

Rules and Regulations of St. Mary's Orthodox Cathedral Cemetery Minneapolis, MN

The foregoing rules and regulations of the St. Mary's Cathedral Cemetery were adopted by the parishioners meeting held on February 2, 1997.

ARTICLE I - PURPOSE

CEMETERY RULES & REGULATIONS

For the mutual protection and benefit of the lot owners, and the Cemetery as a whole, the following Rules and Regulations have adopted by St. Mary's Orthodox Cathedral of Minneapolis as the Rules and Regulations of St. Mary's Orthodox Cemetery. These rules cover all lot owners and all visitors within the Cemetery. All lots sold shall be subject further to such other Rules and Regulations amendments or alterations as shall be adopted by the St. Mary's Orthodox Cathedral of Minneapolis.

The St. Mary's Orthodox Cathedral of Minneapolis is a religious corporation organized and existing under the laws of the State of Minnesota. It owns and operates St. Mary's Orthodox Cemetery, in accordance with the laws of the State of Minnesota and the rules and discipline of the Orthodox Church in America.

ARTICLE II - DEFINITIONS

1. The terms **LOT** or **BURIAL SPACE** shall be used to refer to a single grave. The term **PLOT** shall be used to refer to more than one grave.
2. The term **INTERMENT** shall mean the permanent disposition of the remains of a deceased person by burial.
3. The term **MEMORIAL** shall include monuments and/or foot markers.
4. The term **CHURCH** shall mean the St. Mary's Orthodox Cathedral, 1701 5th Street N.E., Minneapolis, MN 55418.
5. The term **CEMETERY OFFICE** shall mean the church office (at the Cathedral).
6. The term **MANAGEMENT** shall mean the person or persons appointed by the Church Board of Trustees for the purpose of conducting and administering the Cemetery owned and operated by St. Mary's Orthodox Cathedral of Minneapolis.
7. The term **ORTHODOX CHRISTIAN** shall mean anyone baptized and chrismated into the Orthodox faith.
8. The term **PERPETUAL CARE** shall mean the general care of the Cemetery.
9. **CEMETERY BUSINESS HOURS** shall be the Church business hours. Cemetery visitation hours shall be sunrise to sunset.

ARTICLE III - GENERAL RULES

1. The Church 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. It also reserves the right to establish Rules and Regulations, and if necessary, to make changes as conditions require.
2. St. Mary's Orthodox Cathedral Cemetery is for the burial of Orthodox who are entitled to Christian burial according to the rules and discipline of the Orthodox Church, their non-Orthodox spouses and dependent children.
3. Religious ceremonies other than those of the Orthodox Church are not permitted in the Cemetery without

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permission of the Dean of the Cathedral.

4. Persons visiting the Cemetery or attending funerals are strictly prohibited from damaging or defacing any memorial, fence, structure or planting.

5. The following things are prohibited:

a. Parking or leaving any motor vehicle on any road or driveway within the Cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, and if so parked or left, the Management will remove the same.

b. The throwing of rubbish on the drives or on any part of the grounds is prohibited.

6. It is of the utmost importance that there should be strict observance of all the proprieties of the Cemetery, whether embraced in these rules or not, and the Management is authorized and directed to prevent improper assemblages.

7. It is the duty of the Management to see that the Rules and Regulations are complied with, to see that order is maintained, and to protect and promote the best interests of the Cemetery. To that end, it is authorized to make additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations. The Church expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations.

8. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The St. Mary's Orthodox Cathedral of Minneapolis, therefore, reserves the right make exceptions, suspensions or modifications of any of these Rules and Regulations, without notice, when in the judgment of the Management such action appears necessary; and such temporary exception, suspensions or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

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

10. All interments shall be made in hardened containers. A minimum of a concrete liner for remains, or plastic or fiberglass for cremains is required.

ARTICLE IV - LOTS AND LOT OWNERS

1. Persons desiring to purchase lots should contact the Cemetery Office where arrangements can be made to select a lot. An application, describing the lot(s) selected will be issued. All payments or arrangements for payments will be made at the Cemetery Office at the time of application.

2. No lot shall be used for any purpose other than for the disposition of human remains.

3. No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery.

4. Description of the grave sites will be in accordance with the Cemetery plan which is kept on file at the Cemetery.

5. The Management will take all reasonable precautions to protect plot owners within the Cemetery, from loss or damage. However, St. Mary's Orthodox Cathedral distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, the common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order military or civil authority, whether the damage be direct or collateral, other than as herein provided.

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6. It is the duty of the plot owner to notify the Management of any change in his post office address. Notice sent to a plot owner at the last address on file in the Cemetery Office shall be sufficient and proper legal notification.
7. These Rules and Regulations and any amendments thereto constitute the sole agreement between the St. Mary's Orthodox Cathedral and the plot owner. The statement of any employee or agent, unless confirmed in writing by the Management, shall in no way bind the St. Mary's Orthodox Cathedral.
8. Lot owners are granted only the right of interment in their lot.
9. Upon the death of the lot owner, such lot ownership shall descend as provided in Minnesota Statutes. (See Article XIV.)
10. The right of interment may be transferred to other Orthodox. If the transfer is to an immediate family member (husband, wife, son, daughter, brother, sister or parent) or back to the Cemetery, no fee is required.
11. Current fee schedules are available at the Cemetery Office.

ARTICLE V - CORRECTION OF ERRORS

The St. Mary's Orthodox Cathedral reserves, and shall have, the right to correct any errors that may be made, either in making interments, disinterments or removals, or in the description of property, either by canceling or substituting other interment property, as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, The St. Mary's Orthodox Cathedral 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.

ARTICLE VI - CARE OF LOTS

1. The perpetual care of the Cemetery is assumed by the St. Mary's Orthodox Cathedral and includes the cutting of the grass at reasonable intervals, and the cleaning of the grounds: meaning and intending the general preservation of the lots and grounds, roadways, boundaries and structures, to the end that said grounds shall remain and be reasonably cared for as cemetery grounds forever.
2. The perpetual care assumed by the St. Mary's Orthodox cathedral shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon lots damaged by causes beyond its reasonable control; nor the planting of flowers or ornamental plants except on designated perpetual care lots. The Management reserves the right to repair or remove memorials for safety and aesthetic purposes.

ARTICLE VII - INTERMENTS

1. The Cemetery will be open for interments from 8:30 a.m. to 5:00 p.m. daily, with the exception of all Sundays and Holy Days, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and New Years Day. Where immediate burial is required by the laws of the State of Minnesota, or under the Rules and Regulations of the Board of Health, arrangements for interments on Sundays, holidays and Holy Days may be made.
2. On entering the Cemetery, all funerals shall be under the charge of the Cathedral clergy and the funeral director or his assistants.
3. Funeral directors must present the necessary state permit to the Cemetery Office.
4. No interment of two or more bodies shall be made in one lot except in the case of parent and child or two infants buried in one casket.

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5. No more than two cremated remains, or one body and one cremated remains shall be placed in one lot. The placement of cremated remains in the Cemetery shall be done in conformity with the directive of the Cathedral's Diocesan Bishop.
6. When an interment is to be made, the location of such interment shall be designated by the plot owner. Should the plot owner fail, neglect or is unable to make such designation, the St. Mary's Orthodox Cathedral reserves the right to make the interment in a location designated by the Management.
7. The right is reserved by the St. Mary's Orthodox Cathedral to require at least forty-eight hours notice prior to any interment, and to at least one week's notice prior to any disinterment or removal.
8. All interments, removals and disinterments must be made at the time, and in the manner, and upon the charges fixed by the Management.
9. The St. Mary's Orthodox Cathedral will in no way be liable for any delay in the interment of a body where a protest(s) to the interment has been made, or where the Rules and Regulations have not been complied with; and, further, the St. Mary's Orthodox Cathedral reserves the right to refuse receiving remains until all rights have been determined. The Management shall be under no duty to recognize any protests of interments unless they are in writing and filed with the Cemetery Office.
10. The St. Mary's Orthodox Cathedral will not be responsible nor liable for the interment permit or for the identity of the person to be interred.

ARTICLE VIII - REMOVALS

1. A body may be removed from the single grave or lot in which burial was originally made, to a different lot in the Cemetery, when there has been an exchange or purchase for that purpose, but it may not be removed from the Cemetery for burial elsewhere without the permission of the Management. All removals must be made after issuance of the proper permit by the State of Minnesota through the funeral director.
2. Persons desiring to arrange for removals must make such arrangements with the Cemetery Office. Authority to make the removal must be signed by the owner of the plot from which the removal is to be made, and by the next of kin of the decedent. When such authority is filed with the Cemetery Office, a permit for the removal will be issued by the Management and the State of Minnesota through the funeral director.
3. When a body is to be removed from the Cemetery, the law requires that a permit be secured from the Health Department before such removal is made.
4. Unless authority in writing is filed with the Management, as above provided, no disinterment will be made, for an autopsy or any other purpose, unless the Cemetery is directed to allow such a disinterment by the order of a court of competent jurisdiction.
5. The Dean of the Cathedral will provide for the usual religious ceremonies for disinterment.

ARTICLE IX - PLANTING ON LOTS

1. The St. Mary's Orthodox Cathedral reserves the right to establish standards in planting trees, flowers, shrubs, etc., and to regulate the method of decoration of plots so that uniform beauty may be maintained. A list of standards will be provided at the time of plot purchase. (See Article XII.)
2. The St. Mary's Orthodox Cathedral reserves the right to remove all vases, floral designs, flowers, weeds, trees, shrubs or plants of any kind from the Cemetery as soon as they become broken, unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards. (See Article XII.)

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ARTICLE X - MEMORIAL WORK

1. The St. Mary's Orthodox Cathedral reserves the right to establish standards for the placement of all memorials put in the Cemetery. (See Article XIII.)
2. No memorial shall be placed without notice given to the Management.
3. All memorials and markers shall be manufactured of natural stone or bronze. No artificial stone, wood or plastic is permitted.
4. No fencing, hedging, borders or enclosures of any kind, shall be allowed around any lot or plot; and no walks of brick, cinders, tile, cement, gravel, sand or wood shall be allowed on any lot.
5. Workmen employed in placing or erecting memorials shall operate, as independent contractors, and shall perform such work only after receiving the permission of the Management.
6. Any damage done to lots, walks, drives, trees, shrubs or other property, by dealers or contractors, or their agents, will be repaired by the Cemetery; and the cost of such repair will be charged to the dealer or contractor, or to his principal.
7. The St. Mary's Orthodox Cathedral reserves the right to stop all work of any nature, whenever, in its opinion, proper preparations therefor have not been made; or when work is being executed improperly or in such a manner as to threaten life or property; or when any reasonable request on the part of the Management is disregarded; or when any person employed on the work violates any rule of the Cemetery.
8. Markers must be placed at the foot or east end of the lot. Monuments must be placed at the west end of the lot. Inscriptions shall read from the east end of the lot.
9. When any monumental work has been set in place, it shall not be removed therefrom without due process of law, or written permission from the Management. Such permission will be granted only upon filing with the Management the lot owner's written consent to the removal. However, when memorial work has been placed in violation of any of the rules, the St. Mary's Orthodox Cathedral reserves the right to remove it or have it removed.

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ARTICLE XI - MISCELLANEOUS

Following is the agreement to be used for all interments, and to be signed by the next of kin or family of the deceased:

THIS AGREEMENT, Made this....day of....., 19 .., between the St. Mary's Orthodox Cathedral, Inc., Cemetery Committee, party of the first part, and.....of.....party of the second part,

WITNESSETH, That the said party of the first part in consideration of the covenants and agreements of the party of the second part hereinafter contained, covenants and agrees to furnish.....to the party of the second part. And that the said party of the second part, in consideration of the performance of the foregoing agreement by the party of the first part, covenants and agrees to pay the sum of \$....., as payment in full for.....in the cemetery maintained and operated by the party of the first part, subject to the rules and regulations of the said cemetery, and particularly, the party of the second part does hereby covenant and agree not to remove any body once interred from said burial place in said cemetery.

IT IS MUTUALLY AGREED by and between the parties hereto that all of the covenants and agreements herein contained shall be extended to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

IN TESTIMONY WHEREOF both parties have hereunto set their hands and seals the day and year hereinbefore written.

Signed, Sealed and Delivered in the Presence of:

.....
.....

St. Mary's Orthodox Cathedral, Inc., Cemetery Committee.

By.....
Chairman

.....
Party of the Second Part

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ARTICLE XII - RULES FOR GRAVE DECORATION

1. Trees or shrubs may be planted only by direction of the Cemetery Committee Chairman or designated alternate.
2. Fresh cut flowers may be placed on graves in all sections, preferably adjacent to monuments or foot markers, in temporary containers at any time, with the express understanding that the flowers and containers may be removed without notice by cemetery committee members for the following reasons:
 - a) Scheduled mowing of grass
 - b) Deterioration of flowers
3. No permanent containers for fresh cut flowers are permitted except for those which are integral with or adjacent to monument or markers. Such containers must be capable of storage without causing interference with Lawn mowing.
4. No artificial flowers are permitted in any section.
5. Planted flowers are permitted in sections C(*) and D(*) only and with the following restrictions.
 - a) Flowers may be planted only on grave sites that also permit the erection of monuments, either upright or level with the ground. (Note: Footmarkers are not considered monuments.)
 - b) In-ground planting is permitted in an area which extends no further than 12 inches east of a monument base, and not beyond the long dimension of the monument base.
 - c) Planting on pole-mounted pots is permitted. Poles must be located within six inches of the monument base, pots must extend no higher than 42 inches from the ground.
 - d) On grave sites that permit the erection of monuments, flowers may be planted in general accordance with rules 5b and 5c above, even if a monument has not yet been installed.
 - e) Plantings must be maintained. Deteriorated, weedy, or otherwise neglected plantings are subject to removal without notice by cemetery committee members.

Cemetery Committee
Effective December 4, 1985

* Sections C & D are located behind the chapel.

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ARTICLE XIII - MEMORIAL PLACEMENT REGULATIONS

The most suitable ornament on a memorial is the cross. Epitaphs and symbols on memorials should be in the spirit of the Christian Church.

All memorials shall be manufactured from natural stone or bronze.

| Section | Restrictions |
|---------|--|
| A | No above ground memorials are allowed. |
| C | Above ground memorials (monuments) are allowed only in even numbered rows starting with row 24. Rows 1 through 23 have monuments in all rows. Care should be taken when placing monuments in this area so as not to interfere with future burials. |
| D | Above ground memorials (monuments) are allowed only in odd numbered rows. |

Monument and footmarker sizes shall not exceed the following.

Monuments

| Plot | Orientation | Top | | | Base | | |
|----------------------|-------------|-------|--------|-----------|--------|-------|--------|
| | | Width | Height | Thickness | Length | Width | Height |
| Four or eight graves | Horizontal | 60" | 30" | 8" | 72" | 14" | 8" |
| | Vertical | 28" | 42" | 8" | 44" | 14" | 8" |
| Two or three graves | Horizontal | 36" | 26" | 8" | 48" | 14" | 8" |
| | Vertical | 24" | 42" | 8" | 30" | 14" | 8" |
| Single grave | Horizontal | 24" | 24" | 8" | 28" | 14" | 8" |

Footmarkers

| Plot | | Width | Height | Thickness* |
|------------------------------------|---------|-------|--------|------------|
| Single grave | Minimum | 20" | 10" | 4" |
| | Maximum | 24" | 18" | 4" |
| Single grave with two interments** | Maximum | 30" | 18" | 4" |
| Two grave | Maximum | 48" | 18" | 4" |

* The required 4" thickness may be obtained by bonding mixed concrete to the under side of the footmarker.

** Single grave with two interments: Two cremated remains or one body and one cremated remains.

Footings

A concrete slab, 4" minimum thickness, is required under all monuments.

Footings are not required under footmarkers. Optionally, a maximum 4" of aggregate, sand, and cement mixture may be used under footmarkers.

A 4" concrete border is permitted on footmarkers.

Cemetery Committee

Revised

11/4/81, 11/9/83, 2/28/92, 11/2/95

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ARTICLE XIV -MINNESOTA LAW RELATING TO TRANSFER, INHERITANCE AND ABANDONMENT*

If an original "owner" of grave privileges dies without a Last Will or Trust Agreement and leaves open unused graves, Minnesota law on inheritance and intestate succession comes into effect. However, if the "owner" has specifically provided for transfer of the graves in his or her Last Will, or by Trust, that arrangement will transfer the rights to the grave(s) to the named beneficiary.

If a decedent does not provide for transfer of graves by Last Will or a Trust instrument, then Minnesota Statute 525.14 designates who is to inherit these graves. For deaths prior to April 13, 1981, inheritance of graves went to the surviving spouse, and if none, to the eldest surviving son, etc. For deaths occurring after April 13, 1981, the graves go to the surviving spouse, but if none, then to the eldest surviving child. For deaths before April 13, 1981, it is necessary to determine who the eldest surviving son was. For deaths occurring after April 13, 1981, it is necessary to determine who the eldest surviving child was.

The important point to remember is that if an original "owner" and his or her spouse should die without a Last Will or Trust Agreement, the unused graves, under Minnesota law, would be inherited by the eldest surviving son/child and would become part of the child's estate. If at the death of the eldest surviving son/child there are still unused graves, these would be inherited by his/her surviving spouse or the offspring.

Oftentimes a person inheriting or acquiring these graves is not of the Orthodox faith, or has no interest in being interred in the Cemetery. They will call to inquire whether they can sell these graves back to the Church. It is our present policy not to repurchase these graves. Alternatives for the new "owner" are to transfer them to a sibling, relative or other person who is an Orthodox Christian and can be interred in the Cemetery or transfer them back to the Cemetery. A grave transfer fee may be required. If transfer is to "their immediate family" or back to the Cemetery, no transfer fee is owed. Refer to the back of the Annual Financial Report for current fee charges.

Abandonment and Minnesota Statute 307.11

Minnesota Statute 307.11 permits public and private (religious) cemeteries to avail themselves of the provision in Minnesota Statute 302.21 to re-acquire ownership to "abandoned" lots. The statutory procedures must be followed strictly by petitioning the County District Court where the cemetery is located. Lots abandoned for 75 years or more can be returned to the cemetery by the statutory procedure with strict compliance to this statute. When need for additional burial space is needed, this remedy should be looked at and the Rules and Regulations reviewed to see that the procedures are available for this relief.

*Article XIV written by Harold Kalina