

RULES AND REGULATIONS OF ST. HENRY CEMETERY, MONTICELLO, MINNESOTA 55362

As Adopted and Amended From Time to Time Prior to June 1, 1973

FORWARD

For the mutual protection and benefit of burial space holders in St. Henry Cemetery, Monticello, Minnesota, the St. Henry Cemetery Board has adopted the following rules and regulations. All space holders and persons within the Cemetery, and all burial spaces shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Cemetery Board from time to time and the reference to these rules and regulations in the document conveying the right of burial shall have the same force and effect as set forth in full therein.

RULES AND REGULATIONS FOR ST. HENRY CEMETERY

GENERAL RULES AND REGULATIONS

1. The Pastor 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 interest of the Cemetery.
2. The Pastor reserves the right to make exceptions of any of these Rules and Regulations after consultation with the Cemetery Board when, in the judgement of the management such action appears necessary. Such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.
3. Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorial, fence or other structure within the Cemetery grounds.
4. The following actions are prohibited:
 - The driving of motorized vehicles through the entrance of the Cemetery at speeds in excess of 15 miles per hour.
 - Driving any motorized vehicle or riding any animal across or upon any grave, lot or lawn; or parking or leaving the same thereon.
 - Parking or leaving any vehicle on any road or driveway within the Cemetery at such location or in such position as to prevent any other vehicle from passing the same.
 - The throwing of rubbish on the drives and paths, or on any part of the grounds.
5. It is of the utmost importance that there should be strict observance of the properties in the Cemetery. All persons within the Cemetery should avoid any conduct unbecoming a sacred place.
6. The statement of any employee of St. Henry Church or St. Henry Cemetery Board shall in no way bind St. Henry Church, unless confirmed in writing by the St. Henry Cemetery Board.
7. The Cemetery Board hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter, repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulation, at any time, and without notice.

PURCHASE OF EASEMENT FOR BURIAL SPACE

1. No cemetery lot shall be used for any other purpose than for the burial of the human dead.
2. No easement will be granted to any road, drive, alley, or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access.
3. Description of cemetery lots will be in accordance with the cemetery plat, which is kept on file in the Parish Office of St. Henry Church.
4. There is a differential in price for parishioners and non-parishioners. The following guideline was established for the purpose of purchasing an easement for Burial Space.+
 - A parishioner is a registered, active member of St. Henry Church of six months duration and is currently contributing to the stewardship of the parish with their time, talents and treasure.
5. Easements must be paid in full at time of burial. Easements may be reserved by a down payment of 50% of purchase price. The balance of the purchase price for each easement becomes due one year after down payment, or upon burial, whichever comes first. **An attempt will be made to collect payment for easements which are not paid for within the year. If full payment is not received after an attempt to collect is made, the easement will be revert to the Cemetery with a 50% refund of the total paid.**
6. As of May 2, 2001, the cemetery policy is to collect a fee for Perpetual Care as a portion of the lot cost.
7. It is the duty of the easement owner to notify the Parish Office of St. Henry Church of any change in address. Notice sent to an easement owner at the last address on file in the Parish Office shall be sufficient and proper legal notification.
8. Easements for Burial Space prices will be changed from time to time by the management as costs increase. However, easement for burial spaces can be resold only to the cemetery, and will be accepted at the lessor of the original purchase or current easement price.
9. Easement owners are granted only the right of interment in Cemetery property. The Cemetery Board reserves the right to refuse to permit the interment of anyone who was not, at the time of death, the easement owner or a relative of the easement owner.

TRANSFER OF EASEMENT OWNERSHIP

1. The laws of the State of Minnesota govern the descent of title to cemetery lots, as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Cemetery Board will gladly assist any easement owner who desires information or advice on questions pertaining to a cemetery lot.

Descent of title is proved, normally, during probate of the estate of a decedent. When an easement owner's estate has been probated, a certified copy of the final decree should be filed with the Parish Office for St. Henry Church in order to establish the title of the new easement owner, provided the decree covers the cemetery lot, and determines the question of easement ownership. If the cemetery lot is not covered by the decree, then title must be established by the laws of the State of Minnesota.

2. In case a deceased easement owner's estate has not been probated, easement ownership based upon relationship or devise may be presumptively established by filing an Affidavit of Claimant with the Pastor, and if the facts as stated in such affidavit are not objected to within one year and no adverse claim presented within that time, such affidavit shall be conclusive proof of the facts and claims therein contained.
3. No transfer or assignment by an easement owner of any interest in their easement will be valid without securing the written consent of the Pastor. Such consent will be granted only in those cases permitted by the laws of the State of Minnesota.
4. The Pastor may refuse his consent to a transfer or an assignment of an Easement for Burial Space as long as there is an indebtedness due the Cemetery Board from the record easement owner.
5. When a transfer has been made in conformity with these Rules, and the consent of the Cemetery Board has been obtained, the Pastor will issue an Easement for Burial Space to the new easement owner upon surrender of the easement deed or certificate of the former easement owner. The surrendered easement, deed or certificate will then be cancelled.
6. The easement owner may dispose of an easement by will to any surviving relative or to the parish in trust for the use and benefit of the persons designated in the will; but no such easement shall be affected by any testamentary devise unless the same be specifically mentioned in the will and by such devise limited to one particular person.

BURIAL

1. The Cemetery is intended for the burial of Catholics who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any question concerning the burial of a non-Catholic member of an easement owner's family or of any person not entitled to Christian burial according to the rules and discipline of the Roman Catholic Church shall be decided by the Pastor.
2. The burial of cremated remains is allowed provided there is no anti-religious intention, and is subject to the rules and disciplines of the Roman Catholic Church.
3. Religious ceremonies by a non-Catholic minister or other religious leader and ceremonies by fraternal organizations are generally welcomed, subject to the discretion of the Pastor.
4. Funeral directors must present the necessary Christian burial permit from the Pastor of the deceased and the burial permit from the local Health Office.
5. Funerals will not be admitted to the Cemetery when escorted or accompanied by regalia or banners of societies not allowed by the rules and discipline of the Roman Catholic Church.
6. No interment, other than that of an immediate relative or heir of the easement owner, may be made in any lot without written consent of the easement owner.
7. Easement owners shall not allow interments in their lots in return for remuneration of any kind.
8. The Cemetery Board will determine when interment of two or more bodies shall be made in one grave. The Additional Right of Burial must be made known and paid at the time of purchase.

9. When an interment is to be made in a lot, the location of such interment shall be designated by the easement owner. Should the easement owner fail or neglect to make such designation, the Cemetery Board reserves the right to make the interment in a location designated by the Pastor.
10. In order to maintain a high standard of care and to eliminate sunken graves caused by collapse of wooden boxes, it is required that all burials must be made in outside containers (vaults) made of approved materials such as concrete, fiberglass-composite resin, etc.
11. Arrangements for the payment of any and all indebtedness due the Cemetery must be made before interment will be made.
12. The right is reserved by the Cemetery Board to insist upon at least thirty-six hours notice prior to any interment, and to at least one week's notice prior to any disinterment or removal.
13. All interments, disinterments and removals must be made at the time, and in the manner, and upon the charges fixed by the Cemetery Board. The charge is referred to as an opening and closing fee.
14. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.
15. The Cemetery Board will not be responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.
16. The Cemetery Board will in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where the Rules and Regulations have not been complied with. The Cemetery Board shall be under no duty to recognize any protests of interments unless they be in writing and filed in the Parish Office of St. Henry Church.
17. The Cemetery Board will not be liable for the interment permit nor for the identity of the person sought to be interred.

CEMETERY DECORATIONS

1. The use of post-type flower stands is permitted from April 1st to November 1st provided that they keep flowers off the ground and do not interfere with lawn care and maintenance. One flower stand per grave is allowed. Glass containers and bird feeders are prohibited. Consult with the Cemetery Manager (call the parish office at 763-295-2402) if in doubt about specific containers or stands.
2. Natural decorations such as potted plants in an approved stand, cut flowers, and evergreen wreaths are preferred. However, artificial silk flowers are permitted. The Cemetery Board reserves the right to remove all floral pieces, decorations, flowers, shrubs or trees from the cemetery as soon as they become unsightly, dangerous and/or diseased.
3. Floral pieces and decorations (not in an approved stand) may be placed at the gravesite five (5) days before Decoration Day (Memorial Day). All floral pieces and decorations that remain five (5) days after Decoration Day, burial, or anniversary shall be removed without notice. Placement of evergreen wreaths is permitted beginning December 1 and will be removed in early spring. **No floral pieces or other objects are to remain at the grave at other times for safety and ease of maintaining the beauty of the Cemetery grounds.**

4. Planting of trees and shrubs by anyone but the management is prohibited. No landscaping or lawn care shall be performed by persons other than the appointed contractor.
5. The placing of any items other than those described above (#1-3) upon plots will not be permitted, and if so placed the Cemetery Board reserves the right to have them removed without notice.
6. The Cemetery Board will not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for funeral services held in the Cemetery.

CORRECTION OF ERRORS

The Cemetery Board reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of interment property. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Board reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

CARE OF CEMETERY

1. The general care of the Cemetery is assumed by the Cemetery Board.
2. The general care assumed by the Cemetery Board shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the Cemetery, including work caused by impoverishment of the soil; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or plot, or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
3. The Cemetery Board will take all reasonable precautions to protect easement owners, and the property rights of easement owners within the Cemetery, from loss or damage; but the Cemetery Board distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control.

MEMORIAL WORK

1. Written permission must be obtained from the Parish Office of St. Henry Church before a monument or marker can be placed on any lot. A fee will be collected for which covers the proper marking of the grave. Stone vendors are to contact the Parish Office of St. Henry Church before any monument or marker is delivered and/or installed.
2. All markers must be placed flush with the ground. Except for certain portions of the cemetery that have been so designated, above ground monuments/markers are forbidden. The setting of all monuments or markers shall be done under the supervision of the Cemetery Board. Monuments and markers placed in violation of these cemetery rules are subject to removal at the owners expense. See ~~Technical Sheet for Cemetery Markers & Monuments~~ for sizes.

3. The right is reserved to the Cemetery Board to refuse to permit such work, unless the grounds are thoroughly settled and in good condition. **Monuments and markers may not be installed between November 1 and April 15.**
4. The Cemetery Board reserves and shall have the right to correct an error that may be made by its employees or by any other person or persons in the location or placing of a memorial in the Cemetery.
5. The most suitable ornament on a memorial in a Catholic Cemetery is the Cross. Epitaphs and symbols on memorials should be in the spirit of the Catholic Church. Example of suitable symbols are the Chi Rho or Chrisma; the Alpha and Omega; the torch; the anchor, the crown, the a palm, the olive branch, the dolphin, the lamb; the dove; the Good Shepherd; Christ rising from the tomb, angel, etc. All signs, symbols and expressions that savor irreligion or paganism are forbidden.

Please contact the Cemetery Board if in doubt about the appropriateness of the symbol you are considering. Markers or monuments with inappropriate symbols will be removed at the owner's expense.

6. No photograph or reproduction of a photograph, any be affixed to any memorial.
7. Inscriptions or designs on memorials shall not be colored or tinted by the application to the stone of any pigment, color or mineral after placement of the marker or monument.
8. Licensed and bonded monument and marker vendors engaged in erecting monuments or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from blocking avenues or pathways, or from leaving their material on the grounds longer than is absolutely necessary. They must do as little injury to the grass, trees, and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition.

Damage done to lots, walks, drives, trees, shrubs, or other property by marker or monument vendors/installers or their agents will be repaired by the Cemetery Board and the cost of such repair will be charged to the marker/monument vendor/installer or their principal.

While a funeral or interment is being conducted nearby, all work of any description must cease.

9. The United States government furnishes markers for the graves of veterans. The flat type maker is permitted provided that it complies with marker regulations.
10. Markers or monuments must conform to the standards set by the Cemetery Board for size, materials, lettering, and finish. The Cemetery Board reserves the right to reject any memorial by reason of failure to abide by the Rules and Regulations governing memorials or their installation. The standard bronze insignia provided for the graves of veterans can be installed.
11. All memorials shall be set in the place and position determined by the Cemetery Board.
12. Only those lots designated as monument lots shall be permitted to have a family monument erected on the lot.
13. Should any memorial become unsightly, dilapidated, or a menace to life and limb, the Cemetery Board reserves the right to remove or repair same. Any cost incurred shall be at the expense of the lot owner.

For more information about the cemetery, please call or arrange a visit with the Business Administrator of the Church of Saint Henry at (763) 271-3072. Information is also available on our website www.sthenrycatholic.info/Cemetery