

# Evergreen Cemetery Association

## Rules and Regulations

**Adopted January 11, 1995**

**Amended September 21, 2015**

Evergreen Cemetery Association  
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### INTRODUCTION

To the Lot Owners:

The Trustees observe with pleasure a growing desire on the part of the lot owners to preserve and increase the beauty of their lots, and in reply to the numerous inquiries, submit the following general suggestion for the care and improvement of lots:

It is the aim of the Trustees to make Evergreen Cemetery and Memorial Gardens quiet, beautiful resting places for the dead, where well kept turf and varied foliage of trees and shrubbery shall give a sense of repose. To secure the effect, large sums of money have been expended on the grounds. But to preserve it requires the cooperation of the lot owners. Everything which would mar the general beauty and harmony must be avoided.

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### LOT PURCHASES

Section 1. Persons desiring to purchase lots should visit the office of the Cemeteries, where the Executive Director and Superintendent will aid them in making a selection. Payment for same will be made to the Executive Director in the office of the Cemetery Association.

Section 2. Conveyances of a lot or lots will be made by the association to one person, only.

Section 3. It is the duty of the Lot Owners to notify the Executive Director of the Association of any changes in their address.

Section 4. Notice sent to a lot owner at the last known address on file with the association shall be sufficient and proper notice.

Section 5. Purchases in the Garden of Paradise at Memorial Gardens must be for a minimum of ½ of a lot to allow for erection of a monument.

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### PERPETUAL CARE

Section 1. Perpetual care is mandatory with the purchase of lots.

Section 2. Perpetual care includes cutting, raking and watering of lots from May 1st to October 1st of each year as well as maintaining the lot at the established level. Perpetual Care does not include the watering of trees, shrubs nor plants in urns or containers.

Section 3. As part of the Perpetual Care, the Association shall have the right to remove any tree or shrub upon any lot which has or shall become by reason of age or other cause unsightly or detrimental to the lot upon which it is situated or any adjoining lot or avenue or which interferes with the ability to provide burial services.

Section 4. Markers that have settled into the ground and have become overgrown will be raised by cemetery staff upon request as time permits.

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## **INTERMENTS and DISINTERMENTS**

Section 1. All interments and disinterments shall be made only by employees of the Association upon payment of the designated fees to the Executive Director.

Section 2. In the event instructions for the opening of a grave are indefinite or, for any reason, the grave cannot be opened in the location specified, the Superintendent may order it opened at such location as he deems best under the circumstances.

Section 3. Lot owners desiring graves opened or other work done will be required to give satisfactory evidence of ownership. All orders as to location of graves or work to be done must be given by the owner.

Section 4. The Board of Trustees reserves the right to open all graves by workmen in its employ and to do all filling and sodding or other work upon lots or single graves.

Section 5. All graves for traditional burials of adults shall be not less than five feet deep, and for children not less than four feet deep.

Section 6. No interment shall be made of two or more bodies in one grave except in the case of a mother and infant or two children buried in one coffin or in the case of a cremated body as the second burial.

Section 7. No interment of any body other than a human being will be permitted in the Cemeteries.

Section 8. In accordance with Minnesota Statutes, Section 306.29, no interment of any body, other than that of an immediate relative or heir of

any lot owner shall be made in any lot, except by consent of the Board of Trustees. In addition, the Cemetery Association requires that the consent must be requested by the lot owner by a written statement to the Trustees stating the reason for such burial and what remuneration, if any, has been promised or received for the privilege of so burying.

Section 9. As it takes more time and labor to inter and disinter during the winter months, an extra charge is made for such work. The Trustees have deemed winter to be from November 1st to March 31st, and summer from April 1st to October 31st.

Section 10. No interments will be permitted on Sundays, or on Memorial Day, July 4th, Thanksgiving, Christmas or New Year's Day, except in the case of contagious diseases, in which cases the laws of the State Board of Health will be complied with.

Section 11. Before any grave is opened there shall be paid to said Association for digging and opening said grave the regular fee, also all indebtedness, if any.

Section 12. The Association shall not be liable for damage to caskets and urns during disinterment.

Section 13. A traditional grave can have one traditional burial and one cremation burial, or two cremation burials. A cremation section lot in Evergreen Cemetery can have up to two cremation burials.

Section 14. The cremated body of an adult is not allowed in a lot platted for babies.

Section 15. The burial of commingled cremated bodies of two people in a single urn is allowed in an unused grave. The cremation burial opening and closing fee for the 2<sup>nd</sup> person will not be charged, but the fee for a 2<sup>nd</sup> burial on a grave still applies.

Section 16. A traditional burial requires the use of a grave liner or vault in order to minimize settling of the ground over the course of time.

Section 17. An in-ground burial of a cremated body requires the use of a separate urn vault or receptacle of a type approved by the Association. The interment should be at a depth allowing at least 12 inches of dirt from the top of the vault or receptacle to the overlaying sod. Any exceptions must be approved by the Superintendent.

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## **SINGLE GRAVES**

Section 1. In case of the purchase of a lot and the removal later of a body thereto from a single grave, the usual price of disinterment and interment will be charged, and the amount paid for the ground of a single grave will be allowed on the purchase price of the lot.

Section 2. When the interment expense of destitute parties is beyond the means of survivors, the adjustment of such expenses is left to the discretion of the Board of Trustees.

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## **LOT PROHIBITIONS**

Section 1. No person, including lot owners, shall place any objects such as personal belongings, shells, toys, etc. on lots excepting items permitted herein (monuments, grave markers, urns, etc.).

Section 2. No lot owner is permitted to erect fences or hedges on or around any lot.

Section 3. No mound on any lot shall be raised to a height in excess of three inches from the surface of the lot.

Section 4. Artificial flowers and decorative greenery in a concrete urn or an urn in a stand will be permitted all year. Artificial flowers and decorative greenery placed in or on the ground are allowed any time between May 1<sup>st</sup> and June 15<sup>th</sup>; after June 15<sup>th</sup> and prior to May 1<sup>st</sup> they may be removed and discarded by a cemetery official. Live and artificial flowers and greenery must be maintained in an attractive manner or they will be subject to removal.

Section 5. The scattering of ashes anywhere within Evergreen and Memorial Gardens Cemeteries is prohibited.

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## **VAULTS, MONUMENTS and GRAVE MARKERS**

Section 1. Except as prohibited at Memorial Gardens, the proprietor of each lot may erect any proper monument or index stone thereon, provided that design of the proposed structure be first submitted to the Superintendent and approved by him. Only one monument on each four-grave lot or larger and one index stone or marker at each grave will be allowed. Lawn-level markers only will be allowed on one, two, or

three grave lots. Lot owners are earnestly advised never to duplicate a monument already in the Cemetery, both in justice to the owner who has paid for a design and because multiplying on design detracts from appearance of the Cemetery.

Section 2. Monuments or markers constructed of any material other than stone or real bronze will not be allowed. No monuments or markers nor any part thereof, nor any vault or tomb above ground may be constructed of limestone, sandstone or any artificial material.

Section 3. All structures, to insure sufficient support, must have foundations built of solid masonry, with a depth and size deemed proper by the Grounds Committee or Superintendent, under direct supervision of the Superintendent only, who shall have the power to stop all work not done in conformity to these rules, and at the expense of the owner of the lot.

Section 4. Except as to Memorial Gardens, vaults, mausoleums and tombs may be permitted and constructed, provided complete working plans and specifications for the same be furnished to the Board of Trustees, and to the Superintendent, for their approval. All such structures, whether built partially or entirely above the ground, must be of stone and all exposed surfaces of granite or marble. No bodies shall be placed therein except in hermetically sealed metal lined boxes and in crypts which can be properly sealed in a manner satisfactory to the Superintendent. No interment shall be made in the lot outside the vault or mausoleum and no other stone work shall be erected on a lot containing a tomb or mausoleum.

Section 5. Monument companies may erect monuments in the Cemeteries subject to the supervision of the Superintendent and in compliance with the Rules of the Association herein contained and fees will be charged, as appropriate.

Section 6. In the erection of monuments, mausoleums, tombs, vaults or other structures, a place will be designated by the Superintendent for the deposit of stone, brick and other materials, which shall not remain longer on the grounds than is actually necessary for their construction. Otherwise they will be removed by the Superintendent at the expense of the proprietor.

Section 7. All grave markers are to be installed (or removed) only by employees of the Association and must be set with their tops level with the surface of the ground (lawn-level). The maximum dimensions for the various type of markers are as follows: single marker – 24" x 12"; second marker on a gravesite – 20" x 10"; if the second marker is a veteran's

marker – 24" x 12"; double marker – 30" x 14"; double marker spanning two side by side traditional graves – 48" x 14"s. A double marker on a cremation gravesite requires the purchase of a second gravesite side-by-side with the first and is limited to 30" x 14". A lawn-level marker or any base upon which a marker is mounted must be at least 4 inches thick.

Section 8. No monument or marker shall be removed from the Cemetery unless the written order of the lot owner be presented at the office and permission be granted by the Association.

Section 9. Monuments shall be set on the central Longitudinal line of a lot, except on lots of irregular shape. In such cases the Superintendent shall determine the location. Monuments will be allowed only on one-half or larger lots and the base of which must not exceed more than six percent of the lot area.

Section 10. No monumental work or other structural material shall be brought into the Cemetery on Saturdays or Sundays, or the day before Memorial Day or on Memorial Day, and no work shall be commenced on Saturday which cannot be finished and the dirt and debris entirely removed before the hour of quitting work.

Section 11. One official metallic tablet of the Grand Army of the Republic, or other similar organizations whose membership is limited to those who served in the military forces of the U.S.A., will be permitted upon a grave. A single non-military insignia (such as for the D.A.R.) in the form of a flat metallic tablet no greater than 8 x 8 inches is also permitted upon a grave. It must be permanently and securely attached to an upright monument, embedded within a lawn-level marker, or embedded within a concrete foundation (identical to the concrete base for a vase) that is intended for use only as a secure place of attachment and placed at lawn-level so as to not interfere with mowing. All such work is to be performed only by cemetery staff, and fees will be charged, as appropriate.

Section 12. In order to maintain the beauty and to ensure the proper care of Memorial Gardens, only markers that are placed flush with the contour of the ground will be permitted. Upright monuments, subject to the conditions set forth within these Rules and Regulations, may be erected at Memorial Gardens only within the Garden of Paradise.

Section 13. Mausoleums, vaults and tombs are not permitted in Memorial Gardens.

Section 14. Irrespective of any regulations to the contrary, the design, height and width of all upright monuments must be approved by the

Superintendent prior to installation; it being understood that the height of an upright monument shall not exceed five (5) feet.

Section 15. A memorial marker for someone whose remains are not interred in the cemetery may be placed on a lot subject to the fees for marker placement and subject to the rules for subsequent burials. Information about the deceased must be registered in the Association Office and an additional fee paid in order to record the memorial marker as being for someone who is not buried here.

Section 16. A monument will be allowed on a two-side-by-side-grave lot subject to several conditions (full details are available in the office). The owners of all four graves in the 2x2 grave configuration of a four-grave lot must execute a written agreement to share a monument that is centered within that lot and file the agreement with the Association.

Section 17. Concrete borders around markers are allowed and encouraged to minimize the settling and subsequent sod overgrowth that may occur. Concrete border work is to be done only by cemetery staff. Markers with pre-installed concrete borders will not be accepted.

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## FOUNDATIONS

Section 1. All foundations and underground work must be built under the direction and supervision of the Superintendent of the Association. The mortar used in foundations shall be of good Portland cement, one part of cement and two of clean sand, and no heavy stone work shall be set until the cement in the foundation shall have had time to thoroughly harden.

Section 2. Foundations for monuments and other stone work shall be finished true and level, and level with the ground in the lot, and shall be full size of base of monument and sufficiently true to allow every part of the base to be in contact with the foundation. But the Cemetery management reserves the right to have installed a larger foundation when in its estimation the weight of the structure requires it.

Section 3. No foundations will be installed (nor monuments erected) during the period one week before Memorial Day.

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## URNS and CONTAINERS

Section 1. Any urns or containers that are not utilized by the planting of flowers and/or decorative greenery by July 1st in any year will be removed by the Superintendent and held for 30 days. The lot owner, if capable of ascertainment from the Association's records, shall be notified in writing to take possession of the urn or container within 30 days. If the owner does not do so, the Superintendent shall dispose of same in a manner as determined by the Board of Trustees.

Section 2. Perpetual Care does not include watering and maintenance of plants in urns and containers. This is the responsibility of the lot owner. If plants in urns and/or containers are not watered and maintained for a period of 30 days, the Secretary shall advise the owner to remove the urn and/or container because of lack of maintenance and if the owner does not remove same, the Superintendent shall dispose of same in a manner as determined by the Board of Trustees.

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## **FUNERALS**

Section 1. All funerals within the cemetery will be under the charge and control of the Superintendent or his assistants. Automobile drivers employed at funerals must always keep to the right of roadways in Cemeteries, and must remain with their respective cars during the continuance of the funeral services, and must otherwise conduct themselves quietly in a manner becoming the place and occasion, and be subject to the direction and control of the Superintendent and his assistants.

Section 2. No burial will be permitted in any lot in the Cemeteries until such laws and ordinances, regarding burials, as may be in force in the State of Minnesota and City of Brainerd, have been complied with and until the burial fees have been paid.

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## **RULES TO BE OBSERVED at MEMORIAL GARDENS and EVERGREEN CEMETERY**

Section 1. The motor vehicle gates to the cemeteries will be open from 8:00 a.m. to 5:00 p.m. Monday through Friday; 9:00 a.m. to 12 noon on Saturday and closed on Sundays and Holidays, excepting Memorial Day as noted in Section 2, and from November 1st to April 1st (except for funerals). The pedestrian gates are open at all times.

Section 2. On Memorial Day only pedestrians will be admitted to the cemeteries except motor vehicles utilized as part of the Memorial Day Parade or as part of the services at the cemeteries.

Section 3. Motor vehicles may be driven within the cemeteries subject to these conditions:

- a. The speed of same shall not exceed 15 miles per hour.
- b. They shall only be driven on the roadways.
- c. The days and hours of operation in the cemeteries are as noted in Section 1.
- d. All vehicles shall be equipped with appropriate mufflers so as to reduce noise to a minimum.

Section 4. Children up to the age of 15 years not accompanied by a parent or guardian will not be admitted.

Section 5. All persons are prohibited from picking any flowers or injuring any tree plant or shrub, or marring or defacing any monument of stone or any structure within the cemeteries.

Section 6. No person shall have in his or her possession a firearm or explosive, excepting an on-duty police officer and member of military organizations (e.g. National Guard, American Legion Honor Guard) at funerals and civic functions.

Section 7. No person shall bring an animal onto the grounds of the cemeteries. However, assistance animals for the disabled are allowed.

Section 8. No advertising of any form will be allowed.

Section 9. Trucks may not be operated within the cemeteries without the express permission of the Superintendent.

Section 10. No person shall consume alcoholic or non-alcoholic beverages, excepting water, or consume any food upon the grounds of the cemeteries.

Section 11. Unnecessary noise in the cemeteries is prohibited. It is the intent of the Board of Trustees to maintain Evergreen Cemetery and Memorial Gardens as quiet, beautiful resting places for the deceased; where well kept turf and a variety of trees and shrubbery will give a sense of repose. To this end, the Association has adopted the foregoing rules and regulations to secure peace and order within the cemeteries, to protect the interest of the lot and grave owners and to preserve the

beauty of the grounds. All persons are requested to obey the rules and to report infractions or complaints to the Secretary or Superintendent.

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## REGULATIONS

Section 1. Until all charges due the association have been paid, no lot owner shall be permitted to erect a monument or marker upon his or her lot.

Section 2. The association will not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space or location where the interment is desired.

Section 3. No money shall be paid to any workman or attendant as a fee or tip on the grounds.

Section 4. The association will not be liable for any vases, containers, urns and the like that may become misplaced, broken or stolen.

Section 5. Diseased or dead trees or shrubs within Evergreen and Memorial Gardens Cemeteries may be removed by the Association at its expense. A healthy tree may be removed only if it prevents the use of a grave for a traditional burial. A healthy shrub will be removed by the Association at the lot owner's request and expense. Determination of fees and payment in all instances shall be made prior to doing the work.

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## COLUMBARIUM NICHES

Section 1. Opening and closing of niches and access to the contents thereof will be done only by employees of the Association.

Section 2. Cremated remains of up to two people are allowed per niche as specified by the burial option selected in the Purchase Agreement. Commingling a cremated body with a cremated body previously placed in a niche will not be permitted.

Section 3. Engraving of niche fronts will be done only by a company designated by the Association and upon payment of the appropriate fee.

Section 4. No symbols, emblems or any other attachments are permitted on the niche fronts except for a Government approved military medallion. Only cemetery staff may affix such adornments. Unauthorized adornments will be removed and discarded.

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We, the undersigned members of the Evergreen Cemetery, hereby adopt the above stated Rules and Regulations of this Association.

Dated at Brainerd, Minnesota, this 11th day of January, 1995.

Leonard Strobel, President  
Del Junker, Vice President  
Gladys Petersen, Treasurer  
Barbara Gavin, Secretary  
Edward Ebinger, Superintendent  
Delvin Junker  
Lyle Mayo  
Dorothy Carlson  
Robert Holden  
Duane Larson  
William Vadnais  
W. L. Knudsen  
Leonard Strobel  
George McDonald

Attest: Barbara Gavin - Secretary 1995

## REVISION HISTORY

- July 14, 1999 Lot Prohibitions - Section 4 revised.
- May 9, 2011 Interments and Disinterments - Section 12 added.
- Nov. 14, 2011 Lot Purchases - ownership limited to one person, only.  
Interments and Disinterments - Section 13 added.
- Aug. 19, 2013 Interments and Disinterments - Sections 14 - 16 added.  
Lot Prohibitions - Section 5 added.  
Vaults, Monuments and Grave Markers -  
Sections 7 & 11 revised, Sections 15 & 16 added.  
Columbarium Niches - new section added.
- Sep. 21, 2015 Lot Purchases - Gard. Of Par. requires minimum ½ lot.  
Lot Prohibitions - Clarify rules for artificial flowers, etc.  
Vaults, Monuments and Grave Markers -  
add concrete border regulations.  
Columbarium Niches - No commingling w/previous.