

**Sunset Memorial Gardens, Inc.**  
1715 52<sup>nd</sup> Avenue South  
Fargo, North Dakota 58104

**Rules and Regulations**

**Adopted for June 21, 2016 effective date**

**I. General Information**

1. The by-laws that define the matters of membership, the board of directors, committees of the board and which guide the management and operations of the cemetery are available for review at the cemetery office.
2. Sunset Memorial Gardens, Inc. (hereafter referred to as SMG) cemetery management and staff shall have the right to correct any error in interments, disinterments, reinterments, grave marker settings, adjustments and leveling and all office records including lot owner files.
3. SMG cemetery management and staff will take reasonable precautions to protect lot owner property within the cemetery grounds from loss and damage whether it be direct or collateral. SMG disclaims any responsibility for direct or collateral damage and loss from causes beyond our control. These causes shall include but are not limited to: weather elements, storm damage, floods, an act of God, terrorism, vandalism, thievery, explosion, un-avoidable accidents, animals, acts of war and non-terrestrial forces.
4. SMG is a non-sectarian cemetery which provides places for human burials for persons of any race, color, creed, religious denomination or sexual orientation.
5. The SMG cemetery is managed by a corporate membership elected Board of Directors which may periodically make changes or modifications to these Rules and Regulations. Once approved by the board of directors the changes or modifications will be immediately effective.
6. A minimum of 20% or the gross revenue from the sale of lots and niches is deposited to an irrevocable perpetual care trust fund to ensure the future maintenance of the grounds, monuments and buildings within the SMG cemetery.
7. The reason for these rules and regulations is to ensure the overall beauty, character and maintenance of all gardens within the cemetery. All persons visiting the cemetery grounds along with lot owners, funeral service providers, cemetery sub-contractors, vendors, utility companies and the City of Fargo shall follow these rules and regulations.

**II. Cemetery Purpose and Mission**

1. To provide for burial of casketed human remains in sealed concrete vaults and/or the burial of cremains (cremation ashes) in sealed urns. Cremains may be interred in a columbarium niche in lieu of direct burial. Green burials are not permitted.

2. To provide for the appropriate perpetual care and maintenance of all cemetery gardens to ensure continuation of a beautiful resting place for persons authorized by lot owners and a beautiful place for the general public and families to visit.

### **III. Administration and General Rules**

1. All funerals, interments, disinterments and reinterments entering or leaving the cemetery shall use and park on established roads and /or paths and shall be under the regulations of the cemetery management and in compliance with all applicable North Dakota statutes. SMG cemetery management and staff reserve the right to ingress and egress over lots for the purpose of passage to and from burial sites and for construction, development and maintenance of the cemetery.
2. Visitors to the cemetery grounds are to drive and keep vehicles and bicycles on the established roads. Visitors who require electric cart and/or special wheel chair transport shall exercise proper care to existing grave sites while moving throughout the gardens. All motor vehicles shall give right of way to pedestrian visitors and shall not speed over the ten miles per hour limit within the cemetery grounds. Motor vehicles shall park only on roadways and not on roadway shoulders or grassy areas.
3. Visitors to the cemetery grounds shall respect the area as a sacred and restful memorial to honor those who have passed before us. The following are prohibited within the confines of the cemetery:
  - A) The use of alcohol, illegal substances and hallucinogenic drugs.
  - B) Satanic ritual ceremonies.
  - C) Fireworks and explosives of all kinds.
  - D) Sleeping or loitering on the cemetery grounds.
  - E) Advertisements, including political ads, solicitation and disturbing signs of any kind.
  - F) Unlawful behavior and/or conduct.
4. No firearms are permitted within the cemetery property except in conjunction with a veteran's funeral, authorized Memorial Day services or by law enforcement.
5. Pets, service dogs and Seeing Eye dogs are allowed on the cemetery grounds but persons in control of the animals must follow the leash law of North Dakota and pick up any animal waste. Visitors and dog walkers who do not have their animal on a leash, act in disrespect of the cemetery grounds, memorials, grave markers and monuments may be asked to leave the premises immediately.
6. The cemetery staff and/or contractors will exercise reasonable care in the disinterment or removal of a casket/vault or urn but the cemetery will not be liable for payment for damages caused by the removal process.
7. Full body interments shall be made with the use of a sealed steel or concrete vault as required by local and North Dakota state statutes. Green burials are not allowed on the SMG cemetery grounds.

8. No interment, disinterment or re-interment shall be permitted in any lot or niche if there is an outstanding financial obligation to the cemetery.
9. No interment of two or more bodies shall be made in one burial space except in the case of a mother and infant child or two infants buried in one casket. However, the cremated remains of one person may be placed with the interred body of one other person, or the cremated remains of two persons may be placed in one full burial space. The cremated remains of two persons may be interred in a single columbarium niche. Each of the cremains is to be in an urn type container that is permanent, rigid and non-combustible and made of a thermally stable material of a size and shape that will fit into the confines of a niche. Each columbarium niche is approximately 11 inches wide, 11 inches deep and 11 inches high. Urns and cremains containers can be purchased of such a size that two will fit into one niche.
10. Cremains will be accepted for interment only in a cremation burial lot, a single grave lot or a columbarium niche. The lot or niche owner shall be required to notify and register with the cemetery office the person's death certificate and personal information required by the cemetery records prior to interment. Nobody will be allowed to scatter cremains on the surface of a grave or anywhere else on cemetery property.
11. All grave marker installations, adjustments, removal, reinstallation and leveling shall be done as covered under the regulations of cemetery management.
12. There is a limitation of two grave markers per lot. One grave marker shall be placed at the head of the grave on the west end of the lot and a second may be placed at the foot of the same lot on the east end of the lot so that both markers shall be read from the foot of the lot. The human full body remains shall be placed in the grave lot with the feet to the east and the head to the west.
13. The flat granite grave markers may not exceed 30" x 24" x 4" for a single marker and 60" x 16" x 4" for a double marker. Any grave markers that exceed these dimensions will require prior approval by the cemetery management and may be subject to additional charges. The grave markers for cremation burial lots located around the columbarium shall be only 24" x 12" granite stones flush with the ground. Concrete bases are not allowed.
14. Only one style of marker plaque is allowed to be placed on the front of the granite columbarium cover in front of the niche. This is the serenity bronze style marker plaque from Cold Spring Memorial with dimensions of 11" x 3-5/8". The only exception to this is in the interment of a veteran where a rectangular government supplied military marker plaque may be used.
15. In the Resurrection Garden portion of the cemetery full body remains and cremains shall be placed as described in items 7 through 12 of this section of the rules and regulations. A flat veteran's marker can be placed at the foot of the grave. Grave marker stones shall be made from granite stone. Grave markers shall not be made from concrete, wood, plastic, steel or any other composite materials.

16. Resurrection Garden grave markers shall be placed on either a reinforced concrete or granite base set into the terrain level with the ground surface. Marker bases shall be 4" thick with dimensions of 24" x 42" for a single lot and 24" x 82" for a double marker to cover two lots. Any grave markers that require markers of a non-standard design and require bases exceeding these dimensions will require prior approval by cemetery management and may be subject to additional charges.
17. Resurrection Garden granite burial monument dimensions are variable in both base and tablet size. Illustrated drawings are available from the monument company and the cemetery office. The maximum overall height measured from the ground to the top of the tablet shall not exceed 48 inches. Specialty monuments with carved angles, bench designs, composite bench/tablet designs, and composite vase/tablet designs are allowed provided their dimensions stay within the dimensions required to leave a space of 3" from the outer edges of the base to the outside edges of the lot.
18. Temporary markers placed by the funeral homes will be removed after a permanent grave marker is placed on the grave. The cemetery staff will dispose of the temporary markers not claimed within sixty (60) days after the permanent marker is placed unless special arrangements have been made with the cemetery office staff.
19. The transfer of title or sale of lots must be recorded at the cemetery office. Lot owners are responsible for informing the office of any updates or changes affecting their lot status including the current address to be used to ensure that our records are up to date. Notice sent to the last address on record in the cemetery office shall constitute sufficient and proper legal notification. The cemetery recommends that lot owners make mention of their lots in their wills and provide direction as to who shall receive the right of interment and who shall be responsible for the lot. The cemetery also recommends that lot owners file the deed with the Cass County Records Department so the new owner(s) are properly recorded. When this is not done then the rights of ownership will follow the succession rules as provided in North Dakota Century Code.
20. All transfers or assignments of ownership may be subject to an administrative fee for the paperwork involved. Any fee must be paid to the cemetery when said transfer or assignment is completed in the cemetery office.
21. Cemetery lots may not necessarily contain the buried body or cremains of the lot owner. It may just be utilized for a marker to be set in place to memorialize this person lost in a foreign country during time of war where recovery or identification of the body was not possible. This may be done to honor a veteran and shall in no way be in conflict with the previously listed purpose of this cemetery.
22. In a case where the cemetery is unable to make a burial or niche interment due to factors beyond the control of the cemetery, another burial lot or niche of equal value and, if possible, in a similar garden or niche shall be offered at no cost to the lot owner. If the lot owner(s) choose not to accept the proposal then a refund of the amount paid to the cemetery shall be refunded to the lot owner. The cemetery will not assume any other liability and/or costs associated with this action.

23. SMG reserves the right to reject any monument, marker or memorial which does not conform to the rules and regulations pertinent to the garden it is located in.

IV. **Cemetery and Lot Owner Specific Rules for the Grounds, Property, Burial Lots, Niches, Flowers, Decorations and Cemetery Maintenance.**

1. The following are not allowed on or around the gravesites: trees, shrubs, landscape rocks/stones, edging material, plaques (other than military), metal or plastic fences, benches (which are not part of Resurrection Garden markers), large concrete pots, any grave decorations over 36" in height, or any materials other than black dirt, hydro mulch, fabric mulch, turf or sod.
2. All black dirt, seed and sod will be placed only by cemetery staff and volunteers under direction of cemetery management. Placement, care and watering with proper trimming and mowing may be done by lot owners only with the consent of cemetery management.
3. Cemetery staff and volunteers under direction of cemetery management will maintain all trees, shrubs, hedges, flower gardens and grounds within the confines of the cemetery. Lot owners who wish to help with those tasks are encouraged to come forward to join the volunteer group.
4. Flowers and decorations are permitted in permanent vases on the Resurrection Garden marker bases. The height of the permanent vases vary with the height of the stones and may in some cases be greater than 36" in height. Removable vases in flat grave markers must be emptied and turned down by the second weekend of October for the duration of the winter. When items in the vases become unsightly, at the discretion of cemetery staff, the items will be removed and discarded by cemetery staff.
5. Any decorations placed on the gravesite (not in the permanent vase) must be placed as close as possible to the grave marker. These items, if not properly maintained by the responsible party, will be removed and discarded by cemetery staff at their discretion. Items may be placed on the marker base shelf in Resurrection Garden but must be properly maintained by the responsible party. The Spring and Fall cleanup dates for seasonal decoration removal are April 1st and October 1st. These dates are subject to change and may be moved forward or backward subject to existing weather and seasonal conditions. Winter decorations on tripod stands in the flat stone gardens and on or alongside the base shelf of upright markers in Resurrection Garden can be in place from October 26 to March 30. Fresh and artificial potted flower arrangements are permitted on the gravesite and within eight inches below the headstone or alongside the upright marker stone subject to the conditions listed in item number 1 of this section.
6. In reference to number 5 above, such decorations will interfere with the normal grass mowing in the cemetery. Therefore, the persons placing such items on the gravesite must assume the responsibility for maintenance of the site including the trimming of grass that cannot be mowed in the normal grass mowing process. Failure by the responsible party to do this will result in the items being removed and discarded by cemetery staff.

7. It is recommended that Memorial Day decorations be removed from the gravesites within ten (10) days after Memorial Day. After that time the items will be subject to being removed and discarded as defined in paragraphs 4, 5 and 9 of this section.
8. The entire cemetery, except Resurrection Garden, is designed to make lawn mowing easier and less costly by being able to run the mowers right over the gravesites. Therefore, placing decorations on the gravesites is particularly discouraged during the summer mowing season. If decorations are placed on the gravesite and interfere with mowing operations it is then up to the responsible party to do any trimming of grass on and near the site and to keep the site nice and presentable as determined by cemetery management. Failure to do so will result in the decorations being removed and discarded.
9. It is the task of the responsible party to maintain and remove non-perishable decorative items from the gravesite if they wish to retain the items. Otherwise, cemetery staff will use their discretion in removing and discarding the items if they become unsightly or appear to have been ignored and abandoned. Any such items will be removed from cemetery grounds when they get blown off the gravesite and it is not readily apparent where the item belongs. Due to windy conditions in this area no flowers, plants or decorative items are permitted in the columbarium area except on the day that cremains are to be placed in a columbarium niche.
10. All grave marker installation and leveling is to be done only by cemetery staff and contractors. Inquire at the cemetery office if leveling is needed or desired. Fees may be involved for this service.
11. Trees and any other vegetation , except for potted plants and grass (see No. 2 in this section), will be planted within the confines of the cemetery property only by cemetery staff under the direction of cemetery management or by independent contractors hired by the cemetery.
12. All parties are invited and encouraged to make donations to the cemetery that may be designated for flowers and/or trees. Cemetery management will make final decisions on specific varieties of flowers or trees to be purchased with the money donated to these specific funds. Inquire at the cemetery office for further information.
13. The cemetery is not liable for any costs or damage to items removed from gravesites and discarded by staff in accordance with these rules and regulations.

## V. Definitions

1. Columbarium: A Structure with the sole purpose of interment of cremated human remains in separate chambers called niches. Each niche can hold two (2) small individual cremation urns or one larger urn that may contain two (2) cremains.
2. Niche: A chamber within the columbarium in which cremation urns are placed.

3. Cremains: Cremated human remains also known as "ashes".
4. Entombment: Placement of human cremains within a niche.
5. Interment: Burial or niche entombment of a deceased person.
6. Burial: Placement of human remains in a grave.
7. Lot, Grave or Burial Space: Terms that may be used interchangeably which refers to one or more graves and/or niche.
8. Burial Right: The right of interment.
9. Burial Space: A lot or niche.
10. Deed: A certified and signed agreement showing evidence of a lot purchase and giving lawful title with real property interests which includes interment rights to the purchaser or any persons to whom the owner has granted permission to be buried in that lot.
11. Quit Claim Deed: Document used for transfer of lot ownership with burial rights from the original purchaser to a subsequent owner.
12. Grave Site: An interment space located in a particular garden identified by a block number, a quadrant letter and lot number matching the cemetery survey map and plot as recorded in the North Dakota Cass County Recorder of Deeds office.
13. Disinterment: Removal of human remains from a burial site.
14. Human Remains or Cremains: These terms may be used interchangeably and means the body of a deceased person and includes the body in any stage of decomposition or cremated remains.