

**HISTORY  
CONSTITUTION  
AND BY-LAWS**

**of the Cottage Grove Cemetery  
Association**



# **HISTORY, CONSTITUTION AND BY-LAWS**

## **of Cottage Grove Cemetery Association**

### **Amended January 2019**

Cottage Grove Cemetery Association is a non-profit cemetery association governed by a board of trustees.

#### **INTRODUCTION:**

Minnesota boasts no finer group of pioneers than those who settled at Cottage Grove in the period of its life as a territory, and in the early days of its statehood. They selected the beautiful spot now known as the COTTAGE GROVE CEMETERY and made it a place used exclusively for the burial of the dead. That we may perpetuate the work they began and maintain the cemetery in an appropriate way, we have caused the following constitution and by-laws to be adopted.

Mary W. Bailey      John Zelch                  August F. Noltmier

Committee on Constitution and By-Laws:

The following named persons have signified their wish to form themselves an association for the purpose of purchasing and holding land to be used exclusively for a cemetery or a place for the burial of the dead agreed to hold a meeting for that purpose at Lyceum Hall, on Saturday, the fifth of April, 1856, at 4 o'clock p.m.

J.W. Furber	J.P. Furber	N.W. Vanslyke
E.M. McCarty	A. Stevens	J.S. Norris
Robert Watson	William Watson	E. Ayres
James S. Davis	F. Leyde	Theodore Furber
	A. L. Holman	

On pursuance of the above agreement, the above-named persons, with the exception of E. M. McCarty, assembled in Lyceum Hall, on Saturday, the fifth day of April, 1856. The meeting was called to order by J.W. Furber, and on motion Theodore Furber was elected Chairman and J.S. Norris, Secretary. On motion to form an association under the 37th Chapter of the Revised Statutes to be called the Cottage Grove Cemetery Association.

## **DEFINITIONS:**

- A. The word grave, as used herein, means a space of ground sufficient in size for the burial of the remains of one human being.
- B. The word lot, as used herein, means one or more adjoining grave spaces sold to a single purchaser or family.
- C. Columbarium and niche, as used herein, means a free-standing structure of vaults lined with recesses (niches) for holding urns.
- D. The word Cemetery Board, as used herein, means Cottage Grove Cemetery Association Board.

## **BY-LAWS:**

- 1. Cottage Grove Cemetery is laid out on the traditional lawn and landscape plan, and plantings on the grounds and lots must harmonize with that plan.
- 2. As various parcels of the cemetery are laid out and plotted, the Cemetery Board shall examine all of the lots, number them and value them according to their size, desirability of location, etc. The Cemetery Board may, at any time, thereafter revalue those lots remaining unsold.
- 3. Lots may not be enclosed, and no permanent mounds may be made over graves, but all lots shall conform to the general level of the lawn. All plantings of trees or shrubs on lots is prohibited. The Association will accept donations of trees or shrubs to be planted under the direction of the Cemetery Board on Cemetery property.
- 4. All purchasers of grave sites in Cottage Grove Cemetery thereby become members of the Association and are entitled to a vote in all meetings of the lot owners of the Association to elect the Board.
- 5. All lots/spaces shall be sold in accordance with the laws of the State of Minnesota for the formation and regulation of public cemetery association and shall be used for no other purpose than the burial of the dead and purposes properly connected therewith, and no body shall be interred but that of a human being.

6. Twenty (20%) percent of the sale price of each grave space shall be paid into a Permanent Care and Improvement Fund which shall be administered pursuant to Minnesota Statutes 306.76 - .85.
7. No transfer or assignment of any lot shall be valid without the consent in writing of the Cemetery Board. Any such transfer or assignment must be in compliance with the laws of the State of Minnesota.
8. Should any single grave be vacated, and the body removed from the cemetery, the grave spaces shall revert to the Cemetery Board.
9. All interments and disinterments shall be made under the direction of the Cemetery Board or their authorized agents, said Board fixing the compensation that shall be paid therefore. Any disinterment / reinterment or any exhumation must be paid for prior to work commencing. The Cemetery Board shall have the right to approve or deny any entity from performing the disinterment / reinterment / exhumation work based upon Cemetery Board's sole discretion.
10. No interment shall be allowed in any grave until all costs are fully paid to Cemetery Board.
11. No interment of more than one body in a space will be allowed unless by special permission of the Cemetery Board. Two cremated remains are permitted in one adult grave space.
12. No cremated remains, whether in an urn or otherwise, may be buried in a casket without express written permission of the Cemetery Board. A recording fee will be assessed for the recording of the decedent's name and dates of birth and death, if known, in the records of the Cemetery.
13. BURIAL CERTIFICATE is required for each interment.
14. No mausoleum, garden crypt, cryptoreum, or any structure may be erected in the Cemetery without prior consent and approval of the Cemetery Board.

15. The Cemetery Board reserves, and it shall have, the right to correct any errors made by it or any other entity either in making interments, disinterment, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery Board, or, in the sole discretion of the Cemetery Board, by refunding the amount of money paid on account of said purchase. In the event such errors shall involve the interment of the remains of any person in such property, the Cemetery Board reserves, and shall have, the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
16. The terms "care and maintenance, permanent care, perpetual care," or other such phrases as used in the contracts and conveyances of the Cemetery Board shall not be construed to mean the maintenance, repair, or resetting of any grave marker or memorial placed upon any individually owned lot or grave space. Neither do said terms mean the doing of any special or unusual work on any lot, or in any garden, nor the reconstruction of any marble, granite, bronze, concrete, or stone work in any section or garden, nor the repair or rebuilding of any structure, building, or utility damaged by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral.
17. Any damage done to lots, plots, grave spaces, walks, driveways, trees, shrubs, or any property of the Cemetery by outside workers, contractors, or dealers, or their agents or employees shall be repaired by the offender. If not repaired by offender within five (5) days upon demand the Cemetery Board shall have repairs completed at the expense of offender.

18. In the event of misunderstanding or dispute regarding the meaning of any of the foregoing rules and regulations, the decision of the Cemetery Board shall be final and binding upon all interested parties.
19. All urns, or other metal or concrete semi-permanent planters or receptacles for flowers and other plantings, which are not the subject of an agreement with the Cemetery Board for continuing semi-permanent care and maintenance, which have not been replanted and otherwise regularly maintained for a period of one (1) year are presumed to be abandoned, and may at the discretion of the Cemetery Board, be removed from the Cemetery and sold upon such terms as the Cemetery Board deems proper. All such urns or receptacles, whether subject to an agreement with the Cemetery Board for continuing semi-permanent care or not, may be removed from the cemetery when they are no longer suitable and fit for their intended use by virtue of disintegration, deterioration, damage or other cause. In such cases, the Cemetery Board shall make reasonable efforts to contact the purchasers of such urns, or their relatives, to give them notice of such removal and opportunity to purchase a substitute urn or receptacle. In the event that an urn is removed because it is no longer suitable for the purpose intended by virtue of one or more of the causes listed above, and such urn is the subject of a continuing semi-permanent care agreement with the Cemetery Board, the Cemetery Board will resume such care when and if a substitute urn or receptacle is furnished by the purchaser, or the purchaser's relatives, at this or their expense.
20. All pets must be on a leash and waste picked up.

## **SPECIAL CARE**

Lot owners may provide for special care of their lots for all time, if they so desire, by making a one-time payment of \$2,500 with the Cemetery Board. The net income shall be devoted to such special care.

## **THE LAW OF DESCENT**

The inheritance of a cemetery property is governed by a separate Minnesota State Law\*. Unless disposed of by a specific designation in a will or by means of a trust agreement, the present law (in brief) is as follows:

To surviving spouse of decedent.

1. If no living spouse, then to the eldest living child.
2. If there are no children, then to the youngest either brother or sister of decedent.
3. If no spouse, children, brother or sister of decedent, then to the Cemetery Association in trust for the uses as a burial lot for the decedent and such relatives as the Cemetery Board may deem proper.

\* *Minnesota Statutes 525.14 – Descent of Cemetery Lots*



# MEMORIAL RULES

The Cemetery Board endorses the following rules for memorials and seeks the cooperation of lot owners in adhering to these rules, in order to efficiently maintain the cemetery and curb increasing maintenance expenses. Non-conforming memorials will be removed effective January 2019.

## Approved Items

- Flower pot stands
- Christmas wreaths for period identified
- Eternal lights
- Live flowers according to guidelines
- Artificial flowers in pots
- All flower pots must be in stands

## Not Approved Items

- Shepherd hooks
- Knick knacks
- Solar lights
- Balloons, Spinners, Toys, Streamers, Wind socks, Windmills, Wind chimes, Wind vanes, pinwheels
- Breakable decorations
- Coping, curbing, fencing, hedging, borders, planter boxes, statues above ground level
- Plastic flowers
- Trees and shrubbery
- Decorative rock

## APPROVED MEMORIAL GUIDELINES:

1. Christmas wreaths (fresh or artificial) are permitted from December 1 to January 31. Any items the lot owner wishes to save must be removed before January 31. Due to weather, if the live decorations become unsightly the Cemetery Board reserves the right to remove them prior to January 31.
2. Eternal lights (excludes solar lights) are approved providing it is placed next to or in front of the monument base.
3. No decorations, flowers or personalized items are allowed on or around the columbarium or niches. The Cemetery Board will provide 2 large

Christmas wreaths, on stands, to be placed on each side of the Columbarium walk-way.

4. The Cemetery Board is not liable for the destruction or removal of decorations.
5. The Cemetery Board reserves the right to remove any memorial that does not comply with the Cemetery Rules and Regulations.
6. All approved memorials are the responsibility of the lot owner.
7. Lots / grave spaces must be paid in full to the Cemetery Board before installation of memorials.

## **MARKERS - FLAT MEMORIALS PLACED FLUSH WITH THE GROUND**

8. All markers shall be a minimum of 4" in thickness with a sawed bottom, set flush with the ground and set in concrete with a 4" border.
9. Single grave markers shall be one of the following sizes:
  - a. 8" x 16" x 4"
  - b. 10" x 20" x 4"
  - c. 12" x 24" x 4"
10. Single grave markers in Baby Land shall be one of the following sizes:
  - a. 8" x 16" x 4"
  - b. 10" x 20" x 4"
11. Lot owners shall use single or double markers on double or multiple grave lots.
  - a. Small double marker (12" x 30" x 4") may be used for two cremations in a single adult grave space.
12. Any marker over 30" may only be on two side by side lots.
13. All single and double markers installed pre-need shall be subject to removal and re-installation charges.
14. All oversized markers are limited to 14" top to bottom.
15. Markers installed shall be granite, bronze or marble. Wooden markers are prohibited.

## **MONUMENTS - UPRIGHT MEMORIALS**

16. Monuments shall be placed in only designated monument sections of the cemetery.
17. Only one monument (except for head/foot markers) may be placed on any one lot.
18. All monuments shall be placed on the backside of lots or grave spaces.
19. All monument sizes or structures thereof shall be approved by the Cemetery Board.
  - a. Single monument width must be a maximum of 30" on a 40" foundation.
  - b. Monument base must be cut so it sets squarely on a level foundation.
  - c. Multiple spaces may have a wider monument, which must be centered on the multiple spaces, based on the following formula:  
Multiply the number of spaces purchased, in a monument row, by 30" add 10" for 5" base border = maximum monument width.  
  
Example: 3 graves x 30" + 10" = 100"  
maximum monument width
  - d. Monument base may not be more than 14" front to back.
  - e. Effective January 2019 no monument shall exceed 5' in height.
20. Benches will be considered a monument and will be subject to all rules applying to monuments.
21. Monuments installed shall be granite, bronze or marble. Wooden monuments are prohibited.
22. Monument companies must submit a sketch of the monument including measurements to the Cemetery Superintendent prior to manufacture at: [CGCemetery@hotmail.com](mailto:CGCemetery@hotmail.com)

# GROUND RULES

1. Perpetual Care - shall mean mowing of grass, reasonable amount of tree trimming, snow plowing of driveways, care of driveways, supplying of water, removal of funeral flowers, sodding or seeding graves and landscaping.
2. Special Care - shall mean planting of flowers annually by Cemetery Superintendent, with flowers purchased from the Associations Special Care Fund.
  - a. Flowers from the Associations Special Care Fund will be ordered and planted prior to Memorial Day by the Superintendent. Care after planting will be the responsibility of the lot owner. If flowers are not cared for by the lot owner, after 1-year, planting will be discontinued.
3. Grave Digging
  - a. Burial location within owners' lot will be determined by Cemetery Board or Cemetery Superintendent, unless family has made prior arrangements with the same.
  - b. Notice for grave openings shall be given to Cemetery Superintendent with enough time before interment:
    - April 1 - October 31      24 Hours
    - November 1 - March 31   72 Hours
  - c. Set up of vaults will be up to the Cemetery Superintendent to arrange.
  - d. The depth of all graves shall be directed by the Cemetery Board.
  - e. Adult graves shall have up to 24" of dirt and sod cover of 54" in depth on low end of grave grade.
  - f. Baby graves shall be dug according to size and three (3) feet deep.
  - g. Cremations will be 1' x 1' x 3' deep, except if a special container is used.
  - h. Two cremations can be interred on one adult grave space.

#### 4. Trees and Shrubs

- a. Dead, diseased or unsightly trees will be removed by a vendor contracted by the Cemetery Board without lot owner's permission.
- b. Planting of trees by approved vendor may be done on cemetery land (not cemetery lots) subject to Cemetery Board approval. Trees may be donated by lot owners.
- c. Shrubs shall not be planted by individual lot owners.

#### 5. Flowers

- a. Flowers may be planted in cultivated beds in front of monuments and behind markers.
- b. Flowers may be planted in pots with stands.
- c. Perennials may be planted in front of or on ends of monument.

#### 6. General Appearance - Cemetery grounds and building maintenance will be cared for by the Superintendent.

- a. The Cemetery Board reserves the right to remove all decorations, trees, shrubs or plants which do not conform to the Rules and Regulations, or which become unsightly, overgrown, diseased or dangerous on the lot on which they are situated or to any other lot, path, or roadway.

These by-laws may be amended by the Cottage Grove Cemetery Board.

# **COTTAGE GROVE ASSOCIATION OFFICERS AND TRUSTEES:**

President	Steve Momsen
Vice President	John Dingle
Secretary	Forrest Bailey Jr.
Treasurer	Nan Palmer
Actuary	Steve Momsen
Trustees	Judy Bailey
	Karen Fritze
	Walton Fritze
	Robert Howard
	Shar Zilge

## **CEMETERY SUPERINTENDENT:**

Kendall Otto  
Ph: 651-350-8922  
kendall.otto@comcast.net

## **CEMETERIES MANAGED BY THE COTTAGE GROVE CEMETERY ASSOCIATION:**

Cottage Grove Cemetery  
10999 70th Street South  
Cottage Grove, MN 55016

Rice Landis/Mounds Prairie Cemetery  
Manning Avenue and 22nd Street  
Afton, MN 55001



