

***ST. MICHAEL'S CATHOLIC
CEMETERY***

Mahnomen, MN

RULES AND REGULATIONS

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Approved by St. Michael's Cemetery Association on May 14, 2015

Approved by St. Michael's Pastoral Council on June 9, 2015

MISSION STATEMENT

St. Michael's Catholic Cemetery is the responsibility of St. Michael's Cemetery Association. This association operates pursuant to the direction of the Parish Pastoral Council of St. Michael's Catholic Church to assist and advise St. Michael's Catholic Church in the establishment, operation and maintenance of a private cemetery pursuant to the following: Chapter 307 of the Minnesota Statutes, the 1983 Code of Canon Law, Minnesota Catholic Cemetery Policies and Minnesota Catholic Cemetery Rules and Regulations; as adopted by the Diocese of Crookston, Minnesota. The St. Michael's Cemetery Association reserves the right of "final authority" in the operation of St. Michael's Cemetery.

The St. Michael's Cemetery Association seeks to help people accept the reality of death in a context of faith and the promise of eternal life with God. Our facilities and services include a place to be buried, an environment designed to meet the needs of the Catholic liturgy for burial, a facility that encourages frequent visitation with attendant prayer for the dead and an environment in which love is remembered, hope is rekindled and faith is awakened and strengthened.

St. Michael's Cemetery

Meets the needs of individuals and our parish community in preparation for, at the time of and following death

Ministers in liturgy, prayer, comfort instruction and evangelization

Proclaims the reality of the human person as sacred and deserving of dignity and respect both in life and death

Provides sacred space where remembering can be fostered and centered and is a place for liturgical celebration

Serves as a symbol of the extended community of the Church

GENERAL RULES AND REGULATIONS

The Church of St. Michael of Mahnomen, Minnesota is a part of the Diocese of Crookston and is a religious organization established and existing under the Laws of the State of Minnesota. The cemetery is owned by St. Michael's Church and operated by St. Michael's Cemetery Association of Mahnomen, in accordance with the rules and discipline of the Roman Catholic Church, the Statutes of the Diocese of Crookston and the Laws of the State of Minnesota. St. Michael's Cemetery Association shall be the agent of the parish for the administration of the business of St. Michael's Cemetery.

It reserves the right to refuse admission to the cemetery and to refuse the use of the cemetery facilities at any time, to any persons whom the Cemetery Association may deem objectionable to the best interests of the cemetery.

The St. Michael's Cemetery Association hereby expressly reserves the right to adopt additional rules and regulations, to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence of these General Rules and Regulations at any time and without notice.

Special cases may arise where the literal enforcement of a rule may impose unnecessary hardship. The St. Michael's Cemetery Association shall reserve the right to make exceptions, suspensions or modifications of any of these Rules and Regulations, without notice, whenever it appears to be necessary, and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of these Rules and Regulations.

PERPETUAL CARE

The perpetual care of the Cemetery shall be assumed by the St. Michael's Cemetery Association. The term "perpetual care" shall be construed to mean the cutting of grass, the cleaning of the grounds, the planting and pruning of shrubs and trees which may be placed by the Association, and general preservation of the grounds and property of the cemetery as long as it shall be used as a cemetery. The perpetual care assumed by the Association shall in no way include repair of normal weathering of the faces of stone monuments or markers, or repair of markers that are damaged by vandalism or inclement weather. The perpetual care assumed by the Cemetery Association shall include reasonable efforts in keeping monuments and markers level and above ground.

BURIAL RIGHTS

The Rules and Regulations of the Catholic Church governing cemeteries, prescribe that the title to the land used for cemetery purposes, shall remain vested in the Parish. Title to the land in any plot of the cemetery of St. Michael's Catholic Church shall always remain in the Diocese of Crookston, Minnesota. Burial Right Easement alone shall be purchased in the plots in accordance with the schedule attached hereto.

No Burial Right Easement shall be sold in common or joint ownership. Title shall stand in one name. Upon death of the Holder of the Burial Right Easement, their immediate heirs shall, in accordance with Minnesota State Statute 306.29, decide in whose name the title of the Burial Rights shall stand.

Descriptions of any and all plots shall be in accordance with the Cemetery plots, which shall be kept on file with the St. Michael's Cemetery Association.

Persons desiring to purchase a Burial Right Easement in the Cemetery of St. Michael's Catholic Church shall contact the actuary of the St. Michael's Cemetery Association.

INTERMENTS

1. The Cemetery of St. Michael's Catholic Church shall be open for interments at reasonable hours every day of the year.
2. Winter interments may be done at the request of the deceased individual's family. Winter interments shall be considered to be burials performed between November 1st and April 1st.
3. The burial of an infant may take place, in the same burial plot, and above an interred adult. The interment of two infants may take place in the same burial plot.
4. All interments shall be made at a time and in a manner, as directed by the St. Michael's Catholic Church Cemetery Association and the Pastor of St. Michael's Catholic Church. Fees shall be paid to the Cemetery Association Actuary, Secretary or Treasurer.
5. Only authorized personnel shall dig graves.
6. Pet burials shall not be allowed in the Cemetery.

VAULTS

All interments shall be required to utilize an outer burial vault, constructed of concrete or steel (wood is not permitted); which shall contain the casket or coffin, so as to reduce the possibilities of the collapse of the grave.

INURNMENTS OF CREMATED REMAINS

Cremated remains may be inurned in any burial plot of the Cemetery. No more than two cremated remains shall be inurned in one burial plot. Cremated remains shall utilize an appropriate container, and may also be required to utilize an outer burial vault, constructed of concrete, steel or fiber-glass.

The inurnment of cremated remains of one individual may be inurned in the same burial plot, and above an interred individual.

REMOVALS

Any removal of a body requires the permission of the Pastor and the Board and shall be done in accordance with the Laws of the State of Minnesota. The Board shall assume no liability for damage to any casket or burial case. The costs shall be the responsibility of the person(s) arranging for the removal.

MONUMENTS

1. All burial plots should be identified with a minimum of a permanent flat foot marker. (Foot markers shall be set in a concrete pad with at least a four-inch cement border.) The concrete pad shall have a minimum thickness of 3½ inches and shall include reinforcement rods.
2. One central, or family memorial, may be allowed on each burial plot. In addition, one foot marker may be placed on each burial plot. An exception to this policy may be made when there are two individuals, or a combination of one individual and cremated remains, interred on one burial plot.
3. Designs of all monumental works shall be tasteful and respect the dignity of the deceased
4. No monuments or markers shall be permanently installed until after final payment has been made for the Burial Rights on each burial plot and after the monument supplier has contacted either the Pastor of St. Michael's Catholic Church, or the St. Michael's Cemetery Association.
5. No coping, curbing, fencing, borders or enclosures of any kind shall be allowed around any burial plot. The St. Michael's Cemetery Association reserves the right to remove same.

GRAVE DECORATIONS/PLANTINGS

The St. Michael's Cemetery Association reserves the right to remove, without notice, all plantings, emblems, floral designs, frame baskets and any other objects that are, or become unsightly, dangerous, diseased or detrimental to the peace, sanctity and normal maintenance of the Cemetery of St. Michael's Catholic Church.

There shall be no permanent planting of trees or plants, unless prior approval has been obtained from the St. Michael's Cemetery Association.

Any flowers, plants or decorations placed on the graves for Memorial Day must be removed by the Saturday following Memorial Day, and possibly sooner depending on the amount of rainfall we receive. If we need to mow before then these items will be removed from the graves and placed behind the Cross. These items will be left behind the Cross for 1 week and if they have not been picked up, they will be disposed of.

All grading, landscape work, improvements or remodeling, except that work specifically performed in the process of interment or removal, shall be done by, or under the direction, of the St. Michael's Cemetery Association.

CEMETERY LOT PURCHASE

Cemetery Lot – member of St. Michael's Parish \$300.00

Cemetery Lot – Non-member of St. Michael's Parish \$350.00

WINTER BURIAL – Additional Fee

Additional fees for a winter burial include snow removal at the cemetery and thawing the ground to open the grave. These fees are not charged by the cemetery but by the person(s) who remove the snow, thaw the ground and open the graves.

Disinterment Opening of Grave for Removal

Member of St. Michael's Parish \$100.00

Non-member of St. Michael's Parish \$100.00

INURNMENT FEES

Cemetery Lot – member of St. Michael’s Parish \$300.00

Cemetery Lot – Non-member of St. Michael’s Parish \$350.00

INURNMENT (Additional) – Existing Burial Easement Plots

Member of St. Michael’s Parish \$100.00

Non-member of St. Michael’s Parish \$100.00

WINTER INURNMENT – Additional Fees

Additional fees for a winter burial include snow removal at the cemetery and thawing the ground to open the grave. These fees are not charged by the cemetery but by the person(s) who remove the snow, thaw the ground and open the graves.

Fees shall be paid to St. Michael’s Catholic Church, Mahanomen, Minnesota. Inquiries shall be made to the Pastor of St. Michael’s Catholic Church, Minnesota, MN.

Telephone Number: 218-935-2503.

ST. MICHAEL'S CATHOLIC CEMETERY ASSOCIATION BY-LAWS

ARTICLE I PURPOSES

This Association is hereby formed pursuant to the direction of the Pastoral Council of St. Michael's Catholic Church, to assist and advise St. Michael's Catholic Church in the establishment, operation and maintenance of a private cemetery pursuant to the following: Chapter 307 of the Minnesota Statutes, the 1983 Code of Canon Law, and the Minnesota Catholic Cemetery Policies and Procedures; as adopted by the Diocese of Crookston, Minnesota.

ARTICLE II MEMBERSHIP

SECTION I – MEMBERSHIP

Membership in this association shall be limited to the members of the Board of Directors of this association and the Pastor, or his designee, of St. Michael's Catholic Church of Mahnomen, Minnesota.

SECTION II – TERMINATION

Membership in this association shall terminate upon termination as a member of the Board of Directors.

ARTICLE III DIRECTORS

SECTION I – APPOINTMENT OF DIRECTORS

This association shall have a Board of Directors of not less than three, nor more than nine persons who shall be appointed by the Pastor of St. Michael's Catholic Church of Mahnomen, Minnesota. A member of the Board of Directors so appointed shall hold office for a term of two years and can be appointed for a second term, unless removed from the Board of Directors prior thereto. If the office of any director becomes vacant by reason of death, resignation, retirement, disqualification, removal from office, or otherwise, the Pastor, or his designee, of St. Michael's Catholic Church, shall choose a successor, who shall hold office for the unexpired term in respect of which such vacancy, occurred. Any member of the Board of Directors may be removed from the Board by action of the Pastor, or his designee, of St. Michael's Catholic Church.

SECTION II – NOTICE OF ANNUAL MEETING

The Board of Directors shall hold an annual spring meeting each year. Notice of the annual meeting shall be given to each director personally, or by mail, at least 10 days prior to the date of the meeting.

SECTION III – REGULAR MEETINGS

Regular meetings of the Board of Directors shall be held without notice at such time as a majority of the members of the Board may, from time to time, determine.

SECTION IV – SPECIAL MEETINGS

Special meetings of the Board of Directors may be called by the President at any time, and shall be called by him/her whenever requested to do so by any member.

SECTION V – NOTICE OF SPECIAL MEETINGS

Notice of special meetings may be given to each Director personally, or by mail, at least three (3) days prior to the meeting. The special meeting may be called without notice to the Directors, if a full Board convenes and all agree to the holding of the meeting at such time and place, and waive all rights of notice thereof. Any action which may be taken at a meeting of the Board of Directors may be taken without a meeting, if done in writing signed by all of the Directors.

SECTION VI – QUORUM

At all meetings of the Board of Directors, a majority of the Board shall be necessary and sufficient to constitute a quorum for the transaction of business and the act of a majority of the Directors present at the meeting, at which there is a quorum, shall be the act of the Board of Directors.

ARTICLE IV **AUTHORITY OF DIRECTORS**

SECTION I – CONSENT OF PARISH PASTORAL COUNCIL

All action of the Board of Directors shall be subject to the consent and approval of the Parish Pastoral Council of the St. Michael's Catholic Church. The Directors shall have such other authority as may from time to time be delegated to it by the said Parish Pastoral Council.

SECTION II – MEMBERS

The Board of Directors shall recommend to the Pastor of St. Michael's Catholic Church, agents and employees for the operation and maintenance of the cemetery and advise as to their duties.

SECTION III – COMMITTEES

The Board of Directors may set up such committees, provide rules and regulations therefore, and appoint a chairperson thereof, as may from time to time be deemed necessary.

SECTION IV – BOARD OF DIRECTORS

The Board of Directors shall recommend policies and procedures, generally consistent with The Minnesota Catholic Cemetery Policies & Procedures, adopted by the Diocese of Crookston, Minnesota, for the operation and maintenance of the cemetery.

ARTICLE V

OFFICERS

SECTION I – EXECUTIVE OFFICERS

The Board of Directors, at its first annual meeting, shall elect from its own number, a President, Vice President and Secretary, who shall hold office for one year and until their successors shall have been qualified in their stead. The Pastor, or his designee, of St. Michael’s Catholic Church, shall designate a treasurer for the Association.

SECTION II – OTHER OFFICERS

The Board may appoint such other officers and agents as it shall deem necessary from time to time, who shall hold office for such terms, and shall exercise such powers, and perform such duties as shall be determined from time to time, by the Board.

SECTION III – PRESIDENT

The President shall be the chief executive officer of the Association and preside at all meetings of the Directors. He/She shall have general active management of the business of the Association and shall ensure that all orders and resolutions of the Board are carried into effect.

SECTION IV – VICE PRESIDENT

The Vice President shall, in the absence or disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the Board of Directors shall prescribe.

SECTION V – SECRETARY

The Secretary shall attend all sessions of the Board of Directors and all meetings of the members and record all votes and minutes and all proceedings in the book kept for that purpose. He/She shall give, or cause to be given, notice of all meetings of the Board of Directors, and shall perform such other duties as prescribed by the Board of Directors.

SECTION VI – TREASURER

The Treasurer shall have the custody of the Association funds and securities, and shall keep a full and accurate account of the receipts and disbursement in books belonging to the Association, and shall deposit all monies and valuable effects in the name and to the credit of the Association in such depositories as may be designation by the Board of Directors. He/She shall disburse funds of the Association as may be ordered by the Board, taking proper vouchers of such disbursements, and shall render to the President and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all transactions as Treasurer, and of the financial condition of the Association.

SECTION VII – ACTUARY

In addition to the officers hereinbefore provided, the Board of Directors of St. Michael's Catholic Church may appoint an Actuary for the Association. The Actuary shall keep a register of the burials in which he/she shall enter the date of the burial or cremation, the name, age, sex, nativity and cause of death, for every interred or cremated remains in any cemetery owned by the Association, insofar as the facts can be ascertained from friends, attending physicians, or undertaker in charge, and in case of a pauper, stranger, or criminal deaths, from the public official directing the burial. The records maintained by the Actuary shall be open to public inspection, and the Actuary shall furnish to the State Board of Health, and the local health officials, when so required, an accurate summary of the records during any specified year.

SECTION VIII – VACANCIES

If the office of any executive officer, except the treasurer or actuary, become vacant by reason of death, resignation, retirement, disqualification, removal from office, or otherwise; the Directors then in office, although less than a quorum, by majority vote may choose a successor or successors, who shall hold office for the unexpired term with respect to which such vacancy occurred.

ARTICLE VI

COMPENSATION OF DIRECTORS AND OFFICERS

SECTION I – COMPENSATION FOR DIRECTORS

Directors shall not be paid compensation for their services rendered as Directors except for reimbursement of expenses. Nothing herein shall be construed to preclude any Director from serving the Association in any other capacity and receiving compensation therefore.

SECTION II – COMPENSATION OF EMPLOYEES

The salaries of all officers, employees and agents of the Association shall be determined by the Finance Council of St. Michael's Catholic Church

ARTICLE VII

CORPORATION RECORDS

SECTION I – RECORDS

The Board of Directors shall keep a complete record of all their minutes and acts and proceedings of the members, and present a full and accurate statement at the regular annual meeting of the Board of Directors.

ARTICLE VIII

FINANCES

SECTION I – CHECKS

All disbursements shall be by check signed by those persons designation by the Pastor and St. Michael's Cemetery Association.

SECTION II – BUDGET

An annual budget for the cemetery shall be approved by the Finance Council of St. Michael's Catholic Church.

SECTION III – LEGAL DOCUMENTS

The Pastor and Parish Trustees of St. Michael's Catholic Church shall sign all legal documents and papers for, and on behalf, of the Association.

SECTION IV – FUNDS

A Perpetual Care Fund will be set up to receive all funds designated as Perpetual Care.

ARTICLE IX

PLOTS AND GRAVE SITES

SECTION I

All plots shall be held as burial places for the dead, and for no other purpose, and when sold shall include the cost of perpetual care. Perpetual care includes the general care of the entire grounds. It consists of a plot (St. Michael's Catholic Cemetery – 5' x 10'), with a 3' x 8' grave approximately centered in that plot, upkeep of grass, and leveling of topography.

SECTION 2

The prices of plots will be fixed by the Cemetery Association, and no plot shall be considered reserved until payment for said plot has been received.

SECTION 3

There shall be no planting of trees, shrubs or flowers, unless prior approval has been obtained from the St. Michael's Cemetery Association.

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SECTION 4

There shall be no digging or placement of monuments without the approval of the Actuary.

SECTION 5

All funeral processions, and other activity while within the cemetery grounds, will be subject to the direction of the Pastor.

SECTION 6

All monuments, or grave markers, in the south side of St. Michael's Catholic Cemetery (south of the established road, approximately bisecting the cemetery in an easterly/westerly direction), will not exceed the height of **48 inches**, and shall have a solid masonry foundation, not less than 6" deep and shall have a perimeter of 4" outside the monument. The same shall hold true for the north side of St. Michael's Catholic Church Cemetery.

SECTION 7

The Cemetery Board shall perform annual maintenance at the cemetery.

ARTICLE X **AMENDMENTS**

SECTION 1 – AMENDMENTS TO BY-LAWS

These By-Laws may be amended by a majority vote of the members in attendance at an annual or special meeting called for that purpose, provided such amendments are approved by the Parish Pastoral Council of St. Michael's Catholic Church.

SECTION 2 - ADDITIONAL RECORD KEEPING

Records of all Burials/Cremations must be kept; name, age, sex, nativity (birth date and place) and cause of death.

These records in the past have been kept by the Pastor of St. Michael's Catholic Church of Mahnomen, Minnesota, or his designee. That office will continue to do so. Anyone interested in reviewing these records may do so by contacting St. Michael's Catholic Church records department.

The Actuary (Sexton) will keep a detailed geographic map/chart of all Burials/Cremations, and reserved burial sites, by number, section, name, date purchased and amount paid. In addition, the Actuary is responsible, to the best of his/her ability, to continue up-dating and correcting any records.

The cremation, and inurnment, shall be consistent with Canon Law, Catholic Cemetery Policies, and Minnesota Catholic Cemetery Rules & Regulations as adopted in 2006 by the Diocese of Crookston and State of Minnesota Statutes.