

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

ARTICLE I - PURPOSE

CEMETERY RULES AND REGULATIONS

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

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 Cathedral Cemetery, in accordance with the laws of the State of Minnesota and the rules and discipline of the Orthodox Church in America.

The current version of these Rules and Regulations is available from St. Mary's Orthodox Cathedral church office.

ARTICLE II - DEFINITIONS

1. The term **LOT** shall be used to refer to a single grave.
2. The term **INTERMENT** shall mean the permanent disposition of the remains of a deceased person by burial.
3. The term **MONUMENT** shall mean above ground monuments (sometimes called headstones) and the term **MARKER** shall mean ground level foot markers.
4. The term **CHURCH** shall mean St. Mary's Orthodox Cathedral, 1701 5th Street N.E., Minneapolis, MN 55418.
5. The term **CEMETERY** shall mean St. Mary's Orthodox Cathedral Cemetery.
6. The term **CEMETERY OFFICE** shall mean the St. Mary's Orthodox Cathedral church office.
7. The term **MANAGEMENT** or **GOVERNING BOARD** shall mean the Cemetery Committee and President of the Church Board of Trustees, the Cemetery Registrar, and any other person or persons elected or appointed by the members of the Church or the Church Board of Trustees for the purpose of conducting daily business and administering the Cemetery; the chairman of the Cemetery Committee shall be the chair of the Governing Board.
8. The term **ORTHODOX CHRISTIAN** shall mean anyone baptized and chrismated into the Orthodox faith.
9. The term **PERPETUAL CARE** shall mean the general care of the Cemetery.
10. The term **PERPETUAL CARE LOT** shall mean any lot so designated by St. Mary's Orthodox Cathedral.

ARTICLE III - GENERAL RULES

1. St. Mary's Orthodox Cathedral 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

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

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 interment of Orthodox Christians who are entitled to Christian burial according to the rules and discipline of the Orthodox Church, their spouses, and their dependent children.
3. Religious ceremonies other than those of the Orthodox Church are not permitted in the Cemetery without permission of the Dean of the Cathedral.
4. Persons visiting the Cemetery or attending funerals are strictly prohibited from damaging or defacing any monument, marker, fence, structure or planting; and leaving rubbish on the drives or on any part of the grounds.
5. 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.
6. 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.
7. St. Mary's Orthodox Cathedral expressly reserves the right to set fees, adopt additional Rules and Regulations, or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations. All such changes to the fee schedule and to these Rules and Regulations shall require the approval of a majority of the members of the Church present at an annual or special meeting, except where the By-Laws of the Church require otherwise (e.g., a two-thirds majority).
8. Special cases may arise in which the literal enforcement of a rule or fee may impose unnecessary hardship. St. Mary's Orthodox Cathedral of Minneapolis, therefore, reserves the right for the Management to make exceptions, suspensions or modifications of any of these Rules and Regulations or cemetery fees, 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 precedent or affecting the general application of such Rules and Regulations or fees.
9. While a funeral or interment is being conducted, all work of any description shall cease.
10. Cemetery visitation hours shall be sunrise to sunset.
11. Cemetery business hours shall be the Church business hours.
12. Any damage done to a lot, walks, drives, trees, shrubs, monuments, markers, or other property, by dealers or contractors, or their agents, will be repaired by the Management; and the cost of such repair may be charged to the dealer or contractor, or to his/its principal.
13. St. Mary's Orthodox Cathedral reserves the right to stop all work of any nature, whenever, in its opinion, proper preparations thereof 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.
14. Current fee schedules are available at the Cemetery Office. Fees may be adjusted by the Church Board of Trustees and shall be approved by the members of St. Mary's Orthodox Cathedral as indicated in Article III.7.

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

ARTICLE IV - LOTS AND LOT OWNERS

1. Persons desiring to purchase a lot or lots must contact the Cemetery Registrar or Cemetery Office where arrangements can be made to select the lot(s). An application describing the lot(s) selected and purchase price will be issued. All payments or arrangements for payments will be made at the time of application; any payment not made at the time of application shall be made at the Cemetery Office.
2. Purchase of lot(s) shall only be made by or on behalf of those individuals allowed interment in the Cemetery in accordance with Article III.2.
3. Each lot obtained by purchase or transfer shall be identified for the interment of a particular person. Within 90 days of its purchase or transfer, the owner shall (except when it is retained by the owner for the owner's self, spouse, or dependent child) transfer ownership of the lot to, or convey the lot (via written notice to the Cemetery) in trust for the use and benefit of, a named person who is permitted interment in the Cemetery accordance with Article III.2. Any lot(s) not transferred or conveyed shall revert to St. Mary's and the purchase price or transfer fee, if any, shall be refunded. The right of interment for a dependent child will be cancelled and the lot will revert to the owner if that child does not meet the requirements of Article III.2 upon attaining the age of 21.
4. No lot shall be used for any purpose other than for the disposition of human remains.
5. No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the Cemetery.
6. Description of the grave sites will be in accordance with the Cemetery plan which is kept on file at the Cemetery.
7. The Management will take all reasonable precautions to protect lot 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.
8. It is the duty of the lot owner to notify the Management of any change in his post office address. Notice sent to a lot owner at the last address on file in the Cemetery Office shall be sufficient and proper legal notification of any action by the Church.
9. These Rules and Regulations and any amendments thereto constitute the sole agreement between St. Mary's Orthodox Cathedral and the lot owner. The statement of any employee or agent, unless confirmed in writing by the Management, shall in no way bind St. Mary's Orthodox Cathedral.
10. Lot owners are granted only the right of interment in their lot.
11. Upon the death of the lot owner, lot ownership of any lot(s) not designated or conveyed in trust for the use of a person eligible for interment in the Cemetery in accordance with Article III.2, shall descend as provided in the Statutes of the State of Minnesota. (See Article XIV).
12. The right of interment may be transferred to other persons who are eligible for interment in the Cemetery accordance with Article III.2. All transfers shall be made through the Cemetery Office, and are complete only upon the approval of the Management and payment of the designated transfer fee. 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.
13. Lot owners have no title of ownership and no authority to directly transfer or assign their lot(s) to other persons; they have only the right of interment pursuant to these Rules and Regulations. St. Mary's

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

Orthodox Cathedral will not purchase any lot(s) from lot owners; however, on request it will issue documentation confirming the return and value of such lot(s) to the Church.

14. St. Mary's Orthodox Cathedral may, at its discretion, reclaim any unused lot(s) by initiating legal action in accordance with the laws of the State of Minnesota. (See Article XIV).

ARTICLE V - CORRECTION OF ERRORS

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, 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 available.

ARTICLE VI - PERPETUAL CARE OF THE CEMETERY

1. The perpetual care of the Cemetery is assumed by 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 St. Mary's Orthodox Cathedral shall in no case mean the maintenance, repair or replacement of any monument or marker placed or erected upon a lot or 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 monuments and markers for safety and aesthetic purposes.

3. St. Mary's Orthodox Cathedral has established and shall maintain a trust fund for the perpetual care of the Cemetery.

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 such 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.

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 lot owner. Should the lot owner fail, neglect, or be unable to make such designation, 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 St. Mary's Orthodox Cathedral to require at least forty-eight hours notice prior to

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

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, in the manner, and upon payment of the charges fixed by the Management.

9. 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 these Rules and Regulations have not been complied with; and, further, 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. 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.

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

ARTICLE VIII - REMOVALS

1. A body may be removed from the lot in which burial was originally made, to a different lot in the Cemetery, when there has been an exchange or purchase of a lot 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 lot 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; removals shall be made in conformance with all state and local laws.

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 - MAINTENANCE OF LOTS

1. St. Mary's Orthodox Cathedral reserves the right to establish and modify standards for planting trees, flowers, shrubs, etc., and to regulate the method of decoration of lots so that uniform beauty may be maintained. A list of standards will be provided at the time of lot purchase and will be available from the Cemetery Office. (See Article XII.)

2. 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.

3. St. Mary's Orthodox Cathedral reserves the right to use any unsold lot for the placement of trees, shrubs, monuments, etc.

4. No fencing, hedging, borders or enclosures of any kind, shall be allowed around any lot; and no walks of brick, cinders, tile, cement, gravel, sand, or wood shall be allowed on any lot.

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

ARTICLE X - MONUMENT AND MARKER WORK

1. St. Mary's Orthodox Cathedral reserves the right to establish standards for the placement of all monuments and markers put in the Cemetery. (See Article XIII.)
2. No monument or marker shall be placed without notice given to and the approval of the Management, and without payment of any associated fees. The Management shall mark the location of the monument or marker.
3. No artificial stone, wood, or plastic monument or marker is permitted; except temporarily pending placement of a permanent monument or marker, for a period not to exceed six (6) months following the interment.
4. Workmen employed in placing or erecting monuments and markers shall operate as independent contractors.
5. No monument or marker shall be placed on a lot for which payment has not been received in full.
6. When any monument or marker 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 a monument or marker has been placed in violation of any of the rules, St. Mary's Orthodox Cathedral reserves the right to remove it or have it removed.
7. Monuments and markers may be temporarily moved with permission of the Management for a burial, if damage may occur or space is needed for the excavation; in such cases, the Management will ensure the re-installation and safe handling of such monuments and/or markers.
8. Owners and their heirs are responsible for the maintenance of all monuments and markers, and assume the costs thereof. When no heirs can be identified, St. Mary's Orthodox Cathedral will maintain monuments and markers as may be convenient to it and as part of its program for perpetual care of the Cemetery.

ARTICLE XI - INTERMENT AGREEMENT

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

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

THIS AGREEMENT, made this...day of....., 20 .., between the St. Mary's Orthodox Cathedral, and.....of..... the lot owner/representative,

WITNESSETH, That St. Mary's Orthodox Cathedral in consideration of the covenants and agreements of the lot owner/representative hereinafter contained, covenants and agrees to furnish.....to the lot owner/representative. And that the said lot owner/representative, in consideration of the performance of the foregoing agreement by St. Mary's Orthodox Cathedral, covenants and agrees to pay the sum of \$....., as payment in full for.....in the cemetery maintained and operated by St. Mary's Orthodox Cathedral, subject to the rules and regulations of the said cemetery, and particularly, the lot owner/representative 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.

By.....

President

.....

Lot Owner/Representative

(amended 2009)

ARTICLE XII - RULES FOR GRAVE DECORATION

1. Trees or shrubs may be planted only by direction of the Management, and shall not be planted on any grave or on any unused lot by the owner of that lot.
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 the Management for reasons which include scheduled mowing of grass, deterioration of flowers, and funerals. St. Mary's Orthodox Cathedral will not be liable for the loss or damage of such containers.
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, except for Memorial Day, Mother's Day, Father's Day, and Christmas.
5. To facilitate lawn mowing, all decorations shall be removed, or subject to removal by the Management, not later than eight (8) days following Memorial Day, Mother's Day, or Father's Day.
6. Planted flowers are permitted only in sections C and D (*), and only on lot(s) that permit the erection of monuments (foot markers not being considered monuments), even if a monument has not been installed, and with the following restrictions:
 - a) In-ground planting, including ground level pots, is permitted in an area which extends no further

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

than 12 inches east of a monument base, and not beyond the long dimension of the monument base.

- b) 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.

* Sections C and D are the east half of the Cemetery, located behind the chapel.

ARTICLE XIII - MONUMENT AND MARKER PLACEMENT

1. All monuments and markers must be placed within the boundaries of the associated lot(s) and cannot be placed in designated aisles. Markers must be placed at the foot or east end of the lot. Monuments must be placed at the west end of the lot or lots. Inscriptions shall read from the east end of the lot.
2. Foot markers are permitted on every lot. Monuments are permitted only on a lot or lots identified in the following:

Section	Restrictions
A (SW quarter of the Cemetery)	No monuments are allowed.
C (NE quarter)	Monuments are allowed only in even numbered rows starting with row 24 and in the last row (of children's graves). Rows 1 through 23 have monuments in all rows. Care must be taken when placing monuments in this area so as not to interfere with future burials.
D (SE quarter)	Monuments are allowed only in odd numbered rows.

3. All monuments and markers shall be manufactured of natural stone or bronze.
4. The most suitable ornament on a monument or marker is the cross. Epitaphs and symbols on monuments and markers should be in the spirit of the Christian Church.
5. Monument and foot marker sizes shall not exceed the following; for the purpose of these tables, the Number of Lots means the number of adjacent lots in the same row.

Monuments

Number of Lots	Monument Orientation	Top			Base		
		Width	Height	Thickness	Length	Width	Height
Four or more	Horizontal	60"	30"	8"	72"	14"	8"
	Vertical	28"	42"	8"	44"	14"	8"
Three	Horizontal	48"	30"	8"	60"	14"	8"
	Vertical	28"	42"	8"	36"	14"	8"
Two	Horizontal	36"	26"	8"	48"	14"	8"
	Vertical	24"	42"	8"	30"	14"	8"
Single	Horizontal	24"	24"	8"	28"	14"	8"

Foot Markers

Number of Lots		Length	Width	Thickness*
All	Minimum	20"	10"	4"
Single	Maximum	24"	18"	4"
Single, with two interments	Maximum	30"	18"	4"
Two (or more)	Maximum	48"	18"	4"

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

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

A 4" border (concrete or unfinished stone) is permitted on foot markers.

6. A concrete slab, 4" minimum thickness, is required as the footing under all monuments. Footings are not required under foot markers; optionally, a maximum 4" of aggregate, sand, and cement mixture may be used.

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 Annual Financial Report for current fee charges.

Abandonment and Minnesota Statute 307.11

Minnesota Statute 307.11 permits public and private (religious) cemeteries to re-acquire ownership to "abandoned" lots. The statutory procedures required by Minnesota law shall be followed strictly in the event that the Church decides to re-acquire ownership of such lots. Lots abandoned for 75 years or more can be returned to the cemetery by the statutory procedure with strict compliance to this statute.

When there is need for additional burial space, 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 and updated to reflect repeal of statute Minnesota Statute 302.21.