

Calvary Cemetery Regulations

Effective January 1, 2021

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

Our Mission Statement

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 Board* 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 Board* 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 Board is an appointed group of dedicated Calvary Church members who meet periodically to update and discuss matters concerning the cemetery. Contact the church office for the names of current Cemetery Board members.

I. FEES

A. **LOT PURCHASE** - **\$350.00** per 4'x8' lot. Price includes perpetual care.

- (1) **INTERMENT FEES.** Per interment a **\$200** fee will be charged for cremation, infant or traditional burial. No interment fee for a newly purchased lot to be used for immediate burial **(or for one year from the date of purchase)**.
- (2) **TITLE TRANSFER FEES** – A processing fee of \$20.00 will be charged (for each transaction regardless of the number of graves) to issue a new deed when lots are sold directly between private parties. Both the seller and the proposed purchaser must sign "An Agreement of Sale" indicating the price of the lot(s) which cannot be more than the current price to purchase a lot.
- (3) **OPENING and CLOSING CREMATION GRAVE FEES** – If Calvary Cemetery Sexton is responsible for opening and closing a cremation grave, a fee of \$150.00 will be charged. Checks to be made payable to the "Calvary Cemetery Sexton". The fee and Burial Permits are due at the time of burial.
- (4) **INSTALLING VETERANS MARKERS** - If Calvary Cemetery installs a Veterans Marker, a fee of \$75.00 will be charged.

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. Family or funeral directors are to contact Cemetery Sexton to mark the sites for digging of the grave and placement of stone or monument placement.
- B. No interment shall be made in the Calvary Cemetery until the Cemetery Sexton has been notified a minimum of 24 hours in advance of the time of the intended interment.
- C. No grave shall be opened nor interment made until arrangements have been made with the funeral home or all interment fees, grave opening/closing fees have been paid and the Church representative receives the "Disposition Permit" (burial permit) or cremation documentation..
- D. All funerals shall be under the direction of the Cemetery Sexton upon entering of the Calvary Cemetery.
- E. All burials, except cremation, must use an outer burial container made of permanent steel or concrete.
- F. The numbers and combinations permitted to be buried in any given grave lot are as follows:
 - (1) One full adult traditional burial, or
 - (2) Up to two cremation urns may be placed in ground or above ground in the marker or combination thereof, **or** one full adult traditional burial and one urn
 - (3) One infant and one cremation
 - (4) If an infant is to be added to the existing traditional burial, the site must be probed to ensure there is enough depth for the infant
 - (5) Lots designated "Cremation only" are limited to one burial
 - (6) Infant burials with caskets up to three feet will be permitted on a Cremation only lot.
- G. The Cemetery Sexton may require that planks or plywood be laid over grass or paths when graves are being opened, closed or when vaults are installed.
- H. Burial hours - 8:00 a.m. - Sunset, 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 or mortician 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 Cemetery 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 Calvary Lutheran Church or another party not to exceed the fee currently being charged to purchase a lot. Selling the lot for a profit or other reasons cannot be allowed per Minnesota Statutes, Chapter 306.15, PUBLIC CEMETERIES.

V. Monuments and Markers.

No permanent plantings may be placed in the Calvary Cemetery without approval of the Cemetery Sexton or Cemetery Board. Both 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.

Only level with the ground markers may be placed on "cremation only" lots (4 x 4 ft.) as shown on the official cemetery map. This includes infant burials as permitted under II, F, 6.

All markers or monuments including its base cannot exceed the width of the lot.

A. Definitions

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

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.

MAUSOLEUMS - A large burial chamber, usually above ground. (Ref: word net)

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 Board.
- (3) The top of the marker shall be set level with the grade.
- (4) A 2" to 4" concrete border (on all sides) is required around markers.
- (5) A maximum of two markers is allowed on one grave lot.

C. Monuments

- (1) Every monument must be placed as directed by the Cemetery Sexton.
- (2) 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.
- (3) No monument or any part thereof may be constructed of limestone, sandstone, or any other material, which is not approved by the Cemetery Board.

- D. **Private Mausoleums:** *Private mausoleums are not permitted in the cemetery.*

VI. Plantings and Grave Decorations

Keeping our cemetery beautiful is our highest priority and your cooperation is greatly appreciated.

Any decorations that become unsightly will be removed and disposed of immediately; reusable containers will be stored in the maintenance area.

The Cemetery Board is not responsible for any live flowers or plantings accidentally mowed over by our mowing service.

The general care and upkeep of the cemetery is the responsibility of the Cemetery Board.

Calvary Lutheran Church is not responsible for items placed on graves.

A. When graves can be decorated.

Summer decorations are permitted between Memorial Day and Labor Day.

Holidays decorations are permitted from November 15th to January 15th.

Funeral bouquets will be allowed for a short period following the funeral. When they become unsightly they will be removed.

B. Permanent Plantings

All permanently planted flowers, plants, trees, shrubs, etc. must be approved by the Cemetery Board. Those not approved are subject to removal.

C. Artificial Flowers

All wreaths and artificial flowers must be properly supported. They will be removed if they become unsightly.

D. Flower Pots and Planters

For safety reasons, glass, ceramic or clay containers cannot be permitted. No new flower pots or planters in excess of 20# will be allowed. Only one Shepherd's hook per grave. Any plant stand, containers or planters not maintained can be removed by the Cemetery Board.

E. Marker Vases

Metal flower containers which are part of a marker or monument are encouraged because they support flowers properly and can safely be tucked away when not in use.

VII. General

All persons are reminded that the grounds are sacred. The cemetery is devoted to the burial of the dead and those provisions and penalties of the law, as provided by Minnesota Statute will be strictly enforced. 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. All persons are prohibited to hunt, feed or disturb fowl or other animals at the cemetery.

- B. 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.

- C. 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.
- D. The Cemetery Board and its agent may also trim or remove any dead, damaged, unsightly or overgrown trees, shrubs, vine, flowers, and plants.
- E. No enclosures of any kind, e.g., fence coping, hedge, or ditch shall be permitted around any grave or lot or plot.
- F. 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.
- G. If any memorial or any structure whatsoever or any inscription placed on it, shall be determined offensive, the Cemetery Board 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.
- H. Dogs and pets are permitted on the grounds only if properly secured and or leashed.
- I. Hours: The cemetery will be open to the public from 8am until dusk. No trespassing allowed before or after cemetery hours.

APPROVED BY CHURCH COUNCIL TO GO INTO EFFECT JANUARY 2021