

# CALVARY CEMETERY REGULATIONS

Revised November 2017

For the mutual protection and benefit of lot owners and the Cemetery as a whole, the following Rules and Regulations have been adopted by the **Calvary Cemetery Association of Rochester, Minnesota**. All lot owners and visitors within the Cemetery, and all lots sold shall be subject to said Rules and Regulations, amendments or alterations as shall be adopted from time to time.

1. The term "lot owner" is intended to mean and shall be construed as meaning the owner of the burial privileges only in any burial lot, fractional portion of a lot or columbarium niche purchased from the Association. No lot or niche shall be used for or any other purpose than a place of burial for the dead. In addition, the rules expressly forbid the burial of anyone on the lot or niche who was not, at the time of death, the owner of the lot or niche, or a relative of the owner by blood or marriage, except by written consent of the Cemetery Association. No transfer of ownership of a lot or niche or filing of trust deed shall be valid unless the Permanent Care and all other indebtedness to the Association for the lot are paid in full.
2. The term Association is intended to mean the Calvary Cemetery Association of Rochester, Minnesota, which is governed by the Ordinary of the Diocese of Winona and the appointed Director, also the Cemetery Board from whom originate all Operational Policy of the Cemetery and its Rules and Regulations.
3. Should any tombstone, monument, or other structure become unsightly or dangerous by reason of age or faulty construction, which would cause said monument to lean, crumble or fall, the Association reserves the right to remove or correct the condition. The expense of same to be borne by the lot owner.
4. No lot or niche will be sold in common ownership or joint ownership. Title must stand in one name, but where two or more persons join in paying for a lot their respective interest and rights may be protected by deed or trust, and they may convey such lot to the Association to be held as a place of burial for the persons specified in the trust agreement.
5. The laws of the State of Minnesota governing the descent of title to cemetery lots is as follows: Minnesota Statutes Section 525.14

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

- To the decedent's surviving spouse, a life estate with right of interment or entombment 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 right of interment therein;
- If there be no surviving spouse then to his eldest surviving child;
- If there is no surviving child, then to the decedent's youngest surviving sibling; (Sibling defined herein as 'a brother or sister, offspring of the same parents')
- If there be no surviving spouse, child or sibling of the decedent, then if not sold during administration of the decedent's estate, to the cemetery association or private cemetery in trust as a burial plot 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.

**TRANSFER BY HEIR.** The person to whom a lot or niche descends may with the consent of the cemetery, transfer the lot to anyone of several specified relatives of the deceased owner. This provision is helpful in cases where the one to whom the lot or niche descends has no need for it, while another member of the family within the classes provided, has such need. In any case, where the decedent was not the original lot or niche purchaser, the relationship in question must be between the lot or niche owner last deceased and the person to whom it is desired to make the transfer. (Masons Minnesota Statutes, 1927, Section 8992-26)

The laws of this state forbid a lot or niche owner to sell or give away all or any part of his lot or niche. However, there is exception to this rule, such as:

- a) The original purchaser of such lot or niche may sell, convey and release to the cemetery the portion of the lot or niche not actually occupied by internments or entombments.
  - b) The owner by inheritance of such lot or niche may sell, convey, and release to the cemetery the portion of the same not actually occupied by internments.
6. All flags and decorations of a similar nature placed on lots, graves or at columbarium will be removed by the association, if not removed by the owner within seven (7) days for the purpose of preserving the neat and attractive appearance of the cemetery. Watering containers and other utensils shall not be left on the lots or at columbarium site and in no case, will the Association be responsible for articles placed on lots, graves, or columbarium site and in all cases, it reserves the right to remove such as it may consider objectionable. All funeral designs or cut flowers placed on lots, graves or columbarium site shall be removed by the Association as soon as they wilt or become unsightly if not removed by the owner.
  7. It is the duty of the lot or niche owner to furnish the Association with his full name and address and to notify at once any change in the post office address. Notice sent to a lot or niche owner at the last address on file in the Cemetery Office shall be sufficient and proper legal notification and will not exempt the owner from any expense or costs occurring to the lot or niche.
  8. All funerals on entering the Cemetery and while within the Cemetery grounds shall be under the charge of the Director and/or his assistants. All vehicles must be at rest and motors silent while services at the grave or niche are being conducted. Once a casket containing a body is within the confines of the Cemetery, no funeral director, nor his embalmer, assistant, employee or agents shall be permitted to open the casket, or to touch the body, without consent of the legal representative of the deceased, or an order signed by a court of competent jurisdiction. Funerals which arrive at the cemetery too late to permit the proper filling of the grave or niche before the regular closing time will be subject to additional internment or entombment charge.
  9. Arrangements for the payment of any and all indebtedness due the cemetery must be made before internment or entombment will be made. The right is reserved by the Association to insist upon at least twenty-four hours notice prior to any internment or

entombment, and to at least one week's notice to any disinterment or disentombment and removal. All internments, entombments disinterment or disentombments and removals must be made at the time and in the manner, and subject to the charges fixed by the Association.

10. Cremated remains of a body should be treated with the same respect given to the corporal remains of a human body. This includes the use of a worthy vessel and vault to contain the ashes. The cremated remains should be buried in a grave or entombed in a mausoleum or columbarium.
  - Vault required
  - One traditional and one cremated remains per gravesite
  - Two cremated remains only per gravesite or niche
11. Permanent care means that the grass will be cut, trimmed and the lot raked when necessary; sunken graves filled and seeded, and the lot kept in reasonably good condition in perpetuity on payment of the required fee. It does not mean that flowers will be planted on graves, or include watering of flowers and sprinkling of lots.
12. Parking or leaving any motor car or 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 is prohibited, and if so parked or left, the management will have the right to remove the same. This rule does not apply when trucks, machinery or necessary equipment in use by the Association or other authorized person is so parked while doing necessary work on roads, lots or graves.
13. The Association will take all reasonable precautions to protect lot and niche owners and the property rights of lots and niche owners within the cemetery from loss and damage; but the Association 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, common enemy, explosions. Floods, thieves, vandals, strikers, malicious mischief-makers, unavoidable accidents, invasions insurrection, riots, or order of any military or civil authority, whether the damage be direct or collateral, other as herein provided.
14. Due deference must be shown to the Director who is fully authorized to see that the above Rules and Regulations are strictly enforced.

### **SPECIFIC REGULATIONS FOR CALVARY CEMETERY ASSOCIATION, ROCHESTER, MINNESOTA**

#### **MONUMENTS AND MARKERS**

1. All monuments and markers shall be constructed of a natural stone; no artificial stone, concrete or wood of any description is permitted.
2. Upright monument engraving is allowed only on the front side of the monument which corresponds to the gravesite side. No engraving on the monument or mounting a plaque is allowed on the back side of the monument. Exception as follows: Engraving

and mounting a plaque is allowed on the backside of the monument if the family also owns the grave(s) on the backside of the monument.

3. No lot owner shall erect or place on any lot in the cemetery any memorial not approved by the management.
4. Crosses or other grave markers of wood, iron, cement, or any other like materials are strictly prohibited.

**UPRIGHT MONUMENT SIZES** *(See definition of base below).*

1. 1 grave lot maximum 30" base  
2 grave lots minimum base 40", maximum 48"  
3 grave lots minimum base 40", maximum 72"  
4 grave lots minimum base 40", maximum 72"
2. Slant markers on stone base are not approved as monuments.

**FLAT MARKERS** *(See definition of foundation below).*

1. At each grave one marker will be permitted.
2. Marker foundations are 4" deep with a 5" wash on each side as follows:  
Single grave markers minimum 20"x10" maximum 24"x12".  
Double markers minimum 36" maximum 48".  
Baby markers 16"x8" to be set ground level with no wash.
3. Upright government monuments or government markers used in an upright position together with another assembled on a granite base are not permitted.
4. Each columbarium niche door marker is a premium black granite 12-inch square.  
Interior niche space dimensions are 9 5/8" deep, 11 3/8" square at front narrowing to 10 1/2" square at the back.

## **DEFINITIONS**

**BASE:** *The bottom portion of the upright monument (same material and color) which is placed on the concrete foundation.*

**FOUNDATIONS:** *Marker and monument foundations are concrete, 4 inches deep with a 5 inch concrete border (wash) on each side upon which a memorial is installed.*

**MONUMENT:** *A memorial made principally of stone which extends above the surface of the earth in an upright form. Monuments are restricted to designated lots in designated sections of the cemetery.*

**MARKER:** *A memorial made principally of stone which is flat to the surface of the earth. Markers are restricted to designated lots in designated sections of the cemetery.*

**VETERAN MARKER:** *A memorial made principally of granite or bronze 24 inches long and 12 inches wide, provided by the Veterans' Administration which is flat to the surface of the earth. The foundation for this marker is NOT furnished by the Government, but is required and is the responsibility of the family. Veteran markers are restricted to designated lots in designated sections of the cemetery. Contact the cemetery administration (Director or Grounds Supervisor) for consent and options for installation.*

**BRONZE NICHE VETERAN MARKER:** *A memorial provided by the Veterans' Administration, 8 ½ inches long and 5 ½ inches wide, made principally of bronze which is flat to the surface of the earth. Contact the cemetery administration (Director or Grounds Supervisor) for consent and options for installation.*

**COLUMBARIUM NICHE VETERAN MARKER:** *A bronze 3" medallion placed on black granite door. (The medallion replaces the extra line and the cross. The Bronze Niche*

*Veteran Marker is also allowed on the niche door if only one name and set of dates is used). Contact the cemetery administration (Director or Grounds Supervisor) for consent.*

### **REGULATIONS GUIDING VARIOUS SECTIONS OF THE CEMETERY**

1. Center Section- Sections 1 thru 28. Lots 1 thru 13

Upright monuments on a base, with markers to match those now on lot

2. North Sections- Sections 1 thru 23. Lots 14 thru 21

Upright monuments on a base, the markers to be set ground level.

3. East Section- Sections 29 thru 36. Lots 1 thru 13

Upright monuments on a base, the markers to be set ground level.

4. New East Section- Sections 31 thru 33 Lots 14 thru 19

Upright monuments on base, the markers to be set ground level.

5. New North Section- Section 6 thru 22, Lots 22 thru 25

Upright monuments on a base, the markers to be set ground level.

### **MONUMENT SPECIFICATIONS AND PLACEMENT:**

All die stones are to be finished on front and back and are to be at least eight (8) inches thick.

All bases must have a finished surface and level bottom. All stone is to have the surface next to the foundation bedded off sufficiently true and level to allow every part to be in contact with the foundation. The base of the monument shall be no larger than fourteen (14) inches in width and no larger than sixty (60) percent of the lot, plus a five (5) inch cement collar entirely around the base and flush with the ground (taking into consideration any hillside grade). Grave size is (40) inches wide by (120) inches long. The monument shall be set on the conforming line in the middle of the lot. If two or more families own a lot, a monument may be placed over set of two

graves, centered on the conforming line in the middle of each set of graves. Because of the smaller size of lots in some sections of the cemetery, the size of the monuments may need to be smaller, local management must approve the size before purchase. Pre-cast foundation may be used.

Plant holders **must** be part of the foundation design and be located on the north or south end of the foundation. One plant stand holder is allowed per foundation.

Foundations should be installed by experienced workman. All work to be completed between 7:00 AM and 3:30 PM, Monday thru Friday only.

### **MISCELLANEOUS**

1. Fresh flowers and plants are allowed throughout the year. Flowers planted in vases and urns, on approved pronged stands only, are also allowed. The vases and urns are the responsibility of the lot owner. The vases and urns shall be removed when not planted.
2. Artificial flowers are allowed in vases and urns that are on approved pronged stands only. Time and weather worn artificial flowers shall be removed and replaced by lot owner or will be removed by cemetery staff.
3. Heart shaped stands for hanging baskets are not allowed.
4. Grounds level artificial flowers and decorations are allowed from May 16<sup>th</sup> to June 15<sup>th</sup> and **will be removed by cemetery staff** after that period.
5. Planting of flowers, trees, shrubs or bushes of any kind is not allowed.
6. Christmas wreaths and decoration are allowed during the holiday season and should be removed by March 15<sup>th</sup>.

7. The placing of boxes, toys, stuffed animals, metal designs, chairs, wind socks, lawn edging, gravel, shells, hats, crushed rock, solar powered lights and similar articles upon lots **are not** permitted.
8. No pets are allowed on cemetery grounds.
9. No glass containers are allowed.
10. Memory lamps are allowed only and while you are here, and must be removed (stands as well) when you leave.
- 11. No item is to be attached to columbarium monument or niche door.**

The above rules shall be followed, or after the designated time, the association will dispose of the artificial flowers and articles as stated in the above regulations.