

**New Ulm City Cemetery
Rules and Regulations**

PREFACE

New Ulm City Cemetery is owned and operated by the City of New Ulm, Minnesota. It is under the direct supervision of the Mayor and City Council of New Ulm, Minnesota.

It is the goal of the City of New Ulm to make New Ulm's Cemetery a quiet and beautiful cemetery. To secure this effect land has been acquired and money has been expended. To continue the improvement and to preserve the appearance of the New Ulm City Cemetery requires the cooperation of all lot owners.

For the mutual protection of every lot purchaser in the New Ulm City Cemetery the City of New Ulm hereby adopts the following rules and regulations. All property owners, and all lots / niches sold, shall be subject to said rules and regulations, amendments or alterations as adopted by the City from time to time; and the reference to these rules and regulations in the deed or certificate of ownership to lots and niches shall have the same force and effect as if set forth in full therein. These rules and regulations are for the purpose of maintaining the dignity and attractive natural appearance of this cemetery.

Lots and niches in the New Ulm City Cemetery shall be sold at such rates as the New Ulm City Council shall designate. The New Ulm City Council may review all charges on an annual basis. The City Council may adjust prices accordingly.

DEFINITIONS

CITY DEFINED

"City" means the City of New Ulm, Minnesota, owning and controlling the cemetery.

CEMETERY DEFINED

The term "cemetery" means a hallowed park for earth or above ground interments.

INTERMENT DEFINED

"Interment" means the disposition of human remains or cremains by burial or entombment.

COLUMBARIUM DEFINED

An above ground structure of vaults, called "Niches", for the interment of one person's cremains in each Niche.

LOT, GRAVE, and "IN MEMORY OF" DEFINED

"Lot" means space in the cemetery reserved for the interment of human remains. The term includes and applies to one or more than one adjoining grave.

"Grave" means a space of ground reserved for one full body interment (except in the case of a stillborn baby or infant death, where space is available) or two cremains.

"In Memory of" means a space of ground reserved for memorial marker or cremains interment of ½ cup in size or smaller. See (Addendum) "In Memory of" for complete Rules and Regulations for this section.

MEMORIALS DEFINED

"Memorial" means a monument, marker bench, or large urn (marked or unmarked).

"Monument" means a memorial of granite or other approved stone that extends above the surface of the lawn.

"Marker" means a memorial of granite or other approved material that does not extend above the surface of the lawn.

VETERANS SECTION DEFINED

Any portion of the cemetery where burial rights have been purchased in advance by the Veterans Services of Brown County for the interment of military veterans and their spouses.

HOURS for City of New Ulm Cemetery

6:00 a.m. to 10:00 p.m. daily. Arrangements for special circumstances may be made with the cemetery caretaker.

MOTORIZED VEHICLES

Motorized vehicles can be driven on designated roadways only. The maximum speed limit is 15 miles per hour. Vehicles must stay on the right side of all roadways. At no time are vehicles allowed to drive or park on grass or lawn area, nor are vehicles allowed to

park or come to a complete stop in front of an open grave, except in the case of a funeral.

UNAUTHORIZED ACTIVITIES OR MATERIALS

- Alcohol
- Littering – receptacles for waste are in convenient locations
- Solicitation
- Firearms, except for military funerals and special occasions, such as Memorial Day
- Signs or advertisements, except those placed by the City
- Pets
- Snowmobiles
- Gathering wild, cultivated, or cut flowers
- Feeding or disturbing birds or other animal life.

SUPERVISION OF CEMETERY

CEMETERY MANAGEMENT IN CHARGE OF FUNERAL

All funerals, on reaching the Cemetery, shall be under the supervision of the Cemetery caretaker, referred to in the remainder of this document as City staff.

CASKET NOT TO BE OPENED OR BODY TOUCHED WITHOUT CONSENT

Once the funeral service is completed the City staff reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a court order. In the event necessity requires, the City staff may take appropriate steps to correct any obnoxious or improper condition.

INTERMENTS AND DISINTERMENTS

Besides being subject to these rules and regulations, all interments, disinterments and removals are made subject to the orders and laws of the City, County and State.

NOTICE

No interment shall be scheduled or take place on Memorial Day. The City requires at least a 24-hour notice during April 1 through November 1 and at least a 48-hour notice during November 1 through March 31 before any interment and at least one week's notice prior to any disinterment or removal.

TIME AND CHARGES

All interments, disinterments and removals must be made at the time and in the manner prescribed and subject to the payment of such charges as fixed by the City Council or City staff.

AUTHORIZATION TO INTER

The City may inter or open a grave for any purpose on proper written authorization by any lot owner of record made out on forms approved by the City and duly filed in its office unless there are written instructions to the contrary on file in the office.

RIGHT RESERVED TO REQUIRE CONCRETE BOX OR VAULT

In order to maintain a high standard of care and to eliminate sunken graves caused by collapse of wooden boxes, the city reserves the right to require that all burials be made in outside containers constructed of natural stone, metal, or pre-stressed concrete for a full body burial and cremation burials. Other materials may be acceptable for cremation burials such as a heavy plastic material, however, all outside containers must be pre-approved by the City staff.

LOCATION OF INTERMENT SPACE

When, for reasons of safety and efficiency, the grave cannot be opened in the center of the grave site, the City staff may, at its discretion, open it in such location in the lot as it deems best and proper, so as not to delay the funeral; and the city shall not be liable in damages for any error so made.

ORDERS GIVEN BY TELEPHONE

The City shall NOT be held responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size, and location in a lot where interment is desired.

ERRORS MAY BE CORRECTED

The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, 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 City, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the City reserves, and shall have, the right to remove and re-inter remains to such property of equal value and similar location as may be substituted and conveyed in lieu thereof.

DELAYS IN INTERMENTS

The City shall **NOT** be liable for any delay in the interment of a body where protest to the interment has been made, or where the rules and regulations have not been complied with. The City may require any protest to be in writing and on file in the Finance Directors office. Arrangements for the payment of any and all indebtedness due the City must be made before interment will be made in any lot or niche.

NOT RESPONSIBLE FOR EMBALMING OR FOR IDENTITY

The City shall **NOT** be liable for the interment permit nor for the identity of the person sought to be interred; nor shall the City be liable in any way for the embalming of the body.

INTERMENT OF HUMAN REMAINS

The use of the property in the cemetery is restricted to the interment of human remains and cremains. Scattering of cremains is not permitted in the Cemetery.

REMOVALS

REMOVAL FOR PROFIT PROHIBITED

Removal of a body by the heirs so that the lot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original lot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

MAY OBTAIN LARGER LOT

A body may be removed from its original lot to a larger or more desirable lot in the cemetery when there has been a purchase for the purpose.

CARE IN REMOVAL

The City shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

OWNERSHIP

DESCENT OF TITLE AND OWNERSHIP OF LOTS IN CASE OF DEATH (STATE LAW)

Subject to the right of interment of the decedent therein, a columbarium niche, cemetery lot or burial lot, unless disposed of as provided in Section 306.29, shall descend free of all debts as follows:

(1) To the decedent's surviving spouse, a life estate with right of interment of the spouse therein, and remainder over to the person who would be entitled to the fee if there were no spouse, provided, however, if no person entitled to the remainder of the fee survives, then the entire fee to the surviving spouse with right of interment therein;

(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, if not sold during administration of decedent's estate, to the cemetery association or private cemetery in trust as a burial lot or niche for the decedent and such of the decedent's relatives as the governing body thereof shall deem proper.

Grave markers, monuments, memorials and all structures lawfully installed or erected on any columbarium niche, cemetery lot or burial lot shall be deemed to be a part of and shall descend with such lot or plot. (Section 525.14 Minnesota Statutes Annotated.)

NOTICE TO HEIRS OF DECEASED LOT OWNERS:

The only regular and legal proof of title by descent from a deceased owner is a certified copy of the decree of the property from the District Court assigning the lot of the person deceased, or his interest in it, to the one claiming it. Whenever practicable this proof will be required. If for any reason the furnishing of this proof is impossible, application should at once be made upon the death of the lot / niche owner to the Finance Directors office to be sure that the records will show the lot / niche to be in the name of the proper living person.

CHANGE IN ADDRESS OF LOT OWNERS

It shall be the duty of the lot/niche owner to notify the City of any change in his/her address. Notice sent to a lot/ niche owner at the last address on file with the Finance Director of the City shall be considered sufficient and proper legal notification.

TRANSFERS OR ASSIGNMENTS

INDEBTEDNESS

The City may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the City from the record

lot/niche owner.

TRANSFER CHARGES

The City may fix a charge for all transfers of ownership in lots or niches. No transfer of ownership shall be complete or effective until all charges are paid, if such charge is made.

BUYING BACK PREVIOUSLY SOLD CEMETERY LOTS

BUYING BACK OF PREVIOUSLY SOLD CEMETERY LOTS

The City may buy back or re-purchase previously sold cemetery lots subject to the following policy:

1. Re-purchase price or amount paid by the City for previously sold lot(s) will be fifty percent (50%) of the current selling price;
 2. Cemetery lots may only be purchased in multiples of two contiguous lots upon approval of the Monuments & Cemetery Commission.
 3. Sixty-five percent (65%) of the proceeds received from the sale of the lot(s) will be processed to the Cemetery Trust Fund; and
 4. Selling price of the re-acquired/repurchased cemetery lots will be subject to the rate schedule approved by the City Council.
- The City will not buy back previously sold Columbarium Niches. If the cremains are removed, the Niche is forfeited back to the City of New Ulm for re-sale.

CONTROL OF WORK BY CITY

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All grading, landscape work and improvements of any kind, that include trees, shrubs and any type of herbage shall be planted, trimmed, cut or removed by City staff. All openings and closings of graves and niches, and all interments, disinterments and removals shall be made only by the City staff.

CEMETERY MANAGEMENT MUST DIRECT AND MAY REMOVE IMPROVEMENTS

Written consent is required for all improvements or alterations of individual property in the cemetery and shall be under the direction of and subject to the consent, satisfaction and approval of the City staff. Without such written consent, the City staff shall have the right to remove, alter or change such improvements or alterations at the expense of the lot/niche owner, or, in any event, at any time when in its judgment such changes become unsightly to the eye.

ROADWAYS AND REPLATTING

NO RIGHT GRANTED IN ALLEYWAYS

No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings as long as the City devotes it to that purpose.

PROTECTION AGAINST LOSS OR DAMAGE

CITY MAY CHARGE FOR UNUSUAL REPAIRS NECESSITATED BY ACTS OF GOD, ETC.

In the event that it becomes necessary to repair or reconstruct any marble, granite or concrete work on any section, niche or lot, or any portion or portions thereof in the cemetery which has been damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, the City shall give a 10-day written notice of the necessity for such repair to the lot owner of record. The notice shall be given by depositing the same in the United States mail addressed to the lot/niche owner of record at his or her address stated on the books of the City. In the event the lot/niche owner fails to repair the damage within a reasonable time, the City may direct that the repairs be made and charge the expense against the lot/niche and to the lot/niche owner of record.

PERPETUAL CARE

PERPETUAL CARE ON LOTS

Perpetual care is that care and maintenance necessary by natural growth and ordinary wear which can be provided at reasonable intervals with income from the perpetual care fund and cemetery budget funds, and includes the planting, cutting, watering and care of lawns, the cleaning and upkeep of buildings, and the maintenance of the utilities, walls, roadways and walks. The City may also use a portion of the income from such fund for such general care, maintenance, repairs, and embellishment as it in its sound discretion shall deem to be for the best interests of the cemetery to the end that the cemetery generally be kept in the best condition possible within the limits of such income.

PERPETUAL CARE EXCEPTIONS

The term, "Perpetual Care" shall not be construed as meaning the maintenance, repair or replacement of any grave stones, monumental structures or memorials placed or erected upon lots or niches; nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any marble, lot, niche or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage to be direct or collateral, other than as herein provided.

INVESTMENT OF PERPETUAL CARE FUND

The City will maintain a separate trust fund for Perpetual Care. Up to 65% of the sales price for grave lots and columbarium niches will be deposited in said fund. All funds deposited in the fund, except interest earnings, will remain in the fund and cannot be spent for any purpose. The City may commingle the assets of the fund with other City assets to maximize investment earnings; when such commingling occurs, the Perpetual Care Fund shall receive a pro-rata share of investment earnings.

PROFITS FROM COLUMBARIUM NICHE SALES

Profits from the sale of columbarium niches may be used for the purchase of another future columbarium.

PROPOSED USE OF INVESTMENT EARNINGS

The City may transfer one hundred percent of the investment/interest earnings on an annual basis to the general operating account of the cemetery to augment yearly budgeted appropriations.

PERMITS TO SET MONUMENTS AND MARKERS

PERMIT REQUIRED TO SET MONUMENTS AND MARKERS

A permit is required before any monuments or markers are set in the City Cemetery. The permit can be obtained at the Finance Directors Office. After the permit is obtained, the City staff shall instruct/determine the location of the monument/marker. The monuments/markers will be installed/constructed as outlined in the policy. The fee for the permit will be subject to the rate schedule approved by the City Council.

MONUMENTS AND MARKER PLACEMENT

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Monuments and markers shall be placed in accordance with rules and regulations governing each section. Double markers are permitted in the cemetery, with the exception of the Veterans Sections. "K" and "V" monuments are not permitted anywhere in the Cemetery.

NEW CEMETERY SECTION

The New Cemetery is generally defined as those sections located south of the Doughboy Statue.

Monuments (above ground) and markers (flush with ground) shall be placed as follow in the "New Cemetery:" there are two (2) conforming lines, one to control the location of markers. All monuments and markers shall comply with these lines. In sections where monuments are permitted, the base of the monument shall be no wider than 14" in width and not over 60% of the width of the lot (except in section 8C the width shall be limited to 50% of the lot width) at the monument line in length. The die (the vertical portion of the monument) shall be no higher than 4 feet. In all A Sections, there shall be a 5" concrete collar entirely around the base and flush with the ground. The monument shall be set in the middle of the lot on the conforming line. In the case where two (2) families or more own a lot, two (2) monuments may be set on one lot of 4 or 8 graves. However, they must be so set that the lot is divided equally east and west and the monuments centered in the middle of each half lot. The City of New Ulm Cemetery and Monuments Commission must approve all exceptions.

SECTIONS 2B AND 4B

In Section 2B and 4B foundations shall be no wider than 22 inches.

The family name, first name, date of birth and death or other information must be inscribed on the West side of the monument unless otherwise designated. Designated meaning the side on which interment was made or where interment was reserved. In Section 4-B, the family name, first name, date of birth and death or other information must be inscribed on the East side of the monument unless otherwise designated. The family name only is allowed on the West side. A single marker shall not exceed 12" x 24" in size and shall have a 4" collar. Marker and collar shall be flush with the ground. Where double markers are permitted, they shall not exceed 60% of the lot width at the marker line by 12". They will have a 4" foundation. Any monuments or markers placed in violation of these rules are subject to removal by the City staff.

SECTION 1A

A part of Section 1A is designated for lots with large monuments. Before a monument can be placed on any lot in this section, a sketch drawn to scale showing the complete inscription in detail, with all dimensions, shall be submitted to the Monuments and Cemetery Commission for their approval. The monuments shall be no less than 21 square feet of surface of the approved materials.

So that all monuments shall be in good taste, adding to the beauty of the cemetery, the Cemetery and Monuments Commission shall approve or disapprove all plans and design of monuments.

SECTION 3A

The north end of Section 3A is designated for mausoleums. Before any mausoleum can be started, a sketch drawn to scale showing complete inscription in detail, with all dimensions, shall be submitted to the Cemetery and Monuments Commission for approval.

SECTION 8C

In Section 8C, inscriptions are permitted on both sides of the monument. Single or double markers are allowed.

Monuments are not permitted on County-owned lots designated for indigent burials. Single markers only. Double markers only where specified. The number marker provided by the County will be placed by the City staff.

PIONEER/OLD CEMETERY SECTION

The Pioneer Cemetery is generally defined as the section located north of the Maintenance building. The Old Cemetery is generally defined as the section located south of the Maintenance building. In the Old Cemetery Section, single markers only. In some cases, double markers and monuments are permitted.

VETERANS SECTIONS and SOLDIERS REST

The Veterans' Sections and Soldier's Rest areas are defined as any portion of the City of New Ulm Cemetery where burial rights have been purchased in advance by the Veteran's Services of Brown County for the interment of military veterans and their spouses. Monuments are not permitted in the Veterans' sections. Double markers (veteran and spouse) are not permitted; only single granite or bronze markers are permitted and shall be Government- issue type.

Ground flowers are not permitted in the Veterans Sections. Flowers may be placed in elevated stands, pots, or vases that are at least 18" off the ground with a minimum of a 14" concrete or stone wash. Stands can be placed in a marker row with one stand per two graves. In the case of a single interment, one stand will be allowed. In the case of cremations, one stand will be allowed between veteran and spouse. Shepherds hooks are not allowed.

MONUMENT AND MARKER MATERIALS

RULES FOR MONUMENTS

All monuments and markers must be produced of first grade materials and executed in first grade workmanship. All memorials, monuments, and markers shall be constructed of granite, marble or bronze. Manufactured, decorative concrete benches and flower urns are permitted.

All die stones (vertical portion of the monument) shall be finished on front and back and shall be at least 6" thick. All bases must have a finished top and a level bottom. All stone shall have the surface next to the foundation bedded off sufficiently true and level to allow every part to be in contact with the foundation. The Cemetery staff shall **NOT** liable for damage to bases with finished edges.

FOUNDATIONS

Foundations will be the width and length of the monument base, plus a 4" apron extending the width and length of the monument. No hillside foundation will be less than 5" deep with a 10" deep by 10" wide trench through the middle. The concrete for the foundation shall be a wet mix, which means the cement, sand, and water shall be mixed prior to being poured into the foundation hole. The mixture shall be no less than 3 parts sand, and 1 part cement. Rock and/or concrete chunks shall not be used for filler. No post hole auger or other device will be used to make a foundation for monument or markers. The pre-cast concrete slab may be used where specified. In sections where a monument is to be set on a hillside, all sides of the top of the foundation will be level with the ground. On sides where this is not possible, the 4" concrete collar will slope from the bottom of the base of the monument to the lot line. There will be no sharp corners or sudden drop-offs. All poured foundations must use forming material constructed of wood or metal.

RULES FOR MARKERS

Flat markers containing a picture or emblem must be recessed so as to be flush with the granite. Because of the delicate nature of the materials used in the pictures and/or emblems, the City staff shall **NOT** be liable for damages done to these types of markers.

URNS AND VASES

Small bronze vases are not permitted on columbarium granite door panels, monuments or markers, except those that are attached to the top of the granite base of a monument. Concrete flower boxes will not be allowed on markers or monuments.

A large permanent urn or planter or bench may be used in place of a monument, but these must be placed on the conforming line for monuments. They may also be used in conjunction with a monument but must be so placed as not to hinder the normal pattern of cutting grass. They must have a 4" thick foundation, flush with the ground and extend 6" from the furthest point of the planter, urn or bench. All planters, urns, and benches shall be at least 18" off the ground.

FLOWER STANDS

Flower stands with a basket or pot will be permitted in all sections of the cemetery. In those sections where monuments are allowed, flower stands will only be allowed in the monument row. The sections where flush markers are allowed, flower stands will only be allowed in the marker row.

BRONZE ON GRANITE

In the case of a bronze marker on a granite slab, the bronze shall be recessed so as to be flush with the granite.

BRONZE MARKERS

Bronze markers must be cast wet and have lettering as flush as possible with the concrete base. Bronze government markers are subject to being easily damaged through maintenance because of the soft material used in the raised lettering. The City staff is **NOT** liable to damages done to these markers.

DECORATION OF LOTS

GROUND FLOWERS

Ground flowers will be permitted only in sections where upright monuments are allowed. All plantings must be made in the monument row, on the burial side of the upright monument in an area which is generally no larger than 12" wide by 30" long. The City staff shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in the judgment of the City staff, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards referenced above. The City shall **NOT** be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached. The City shall **NOT** be liable for lost, misplaced, or broken flower vases. The City shall not be responsible for plants, herbage or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants, or herbage of any kind, unless it gives its consent. Planting of ground flowers is not permitted by flush markers.

TREES AND SHRUBBERY

Trees and shrubbery are not permitted on lots. City staff will maintain existing trees and shrubs.

FLAGS AND STANDARDS, ETC.

Veterans flags and standards, etc. may be placed on gravesites one week before Memorial Day and must be removed two (2) days after Flag Day (June 14).

ARTIFICIAL FLOWERS

Artificial flowers may be placed at gravesites two (2) days before Mother's Day. These decorations **MUST** then be removed within seven (7) days after Memorial Day. Lot owners may decorate for other holidays and special occasions such as birthdays and anniversaries, etc. two (2) days before and three (3) days after the observance. Items not removed after said event, will be removed by City staff.

DECORATIVE ITEMS PROHIBITED

The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, decorative rocks, and similar articles upon lots is not permitted. Such items shall be removed by the City staff.

FLORAL FRAMES, CASKET SPRAYS AND CUT FLOWERS

Floral frames, casket sprays and cut flowers may be placed on grave sites for funerals or special occasions, but must be removed within five days, or they will be removed by City staff.

FENCING AND HEDGING

No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, stone, marble, terra-cotta, sand, concrete, gravel or wood shall be allowed on any lot. The City reserves the right to remove the same if so erected, planted or placed.

WREATHS

Wreaths are allowed if they are attached to the monument or wooden stake 3 feet above the ground.

SPRING CLEAN-UP

All decorations placed on lot sites for the fall and winter holidays must be removed by April 15, or they will be removed by City staff.

FALL CLEAN-UP

All live flowers must be removed by October 1, or they will be removed by the City staff.

CHILDREN

Children fourteen (14) years or younger must be accompanied by a guardian or an adult.

CITY LIABILITY

The City is **NOT** liable for any lost or damaged property left at the cemetery.

**CEMETERY
GENERAL RULES AND REGULATIONS**

(Addendum)

July 3, 2012

COLUMBARIA

Ownership of interment space in a columbarium shall be considered the same as ownership of other cemetery property and shall descend according to state law. The City will not buy back previously sold Columbarium Niches. If the cremains are removed, the Niche is forfeited back to the City of New Ulm for re-sale. Profits from the sale of columbarium niches may be used for the purchase of another future columbarium.

Niches shall contain the cremains of only one body except in the case of a baby or infant (dependent on space).

The initial opening and closing of a columbarium niche for the interment of cremains is included in the sale price. However, applicable charges, to be paid in advance, will be levied for the opening of a sealed niche for any reason.

Engraving or etching on the upper portion of the niche front shall include first name, last name, date of birth and of death and shall conform to the standards set by the City regarding content, spacing, font style, and size, as listed below. There must be a ¼ inch frosted border inside a ½ inch clear border around the perimeter of each individual single niche front. The area at the bottom of the niche front (approximately 9.5 inches by 5 inches) is reserved to personalize the niche with very few restrictions, however, no raised lettering shall be allowed, with the exception of pre-approved official military plaques for veterans. Any pictures must be recessed to be flush with the surface.

City staff shall pre-approve all niche engraving to ensure that it conforms to the City's standards.

Only the City staff has the authority to remove and re-install the granite niche fronts and will assume liability for damages while doing so.

The engraver/monument Company contracted to engrave the niche front shall be liable for damages while it is in their possession. They must also make advance arrangements with City staff for the pick-up and delivery of the niche front for the engraving.

Flower holders, vases, or other fixtures shall not be allowed to be attached to the columbarium. Only temporary placement of plants or flowers shall be allowed.

The removal of the cremains from the niche shall be considered a disinterment. At that time the niche shall be forfeited to the City of New Ulm and resold. The etched or engraved niche front shall remain the property of the family. The cost of replacing the double niche front and etching or engraving the adjacent "door" (if needed) back to exactly how it was shall be the responsibility of the City.

FONT SIZE	SPACING
<u>First Name – 7/8 inch letters</u>	<u>Frosted border to top of First Name – ¾ inch</u>
<u>Last Name – 1 inch letters</u>	<u>Bottom of First Name to top of Last Name – ½ inch</u>
<u>Dates – 7/8 inch letters</u>	<u>Bottom of Last Name to top of Dates – ½ inch</u>

FONT STYLES

<u>Omega</u>	<u>Triumvirate</u>	<u>Govmark Regular / U.S. Government</u>	<u>Vermarco Regular</u>
	<u>New Gothic</u>		

*Originally Adopted by City Council September 6,
2005 Revised by City Council January 2, 2007
Revised by City Council July 3, 2012
Revised by City Council January 5, 2016*

GENERAL RULES AND REGULATIONS

Workmen employed in placing or erecting monuments, or bringing in materials, shall, as to the City, operate as independent contractors, but must do so only with the permission of the City, and must be done in accordance with rules and regulations.

Persons engaged in erecting monuments are prohibited from attaching ropes to monuments, trees, shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition.

Damage done to lots, walks, drives, trees, shrubs or other property by dealers or contractors or their agents shall be repaired by the City, and the cost of such repairs shall be charged to the dealer or contractor or to his principal. No material, machinery, or other thing for the construction of monuments, or monuments themselves, may be brought into the cemetery until required for immediate use; nor under any circumstances, when a funeral is in process; nor between Saturday noon and Monday morning; and no work shall be done during said time; nor shall such material be placed on lots adjoining the one on which such structure is to be erected without permission from the cemetery manager.

Work shall proceed promptly until the erection of the memorial is completed.

While a funeral or interment is being conducted, all work of any description shall cease.

While the City staff will exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure, on any lot, it disclaims responsibility for any damage or injury thereto.

City staff shall have the authority to reject any plan or design for any memorial, which, on account of size, design, inscription, kind or quality of stone is, in the opinion of the City, deemed unacceptable or offensive.

The City reserves the right to stop all work of any nature whenever, in its opinion, proper preparations therefore have not been made; or when tools and machinery are insufficient or defective; or when work is being executed in such manners as to threaten life or property; or when the monument dealer has been guilty of misrepresentation; or when any reasonable request on the part of the City is disregarded; or when work is not being executed according to specifications; or when any person employed on the work violates any rule of the City.

The completed work is subject to the approval of the City.

Should any memorial become unsightly, dilapidated, or a menace to visitors, the Cemetery shall have the right either to correct the condition or to remove the same, at the expense of the lot owner.

No monument or marker shall be removed from the cemetery, except by the City, unless the written order of the lot owner be presented to the management and permission be granted by the City.

IMPROPRIETIES

It is of the utmost importance that there should be strict observance of all of the proprieties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed, and the management shall have power to prevent improper assemblages.

CITY OF NEW ULM TO ENFORCE RULES

The Cemetery employees and City staff are hereby empowered to enforce all rules and regulations, and to exclude from the property of the City any person violating the same. They shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons in the Cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors.

Complete copies of the "Cemetery Rules and Regulations" are available in the Cemetery Office Building or the Finance Directors Office, City Hall, 100 North Broadway, New Ulm. For more information consult the cemetery caretaker.

*Adopted by City Council April 17, 2001
Revised by City Council September 6, 2005
Revised by City Council January 2, 2007
Revised by City Council July 3, 2012
Revised by City Council January 5, 2016*

FONTS:

**OMEGA
TRIUMVIRATE
GOVMARKER / US GOVERNMENT
VERMARCO
NEW GOTHIC**

**CEMETERY
GENERAL RULES AND REGULATIONS**

(Addendum)

June 15, 2020

“GARDEN OF MEMORIES”

Ownership of interment space in the “Garden of Memories” section shall be considered the same as ownership of other cemetery property and shall descend according to state law. The City will buy back previously sold “Garden of Memories” lots based on existing New Ulm City Cemetery Rules and Regulations.

Lots shall contain the cremains amount equivalent to 1/2 cup maximum of only one body. Cremains will be placed under the marker and must be interred prior to the marker being set. Due to the size of the lots there will be no winter internments.

The opening and closing cost of a lot for the interment of cremains is included in the fee schedule.

No Decorations allowed in this section from April 16th to October 31st.

Decoration of Lots allowed from **November 1st through April 15th** are as follows:

WREATHS, ARTIFICIAL FLOWERS are allowed if they are attached to a stake 3 feet above the ground.

SPRING CLEAN-UP

All decorations placed on lot sites for the winter holidays must be removed by April 15, or they will be removed by City staff.

GROUND FLOWERS, TREES AND SHRUBBERY, FLORAL FRAMES, CASKET SPRAYS AND CUT FLOWERS ARE NOT PERMITTED.

DECORATIVE ITEMS PROHIBITED

The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, decorative rocks, and similar articles upon lots is not permitted. Such items shall be removed by the City staff.

FENCING AND HEDGING

No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, stone, marble, terra-cotta, sand, concrete, gravel or wood shall be allowed on any lot. The City reserves the right to remove the same if so erected, planted or placed.

CITY LIABILITY

The City is **NOT** liable for any lost or damaged property left at the cemetery.