemetery grounds will be up to the Cemetery Board.
- (17) Calvary Lutheran Church is not responsible for items placed on graves.

VII. General

All persons are reminded that the grounds are sacred. The cemetery is devoted to the burial of the dead and that provisions and penalties of the law, as provided by Minnesota Statute will be strictly enforced. All well-disposed persons will confer a favor by informing the Sexton or the Cemetery Committee of any breach of proper decorum that may come under their notice. The object of these rules is to have grounds that will be easily cared for and will not pose a problem or danger to those that will be working or helping at any time. With everyone's help and cooperation, this will remain a beautiful area.

- A. No person shall be permitted to use profane or foul language, or in any way disturb the quiet and good order of the cemetery.
- B. All persons are prohibited to hunt, feed or disturb fowl or other animals at the cemetery.
- C. No person or persons other than those appointed by the cemetery shall be permitted to bring or carry firearms on the grounds. Military guards of honor and law enforcement agencies are authorized when in the charge of an officer and during a military service are excluded from this prohibition.

- D. The Cemetery Board and their agents have the authority to enter upon any lot or plot to remove anything objectionable that may have been placed there contrary to the rules and regulations of said board.
- E. The Cemetery Board and its agent may also trim or remove any dead, damaged, unsightly or overgrown trees, shrubs, vine, flowers, plants.
- F. Speeds of over 10 MPH will not be permitted. No person shall ride or drive upon the lawns or grounds other than on the designated road. Persons within the cemetery are asked to use the roads, and walkways provided. All-terrain and other recreational vehicles are not allowed on the cemetery grounds.
- G. Persons visiting the cemetery are asked to use the roads and walkways provided.
- H. No enclosures of any kind, e.g., fence coping, hedge, or ditch shall be permitted around any grave or lot or plot.
- I. Grave mounds will not be allowed. No lot area will be raised above the established grade of the land. No rocks, bark, chips, statues, bird baths, etc. shall be permitted on grave sites and will be removed and disposed of without prior notice.
- J. If any memorial or any structure whatsoever or any inscription placed on it, shall be determined offensive, the Cemetery Committee shall have the right, and their duty to enter upon the site and remove it. Improper or offensive language will be removed at owners' expense.
- K. Dogs and pets are permitted on the grounds only if properly secured and or leashed.
- L. No drugs or alcohol consumption is permitted.
- M. The cemetery is not responsible for theft or damage to anything placed on sites or grounds.
- N. No wooden or cast iron benches are allowed, nor are wooden or wire trellises. No digging of holes to plant flowers or to hold flowerpots and other containers is permitted. No glass, clay or other easily breakable containers are allowed and will be removed immediately. No arrangements secured with wire or wire objects of any kind will be permitted.
- Q. All work in the Calvary Cemetery, of whatever kind, must be carried on subject to the direction and control of the Cemetery Sexton or the Cemetery Committee. Contractors and others engaged in such work must notify the Cemetery Sexton before beginning the same.
- R. Hours: The cemetery will be open to the public from 8am until dusk. No trespassing allowed before or after cemetery hours.

Adopted by Church Council on September 9, 2003

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