

St. Bernard's
Catholic
Cemetery

Belfield, North Dakota

Rules and Regulations

St. Bernard's Catholic Church
PO Box 38
Belfield, North Dakota 58622

St. Bernard's Parish Office-----(701) 575-4295

Website: <https://saintbernardbelfield.com>

Email: stbernardbelfield@ndsupernet.com

Cemetery Sexton – Tom Hlebechuk --- (701) 575- 8041

In the event of a death, please notify the parish office if you wish to make arrangements for funeral services or interment/inurnment in St. Bernard's Cemetery.

Anyone wishing to purchase Burial Rights in St. Bernard's Cemetery should contact the sexton or the parish office during regular business hours. (8:30 a.m. to 12:00 p.m.- Monday thru Friday)

Cost of Burial Rights:

1 Lot/grave for registered parish member-----\$200.00

1 Lot/grave for non registered parish member-----\$500.00

Suggested donation per 1 lot/grave per year for upkeep and maintenance-----\$ 25.00

The following Rules and Regulation have been adopted in order to create a sense of continuity, assure fair and equal treatment for all and to help ease the maintenance of our cemetery.

The Cemetery Committee would like to thank you for your donations and greatly appreciates your cooperation.

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1. Rules and Regulations

- 1.1 For the mutual protection and benefit of Burial Rights owners and the Cemetery, the following Rules and Regulations have been adopted by St. Bernard's Cemetery. St. Bernard's Cemetery is the property of St. Bernard's Catholic Church of Belfield, North Dakota.
All Burial Rights owners and visitors within the Cemetery and all Burial Rights sold shall be subject to these Rules and Regulations, amendments, or alterations that may be adopted by the Cemetery Committee.
- 1.2 Title to the land of any burial space in St. Bernard's Cemetery shall always remain the property of St. Bernard's Catholic Church. Burial Rights alone are purchased in any lot.

2. Definitions

- 2.1 The term **Sexton** shall mean the person or persons duly appointed by the Ordinary of the Diocese of Bismarck for the purpose of conducting and administering St. Bernard'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 term **Cemetery Committee** shall mean the committee empowered by the Pastor of St. Bernard's Catholic Church to set forth these Rules and Regulation
- 2.4 The terms **Lot, Grave or Burial Space** shall be used interchangeably and shall apply to one grave.
- 2.5 The term **Plot** shall refer to eight lots/graves/burial spaces in one section of the cemetery.
- 2.6 The term **Section** will indicate the specific section where the plots and or lots are located in the cemetery.
- 2.7 The term **Interment** shall mean the permanent disposition of the remains of a deceased person by entombment or burial.
- 2.8 The term **Memorial** shall include monument, tombstone, marker, footstone, tablet, headstone, cover or corner post for individual family use.
- 2.9 **The term Burial Rights Owner** shall mean the person who has purchased or inherited Burial Rights in St. Bernard's Cemetery.
- 2.10 The term **Burial Rights Holder** shall mean the person who has purchased or inherited Burial Rights. The purchaser of a lot/plot in a cemetery is generally regarded as having obtained only a limited property right. He or she acquires only the privilege/right to make human burials in the purchased lot/plot. Title to the land of any burial space in the cemetery always remains the property of St. Bernard's Catholic Church.

3. General Rules

- 3.1 The Cemetery Committee does not discriminate on the basis of race, color, natural origin, creed, faith or denomination.
The Cemetery Committee reserves the right to refuse admission to the Cemetery and the use of any Cemetery facilities, at any time, to any person or person(s) whom the committee may deem not in keeping with the best interests of the Cemetery.
- 3.2 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 denied. (cc. 1183-1184)
- 3.3 The hours for Cemetery work and for interments/inurnments shall be set by the Cemetery Committee. There shall be no work allowed on Sundays, Holy Days, Good Friday, or Holidays.
- 3.4 **No one** is allowed to do any work within the Cemetery for lot owners without the approval of the Cemetery Committee.
- 3.5 All fees or charges for payment of Burial Rights are payable to St. Bernard's Cemetery at the parish office during regular business hours.
- 3.6 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 Cemetery grounds.
- 3.7 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 any roadway and must not park or drive on any grassed or burial areas.
- 3.8 It is of utmost importance that there be strict observance of the properties 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 within the Cemetery.**
 - c) **Peddling, soliciting or placing of any advertisements within the Cemetery.**
 - d) **Bringing dogs or other pets into the Cemetery (exception- dogs used for persons with disabilities)**
 - e) **Bringing firearms into the Cemetery, except by a military escort accompanying a veteran's funeral or attending Memorial Services.**
- 3.9 Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Committee, therefore reserves the right to make exceptions, suspensions or modification of any these Rules and Regulations, without notice, when in the judgement of the Committee such action appears necessary: and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of the Rules and Regulations.

- 3.10 St. Bernard's Cemetery Committee hereby expressly 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, at any time, and without notice.

4. Burial Rights Holders

- 4.1 Persons desiring to purchase Burial Rights must make arrangements with the Sexton and or the parish office.
- 4.2 No Burial Rights shall be sold in common ownership. Title shall stand in one name or joint husband/wife ownership.
- 4.3 No lot shall be used for any other purpose than for burial of the human dead.
- 4.4 The Cemetery Committee shall have the right to enlarge, reduce, replot, or change the boundaries of the cemetery or a section or sections of the Cemetery, to change locations of roads, ditches, waterways etc., without notice to holders of Burial Rights. The Cemetery Committee reserves to itself and to those legally entitled thereto a perpetual right of ingress and regress over plots for conducting Cemetery business.
- 4.5 Description of lots will be in accordance with the Cemetery plat on file in the parish office.
- 4.6 The Cemetery Committee will take all reasonable precautions to protect holders of Burial Rights and their rights, within the Cemetery from loss or damage. The Committee distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, thieves, vandals, riots, malicious mischief makers, unavoidable accidents or order of any military or civil authority.
- 4.7 It is the duty of the holder of the Burial Rights to notify the parish office of any change of address. Notice sent to the last address on file in the parish office shall be considered sufficient and legal notification.
- 4.8 **Burial Rights Holders are granted only the right of interment in their lots.**
The Cemetery Committee reserves the right to refuse permission for the interment of anyone who is not at the time of death the holder of Burial Rights or a relative of the holder of Burial Rights by blood or marriage. In all other cases written permission of the holder of Burial Rights shall be required by the Cemetery Committee before interment/inurnment shall be made.

5. Correction of Errors

- 5.1 The Cemetery Committee shall have the right to correct any error made during the Interment/inurnment, disinterment, or removal of a body.

6. Care of Lots

- 6.1 All lots purchased in the Cemetery shall have the following maintenance assumed by the Cemetery Committee.
- a) Cutting of grass at reasonable intervals.
 - b) Trimming of trees
 - c) General care of grounds and roads.
- 6.2 Maintenance assumed by the Cemetery Committee shall in no way mean maintenance, repair, or replacement of memorials erected on lots.
- 6.3 Planting of flowers, shrubs, trees, or other plants is prohibited. Cutting up of grounds for any purpose is forbidden. No 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 approved by the Cemetery Committee before work is begun. Any other permanent monuments beside the standard headstone and footstone must be approved by the Cemetery Committee. (Example- metal, plastic, wooden, or stone statues.)
- 6.5 Maintenance of the Cemetery grounds shall be limited to the amount of donations received by the Cemetery Committee.

7. Descent of Title and Transfers

- 7.1 The laws of the State of North Dakota and these Rules and Regulations govern the descent of Burial Rights to St. Bernard's Cemetery lots.
- 7.2 **Burial Rights are not transferable or assignable, by act of law or otherwise, and cannot be sold by the burial rights owner to another individual, without the written consent of the Cemetery Sexton.**

8. Interments and Cremations/Inurnments

- 8.1 The Cemetery will be open for interments/ inurnment every day with exceptions in page 2, paragraph 3.3.
- 8.2 All funerals upon entering the Cemetery shall be bound by these Rules and Regulations. A member of the clergy must be present at all burials.
- 8.3 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 or competent jurisdiction.
- 8.4 Funerals will not be admitted to the Cemetery when escorted or accompanied by regalia or banners of societies not allowed by the laws of the Roman Catholic Church.
- 8.5 Holders of Burial Rights shall not allow interments/inurnments in their lots in return for any remuneration of any kind.
- 8.6 Only those persons or contractors having permission of the Cemetery Committee will be permitted to dig graves in the Cemetery.
- 8.7 **Multiple burials in one grave or lot will not be allowed.**
- 8.7A **Cremated remains will require a separate lot.**
- 8.8 **NO INTERMENT WILL BE MADE UNLESS THE BODY IS CONTAINED IN A CASKET AND A TOTALLY ENCLOSED OUTSIDE VAULT (CONCRETE, STAINLESS STEEL ETC.) WITH A LID.**
- 8.9 The right is reserved by the Sexton to insist upon at least 36 hours prior notice to an interment/inurnment and at least one week prior notice to any disinterment or removal.
- 8.10 Burial of the destitute must be arranged in accordance with the directions of the Ordinary of the Diocese of Bismarck.
- 8.11 The Cemetery Committee will not be liable for any delay in the interment/ inurnment of a body where a protest to the interment/ inurnment has been made, or where the Rules and Regulations have not been complied with. The Cemetery Committee shall be under no duty to recognize any protest of interment/ inurnment unless they be in writing and filed in the parish office.
- 8.12 The scattering of cremated remains/ashes will not be allowed within the boundaries of St. Bernard's Cemetery.
- 8.13 All urns/cremated remains receptacles must be enclosed in a sealed non-porous, non- biodegradable urn vault before it is buried in the ground.

- 8.14 All urn vaults must be buried to a depth of at least 18 inches of dirt cover between the top of the vault and ground surface.

9. Disinterment

- 9.1 A body may be removed from one grave to another, but it may not be removed from the Cemetery for burial elsewhere until notification has been made to the parish priest and permission is received from the Ordinary of the Diocese of Bismarck and upon receiving a permit from the North Dakota State Department of Health.
- 9.2 Authority to make the removal must be signed by the holder of Burial Rights of the lot from which the removal is to be made and by the next of kin of the decedent. When such authority is filed and the cost of removal is paid, permission will be issued.
- 9.3 Unless authority in writing is filed with the Cemetery Committee as above provided; no disinterment will be made or permitted under any circumstances except:
- a) When the Committee is directed to make a disinterment by the order of a court of competent jurisdiction and a certified copy of such order has been filed with the parish priest.
 - b) When the coroner directs the disinterment for the purpose of holding an inquest, and has filed with the parish office his signed authorization to release the body to himself and his lawful agents.
- 9.4 The utmost care will be exercised in making a removal, but no liability will be assumed for damage to any casket or burial vault while making a removal. When in the opinion of the Cemetery Committee, a new vault is needed it must be provided for by the person arranging the removal.
- 9.5 Charges for any disinterments shall be determined by the Cemetery Committee and must be paid in advance. All costs related to the disinterment are the responsibility of the person(s) requesting the disinterment.

10. Monuments

- 10.1 Holders of Burial Rights may erect proper monument work on their respective lots subject to the approval of the Cemetery Committee. Monuments will not be allowed on lots for which charges and fees due the Cemetery have not been paid in full.
- 10.1A One marker, either a headstone or footstone will be allowed on each grave. Exception will be the placement of a military stone, in which case two marker stones will be allowed.

- 10.2 Holders of Burial Rights are reminded that circumstances make monument work somewhat technical. Before placing an order, care should be use in selecting a reputable dealer who understands the rules applying to placing monuments. This will avoid difficulties which may arise in the event that memorial work is ordered that does not comply with Cemetery Rules and Regulations.
- 10.3 All monuments shall be set on or in a concrete base which is a minimum of a 2 inch thickness and extends 4 inches beyond all edges of the monument.
- 10.3A The temporary nameplate will be removed when a permanent monument is placed or 1 year after burial.
- 10.3B All footstones must be set flush with the ground.
- 10.3C The only exception to 10.3 will be if it is the official Veteran's Monument.
- 10.4 **All monument companies and their workers must notify the parish office or the Cemetery Sexton before they shall do any work in the Cemetery.**
- 10.5 When any monument work has been placed in the Cemetery, in violation of any Cemetery Rule or Regulation, the Cemetery Committee reserves the right to remove it or have it removed. The cost of such removal shall be borne by the party causing the violation.
- 10.6 Location of monuments on lots shall be determined by the Cemetery Committee.
- 10.7 Damage done to lots, roads, trees, shrubs or other property by monument dealers or their workers will be repaired by the Cemetery Committee, and the cost of such repair will be charged to the dealer.
- 10.8 While the Cemetery Committee will exercise all possible care to protect monuments on any lot, it disclaims any responsibility for any damage or injury thereto.
- 10.9 It is strongly recommended that monument bases be purchased that contain vase Inserts or vases attached to the monument. These vases do not interfere with grounds maintenance or burial activities, and can be filled with artificial flowers for year round display. Theft or vandalism of artificial flowers are the risk of the installing party. Glass, porcelain or tin can containers are not allowed and will be removed immediately, for safety reasons, by the Cemetery Committee. No iron rods of any kind will be allowed.
- 10.9A No type of wire will be allowed that would be deemed hazardous by the committee.
- 10.10 Only grass will be allowed to cover a grave. Framed boxes or any kind of decorative rock placed on a grave site in lieu of a monument is not allowed and will be removed for safety reasons.

10.11 THE PLACING OF CONCRETE GRAVE COVERS ON ANY GRAVE WILL NOT BE ALLOWED.

10.2 Damaged or deteriorated concrete covers must be removed or repaired at the request of the Cemetery Committee. Shallow graves with discarded concrete covers must be dug to the depth specified by the laws of the State of North Dakota. Cost of concrete cover removal is the responsibility of the family and/or heirs of the deceased.

11. Memorials and Memorial Day

11.1 Donations may be made to the St. Bernard's Cemetery Fund in memory of deceased family members and relatives. These funds will be specifically utilized for general maintenance, plantings and Cemetery improvements.

11.2 Clean up of the Cemetery begins as soon as spring weather allows.

Artificial flowers may be placed two days before Memorial day.

Items not allowed include: Sitting benches/chairs of any kind
Wood, glass, porcelain, pottery, plastic or tin containers
Solar lights or lights of any kind
Iron or metal pieces of machinery
Statues or other decorative items (shepherd hooks, plaques, knickknacks and the like.) and
Live flowers.

Flowers or other items in or on the ground after Labor Day will be disposed of during fall clean up.

Flowers that are in vases attached to the monument will not be taken.

The Cemetery Committee assumes no responsibility or liability for items placed in the Cemetery.

11.3 Planting of trees, shrubs, and flowers – including hanging baskets, urns, vases, or flower boxes will not be permitted in or around any monument or grave site. Cut flowers may be placed in vases which are an integral part of the monument base. Only evergreen trees may be planted in landscape areas designated by the Cemetery Committee as part of the overall landscape program.

12. Inclement Weather and Winter Burials

- 12.1 Interments/inurnment during inclement weather or excessive moisture may be postponed in order to eliminate the expense of snow removal, excavation of frozen earth and to prevent damage to cemetery grounds, monuments and roads. The decision as to when burials may be postponed is left to the discretion of the Cemetery Sexton.

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