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## **1. RULES AND REGULATIONS**

- 1.1 For the mutual protection and benefit of lot owners and the Cemetery, St. Mary's Cemetery has adopted the following Rules and Regulations. St. Mary's Cemetery is the property of the Church of St. Mary, Bismarck, North Dakota. All lot owners and visitors within the Cemetery, and all lots sold shall be subject to these Rules and Regulations and subject further to such Rules and Regulations, amendments or alterations that may be adopted from time to time by the Cemetery.
- 1.2 Title to the land in any lot in St. Mary's Cemetery shall always remain with the Church of St. Mary. Burial Rights alone are purchased in any lot.

## **2. DEFINITIONS**

- 2.1 The term "Management" shall mean the person or persons duly appointed by the Ordinary of the Diocese of Bismarck for the purpose of conducting and administrating St. Mary's Cemetery.
- 2.2 The term "Ordinary of the Diocese of Bismarck" shall mean the Bishop of Bismarck or the person delegated to act in his place.
- 2.3 The terms "lot", "plot" or "burial space" shall apply with like effect to one or more than one adjoining grave.
- 2.4 The term "interment" shall mean the permanent disposition of the remains of a deceased person by entombment or burial.
- 2.5 The term "memorial" shall include a monument, tombstone, marker, tablet, headstone or corner posts for individual or family use.
- 2.6 The term "Burial Rights Holder" shall mean the person who has purchased or inherited Burial Rights.

### **3. GENERAL RULES**

- 3.1 This Cemetery is intended for the burial of all persons, of all faiths and denominations, regardless of race and color, and creed.
- 3.2 The Cemetery reserves the right to refuse admission to the Cemetery and refuse the use of any of the Cemetery's facilities, at any time, to any person or persons whom the management may deem not in keeping with the best interest of the Cemetery.
- 3.3 In the case of Catholics, the CODE OF CANON LAW of the Roman Catholic Church governs those to whom ecclesiastical funeral rites are to be granted or to be denied. (Cc. 1183-1184)
- 3.4 The hours for Cemetery work and/or interment shall be set by the Cemetery Management. There shall be no work allowed on Sundays or Christmas. Interment on Good Friday, Memorial Day, Independence Day and Labor Day will be subject to an increased fee.
- 3.5 Employees of the Cemetery are not permitted to do any work for lot owners except upon order from the Management.
- 3.6 All fees or charges for payment of burial rights, future care, interments or other work and services are payable when due.
- 3.7 All persons visiting the Cemetery are prohibited from picking flowers, breaking or injuring any tree or plant, or from writing upon, defacing or injuring any memorial, fence or other structure within the Cemetery grounds.
- 3.8 All work must cease when an interment is to take place. Funeral processions have right of way on all roads in the Cemetery. Motor vehicles must not block roadways or park on any grassed or Burial areas.
- 3.9 Children under seventeen years of age are not permitted in the Cemetery, unless accompanied by proper adult persons to care for them.
- 3.10 It is of the utmost importance that there should be strict observance of the proprieties in the Cemetery. All persons within the Cemetery should avoid conduct unbecoming a sacred place. Acts such as the following are expressly forbidden:

- (a) Loud or boisterous talking.
- (b) Idling or loafing on the grounds and buildings.
- (c) Peddling, soliciting or placing any advertisements within the Cemetery.
- (d) Bringing dogs or other pets into the Cemetery is forbidden.
- (e) Bringing firearms into the Cemetery except by a military escort accompanying a veteran's funeral or attending a Memorial service.

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

#### **4. LOTS AND BURIAL RIGHTS HOLDERS**

- 4.1 Persons desiring to purchase Burial Rights must make arrangements with the Cemetery office.
- 4.2 Lots must be purchased with Perpetual Care. Terms of payment can be arranged according to the schedule set up by the Cemetery Management. No burial will be made on a lot until such arrangements have been completed. No monuments are allowed on lots until the full purchase price is paid.
- 4.3 Burial Rights shall be sold in single or joint ownership.
- 4.4 No lot shall be used for any other purpose than for the burial of human dead.
- 4.5 Only grass will be allowed to cover a grave.
- 4.6 The Cemetery shall have the right to enlarge, re-plot or change the boundaries of the Cemetery or a section or sections of the Cemetery, to change locations of roads, gutters, pipe lines etc., without notice to holders of Burial Rights. The Cemetery reserves to itself and to those legally entitled thereto a perpetual right to ingress and egress over plots for Cemetery business.

- 4.7 Description of lots will be in accordance with the Cemetery plots on file in the Cemetery office.
- 4.8 The Management will take all reasonable precautions to protect holders of Burial Rights and their rights, within the Cemetery, from loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority whether the damage be direct or collateral, other than as herein provided.
- 4.9 It is the duty of the holder of Burial Rights to notify the Cemetery of any change of address. Notice sent to the last address on file in the Cemetery office shall be sufficient and proper legal notification.
- 4.10 The Instrument of Conveyance, Future Care Certificate and these Rules and Regulations shall constitute the sole agreement between the Cemetery and the holder of Burial Rights. The statement of any employee, unless confirmed in writing shall in no way bind the Cemetery.
- 4.11 Only Burial Rights Holders are granted the right of interment in their lots. The Cemetery reserves the right to refuse permission for the interment of any one not related to the Burials Rights Holder by blood or marriage. In all other cases written permission of the holder of Burial Rights shall be required by Cemetery before interment shall be made.

## **5. CORRECTION OF ERRORS**

- 5.1 The Cemetery shall have the right to correct any error whatsoever made by one of its employees in the interment, disinterment or removal of a body. It shall have the right to cancel Burial Rights or substitute another lot of equal value, or refund the money advanced for the purchase of Burial Rights. The Cemetery also accepts no responsibility for any errors made because of wrong information provided for the Cemetery work orders.

## **6. CARE OF LOTS**

- 6.1 Burial Rights obtained in the Cemetery shall have the following future Care assumed by the Cemetery:
  - (a) Cutting of grass at reasonable intervals
  - (b) Trimming of trees
  - (c) General care of the grounds and roads
- 6.2 Future Care assumed by the Cemetery shall in no way mean the maintenance, repair or replacement of any memorial erected upon lots.
- 6.3 Planting of shrubs or trees must be approved by the Cemetery Management. Cutting up of lawns for any purpose is forbidden. No coping, curbing fencing, hedging, borders or enclosures of any kind shall be allowed around a lot.
- 6.4 Any special work desired on a lot must be arranged at the Cemetery office and payment for such work made in advance.
- 6.5 Care of lots under the Perpetual Care plan shall be limited absolutely to the income received from the investment of Future Care Funds.

## **7. DESCENT OF TITLE AND TRANSFERS**

- 7.1 The laws of the State of North Dakota, and these rules govern the descent of Burial Rights to Cemetery lots.
- 7.2 Burial Rights are not transferable or assignable by act of law or otherwise without the consent in writing of the Management of the Cemetery. The Cemetery may refuse its consent to a transfer or to an assignment as long as there is indebtedness due the Cemetery from the holder of Burial Rights. Re-sale or transfer of lots is a private transaction between the Burial Rights holder & other parties. The Cemetery must be informed of the transaction & a fee is charged for the necessary paper work & title transfer.

## **8. INTERMENTS**

- 8.1 The Cemetery will be open for interments with the exceptions of Sunday's & days stated in paragraph 3.4
- 8.2 All funerals upon entering the Cemetery shall be under the charge of the Management.

- 8.3 Funerals will not be admitted to the Cemetery when escorted or accompanied by regalia or banners of societies not allowed by the laws and discipline of the Roman Catholic Church.
- 8.4 Funeral directors must have permission from Management before entering the Cemetery for a burial. Once in the Cemetery a casket may not be opened by anyone except with the legal consent of the representative of the deceased or an order signed by a court of competent jurisdiction.
- 8.5 Holders of Burial Rights shall not allow interments in their lots in return for remuneration of any kind.
- 8.6 All orders for interments in lots must be given to the Cemetery office by the holder of Burial Rights or his/her legal representative. The Cemetery is not responsible for mistakes occurring from orders by telephone.
- 8.7 Only Cemetery employees will be permitted to open graves, except in the case of disinterment ordered by a court of competent jurisdiction. See paragraph 9.3 (b).
- 8.8 Special arrangements for multiple burials in one grave must be approved by the Management.
- 8.9 No interments will be made unless the body is contained in a casket and outside concrete vault.
- 8.10 All interments, disinterment and removals must be made at the time, in the manner, and upon the charges fixed by the Management. Arrangements for all charges and other fees due for interments or other services must be made before interment in any lot.
- 8.11 The right is reserved by the Cemetery to insist upon at least 36 hours notice prior to an interment and to at least one week's notice prior to any disinterment or removal.
- 8.12 Burial of the destitute must be arranged in accordance with directions of the Ordinary of the Diocese of Bismarck.
- 8.13 Social Services Administration maintains a fixed-fee schedule for lot purchases and interment fees. Lot selection and or Location, therefore is at the sole discretion of the Cemetery Management.

- 8.15 The Cemetery will not be liable for any delay in the interment of a body where a protest to the interment has been made or where the Rules & Regulations have not been complied with. The Management shall be under no duty to recognize any protest of interment unless they be in writing and filed in the Cemetery office.

## **9. DISINTERMENTS**

- 9.1 A body may be moved from one grave to another, when there has been an exchange or purchase for that purpose.
- 9.2 Authority to make a removal must be signed by the holder of Burial Rights 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, and cost of removal is paid, permission will be issued.
- 9.3 Unless authority in writing is filed with the Management as provided above, no disinterment will be made or permitted under any circumstances except:
- (a) When the Cemetery is directed to make a disinterment by the order of court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery office.
  - (b) When the coroner directs the disinterment, for the purpose of holding an inquest, and has filed with the Cemetery office his/her signed authorization to release the body to him/herself and his/her lawful agents. In such case the coroner or his/her lawful agents must make the disinterment.
- 9.4 The Cemetery will exercise the utmost care in making a removal but it assumes no liability for damage to any casket or burial case in making a removal. When, in the opinion of the Cemetery, a new outside box is needed at the time of removal it must be provided for by the person arranging for the removal.
- 9.5 Charges for any disinterment shall be determined by the Cemetery office and must be paid in advance.



## **10. MONUMENT WORK**

- 10.1 Holders of Burial Rights may erect proper monument work on their respective lots subject to the approval of the Management. Monuments will not be allowed on lots for which charges and other fees due the Cemetery are not fully paid.
- 10.2 Holders of Burial rights are reminded that circumstances make monument work somewhat technical. Before placing an order, care should be used in selecting a reputable dealer who understands the rules applying to monuments so as to avoid difficulties, which arise in case memorial work is ordered which does not comply with the Rules.
- 10.3 All monuments shall be set on, or in a foundation built of concrete, and of the size and depth prescribed by the Management.
- 10.4 Designs (unusual) of all monumental works of any kind shall first be submitted to the Management for approval before foundation work shall be permitted.
- 10.5 All monument companies and their workers must have the approval of the Cemetery office before any work shall be done by them in the Cemetery.
- 10.6 Delivery of monuments to the Cemetery, after obtaining the proper approval, must be made during the normal working hours when the Cemetery workers are in attendance.
- 10.7 Location of monuments on lots shall be determined by the Cemetery Management.
- 10.8 In sections of the Cemetery where monuments are not permitted the Rules governing monuments do not apply, nor can they be interpreted as waiving the restriction.
- 10.9 While the Cemetery will exercise all possible care to protect monuments on any lot, it disclaims any responsibility for any damage or injury thereto.
- 10.10 When any monument work has been placed in the Cemetery, in violation of any Cemetery Rule or Regulation or what Management approves the Cemetery reserves the right to remove it or have it removed. The cost of such removal shall be borne by the party causing the violation.

- 10.11 It is strongly recommended that monument bases be purchased that contain vase inserts. These vases do not interfere with lawn maintenance and burial activities, and can be filled with artificial flowers for year-round effect. Theft and vandalism of artificial flowers are at the risk of the installing party.

## **11. MEMORIALS AND MEMORIAL DAY**

- 11.1 Donations may be made to the Cemetery Care Fund in memory of deceased family and relatives. These funds will be specifically utilized for general maintenance, landscape planting's and future expansion.
- 11.2 Cleanup of the Cemetery begins as soon as spring weather allows. Cut flowers, wreaths and potted plants may be placed **three days before Memorial Day and must be removed one week after Memorial Day.** After that time they will be removed by Cemetery personnel. **The Cemetery assumes no responsibility or liability for items placed in the Cemetery.**
- 11.3.1 Planting of trees, shrubs and flowers including hanging baskets, urns, vases, or flower boxes will not be permitted in or around monuments. Cut flowers may be placed in vases, which are an integral part of the monument base. Trees, shrubs and flowers may only be planted in landscaped areas designated and approved by the Cemetery Management as part of its overall landscape program.

## **12. BURIAL CHAPEL**

- 12.1 Winter burials are usually provided. If, in the judgment of Management, conditions prevent burials the Cemetery provides a chapel for temporary interment.