

# **HISTORY, CONSTITUTION, ARTICLES OF GOVERNANCE, AND BYLAWS**

**of the Cottage Grove  
Cemetery Association**



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# **HISTORY, CONSTITUTION, ARTICLES OF GOVERNANCE, AND BYLAWS**

## **of Cottage Grove Cemetery Association**

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

## **HISTORY**

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.

### **Committee on Constitution and Bylaws:**

Mary W. Bailey      John Zelch      August F. Noltimier

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. GRAVE – 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. LOT – The word lot, as used herein, means one or more adjoining grave spaces sold to a single purchaser.
- C. LOT OWNER – The term lot owner is defined as the purchaser of a lot or niche, or through inheritance via The Law of Descent (see below).
- D. COLUMBARIUM and NICHE – The term columbarium and niche, as used herein, means a free-standing structure of vaults lined with recesses (niches) for holding urns.
- E. CEMETERY BOARD – The term Cemetery Board, as used herein, means Cottage Grove Cemetery Board of Trustees.

## **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:

1. To the decedent's surviving spouse.
2. If there is no surviving spouse, then to the decedent's eldest surviving child.
3. If there is no surviving child, then to the decedent's youngest surviving sibling.
4. If there is no surviving spouse, child or sibling of the decedent, then to the Cemetery Association in trust for uses as a burial lot for the decedent and such of the decedent's relatives as the Cemetery Board may deem proper.

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

*In any event in which the original Constitution, Articles of Governance and Bylaws conflict with these amended and revised Articles of Governance and Bylaws, the amended and revised Articles of Governance and Bylaws are controlling.*

## **ARTICLES OF GOVERNANCE**

### **ARTICLE 1 - BOARD OF TRUSTEES**

#### **Section 1. Duties**

The affairs and property of the Cottage Grove Cemetery Association shall be managed by a Board of Trustees. All Trustees must be lot owners. The Trustees have a fiduciary duty to act in the best interests of the Association at all times.

The Board shall have the right to draft and enforce rules and regulations that enable the perpetual care of the Cemetery.

#### **Section 2. Classes**

The Board shall consist of nine (9) Trustees which shall be divided into two (2) groups. One group shall be the Officers, of whom there are four (4) that serve as Executives as described below; the other group shall be known as Trustees, of whom there are five (5). A person must serve as a Trustee for at least three years before becoming eligible to be an Officer, unless waived by a vote of the Board. The Officer positions shall be President, Vice President, Secretary, and Treasurer, with their duties as discussed below and any other responsibilities that the Board should authorize or require. All Officers are considered Trustees.

#### **Section 2A. President**

The President shall preside at all meetings of the Association and report on the proceedings of the previous year to the Board at all annual meetings. The President shall have such duties and responsibilities as are usually associated with this position, as well as additional duties and responsibilities that may be ascribed to him or her by the Board from time to time. The President may call special meetings independently or when requested to do so by the Board. In the absence of the President

or Vice President from any meeting, any member appointed by a majority vote of the members present may preside at such meeting.

### **Section 2B. Vice President**

The Vice President shall assist the President in the discharge of the President's duties and shall serve as the acting President when the current President is unable to attend meetings or is otherwise unavailable.

### **Section 2C. Secretary**

The Secretary shall create a record of the proceedings of each and every meeting of the Association.

### **Section 2D. Treasurer**

The Treasurer shall keep a true and just account of all monies received and paid out, manage financial affairs and conduct an audit either on his or her own or when requested by the Board or President. The Treasurer shall disburse funds only on the order of the President or the Board and shall render an accurate report of receipts and disbursements at each annual meeting, which report shall be duly recorded by the Association.

### **Section 2E. Trustee**

Trustees act as voting members of the Board with full authority and responsibility to develop policies, procedures and regulations for the operation and benefit of the Cemetery, and monitor the Cemetery's financial health.

## **Section 3. Election of Trustees and Officers**

**TRUSTEES:** The election of Trustees shall be held each year prior to the Annual Meeting of the Association which shall be held on the third Wednesday of August, or as close thereto as is practical.

A printable Cemetery Board Trustee Application Form will be posted on the Cemetery website the first week of June. All applicants must be lot owners. Completed forms are required to be mailed and received by the end of June as stated on the application form.

Eligible voters are all lot owners/co-owners and a person who has obtained ownership via the Law of Descent, Minnesota Statutes 525.14 DESCENT OF CEMETERY LOT (see page 2 in current bylaws).

After Trustee applicants have been vetted, a printable Trustee Ballot will be posted on the website the third week of July at which time voting will commence. Completed ballots are required to be mailed and received by the date stated on the ballot.

The elected applicant/applicants will be notified and posted on the website. The open Trustee position's term will be effective immediately after voting is concluded and verified by the current Board.

Trustees serve for a term of three years and Officers serve for a term of two years. As much as is possible, terms shall be staggered so that there are experienced Officers and Trustees serving on the Board to guide new Officers and Trustees.

Any vacancy occurring in an Officer or Trustee position may be filled by the Board by appointment as soon as is appropriate as determined by the Board. The appointment shall be for the duration of the vacated position's term.

**OFFICERS:** Officers are elected by the Board in a separate meeting of the Board.

#### **Section 4. Cemetery Management**

**CEMETERY SUPERINTENDENT:** The Board may appoint, hire, retain, or employ a Cemetery Superintendent. The Cemetery Superintendent of Cottage Grove Cemetery cannot be a member of the Board and shall have an employment or retention contract (if an independent contractor) or a written agreement with the Board as to the Superintendent's duties.

The Superintendent is responsible for selling lots and niches, originating sales documents, coordinating interment and disinterment activities, and forwarding all documents to the Board's Cemetery Information Management System (CIMS) operator. Other responsibilities include, but are not limited to, explaining and enforcing rules and regulations pertaining to the use of Cemetery properties, making sure the Cemetery runs smoothly, and reporting Cemetery activities to the Board.

**LAWN CARE AND SNOW REMOVAL MANAGER:** The Board must hire a separate vendor responsible for the care and maintenance of the Cemetery lawn and snow removal.

## **ARTICLE 2 - MEETINGS**

### **Section 1. Annual Meeting of the Association Members and Annual Operational Meeting**

The Annual Meeting of the Association Members shall be held on the Third Wednesday of August or as close thereto as practical.

An Operational Meeting shall be held on the Third Wednesday of April or as close thereto as practical. The Operational Meeting will be focused on the operations and management of the Cemetery.

### **Section 2. Special Meetings of the Board**

Special Meetings of the Board may be called, for any purpose, by the President or any three (3) Trustees.

### **Section 3. Quorum**

A majority of the Board shall constitute a quorum for purposes of the transaction of business of the Association. Empty or vacant seats on the Board shall not be calculated when determining a quorum or a majority.

## **ARTICLE 3 - AMENDMENTS**

These Bylaws may be amended, altered or repealed by the Board at any meeting of the Board by a majority vote of the Board members present.

# BYLAWS

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. Purchasers of grave sites have the right to be buried on the site purchased, but do not own the land.

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 are 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 lot owners of grave sites in Cottage Grove Cemetery thereby become members of the Association and are entitled to vote to elect Trustees to the Association Board. Each lot owner is entitled to a single vote.
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 space shall be subject to The Law of Descent.
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 semipermanent planters or receptacles for flowers and other plantings, 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, 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.

20. All pets must be on a leash and waste picked up.

# 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
- Silk 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
- Saddles
- Coping, curbing, fencing, hedging, borders, planter boxes, statues above ground level
- Plastic flowers
- Trees and shrubbery
- Decorative rock
- Grave blanket

## APPROVED MEMORIAL GUIDELINES:

1. Christmas wreaths (fresh or artificial) are permitted Thanksgiving weekend to January 31. Effective January 2019, all non-conforming memorials will be removed. Due to weather, if the live decorations become unsightly the Cemetery Board reserves the right to remove them prior to January 31.
2. An approved eternal light (excludes solar lights) is allowed providing it is placed next to the monument or the marker base.
3. No decorations, flowers or personalized items are allowed on or around the columbarium or niches.

The Cemetery Board will provide flower pots or wreaths on stands, to be placed on either side of the columbarium walkway.

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. Lot property includes the marker, monument, foundation, approved plant stands, and approved eternal lights.
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 may not exceed 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: [info@cottagegrovecemetery.com](mailto:info@cottagegrovecemetery.com)

# GROUND RULES

## 1. Perpetual Care and Maintenance

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. Grave Digging

- a. Burial arrangements, unless being handled by a funeral home, must be arranged in person with the Cottage Grove Cemetery Superintendent.
- b. Burial location within owners' lot will be determined by Cemetery Board or Cemetery Superintendent, unless family has made prior arrangements with the same.
- c. 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
- d. Set up of vaults will be up to the Cemetery Superintendent to arrange.
- e. The depth of all graves shall be directed by the Cemetery Board.
- f. All graves shall have a minimum cover of 2' of dirt and sod.
- g. Baby graves shall be dug according to size and 3' deep.
- h. Cremations will be 1' x 1' x 3' deep, except if a special container is used.
- i. 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 Cemetery Management.

- 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.

# **COTTAGE GROVE CEMETERY CONTACT INFORMATION**

## **CEMETERY**

The Cemetery website is the primary way lot owners are notified of Association meetings and business.

Website: [www.CottageGroveCemetery.com](http://www.CottageGroveCemetery.com)  
(Home Page)

Email: [CGCemetery@hotmail.com](mailto:CGCemetery@hotmail.com)

Mail Address: Cottage Grove Cemetery Association  
PO Box 322  
Cottage Grove, MN 55016

## **SUPERINTENDENT**

Kendall Otto  
Phone: 651-350-8922  
Email: [info@cottagegrovecemetery.com](mailto:info@cottagegrovecemetery.com)

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

Cottage Grove Cemetery  
10999 70th Street South  
Cottage Grove, MN 55106

Mound Prairie Cemetery  
Manning Avenue and 22nd Street  
Afton, MN 55001



