

# *St. Joseph Cemetery*

## *Rules & Policies*

### **INTRODUCTION**

*It is the purpose of St. Joseph Cemetery to provide a beautiful, dignified and appropriate final resting place for departed loved ones. We believe and are firmly committed to the teachings and traditions of the Roman Catholic Church with regards to the Corporal Works of Mercy involved in the burial of the dead and the sacredness of the human body.*

*In formulating these policies, it is the desire of St. Joseph Cemetery and its administrators to provide guidelines for retaining a reverend environment. All Owners of a Certificate of Right of Burial and all visitors shall be subject to these policies.*

### **DEFINITIONS**

**Burial Rights:** The rights to be buried in a cemetery grave. St. Joseph Cemetery retains the ownership of the property on which the grave is located.

**Cemetery Administration:** Those individuals holding a position that involves decisions or maintenance of cemetery business. The administration includes Cemetery Committee Members, Pastor, Maintenance Person, and Cemetery Recorder.

**Certificate Holder/Owner of Certificate of Right of Burial:** The person in whose name the Certificate of Right of Burial is issued as designated by the purchaser.

### **OWNERSHIP AND PRIVILEGES**

#### **Nature and extent of Rights Acquired**

\*\* Upon payment of the purchase price of a space, the purchaser acquires the Rights of Burial in said space, subject to the policies and procedures of the cemetery. The purchaser shall receive a Certificate of Right of Burial. The purchase of a grave is only the burial right for that space.

\*\* Through the use of a Reservation, the Owner of a Certificate of Right of Burial may designate the person(s) who may use the right of burial. A reservation is established by filing an affidavit with the Cemetery Administration specifically designating the person(s) for whom the interment space is to be utilized. A duly established reservation is binding upon the Cemetery Administration and the heirs and successors of the Owner. A Right of Burial established by a reservation may be waived and shall be terminated only upon disposition elsewhere of the remains of the person entitled thereto. Every reservation is deemed irrevocable if the Owner does not specifically designate the reservation as revocable. The Owner must designate the reservation as revocable to avoid the Cemetery Committee's Requirement that a reservation not designated as revocable cannot be removed without notice to the person for whom the reservation is established.

\*\*The policies outlined within this document are incorporated into the agreement when purchasing a pre-need or at-need Right of Burial. St. Joseph Cemetery Committee is permitted and reserves the right to make modifications or amendments to these policies without notice and all Owners, their heirs, successors, assigns and visitors will be subject to these policies.

### **Descent, Inheritance or Distribution of Burial Rights**

\*\* Burials by or of heirs, after the original parties named on Certificates are deceased, requires the permission of living heirs, in writing and notarized, on forms supplied by St. Joseph Cemetery Administration.

\*\* In the circumstances of inheritance of a Right of Burial, appropriate proof of inheritance must be supplied by the heir.

\*\* St. Joseph Cemetery shall, in no way, be held responsible for failure to properly determine the legal successorship of the said space owner.

\*\* In the absence of a specific disposition by the Certificate Owner, either in his/her Last Will and Testament or other written declaration of record, the Cemetery Committee will follow a modified form of the order of the statute of descent and distribution in determining the use of the remaining Rights of Burial. In all cases, the Certificate Owner and his/her spouse have the primary and secondary rights of interment pursuant to a spouse's vested rights. All interments and rights of interment are subject to the

requirements set forth in applicable Canon Law, these policies and applicable Ohio law. Any unused Rights of Burial or places of interment may be used by the children of the original Certificate Owner in the order of need. In the event that a child of the original Owner is interred, a reservation will be established for the spouse of that deceased child. After the children of the original Owner are deceased or relinquish any interest in any remaining interment space, then to the descendants of descendants of those children. In the event that there are no immediate heirs, then to any other heirs of the Owner and their spouse in accordance with the statutory distributions established under Ohio Law (Ohio Revised Code, Chapter 2105) and to those heirs according to need with a reservation established for the spouse of an heir interred. In the event that a Certificate Owner dies without a devise or any known kindred, the Rights of Burial shall revert to St. Joseph Cemetery.

### **Transfer of Rights of Burial**

\*\* Owners of Certificates of Right of Burial may transfer their burial rights to other parties by completing, signing and having notarized, the appropriate forms supplied by St. Joseph Cemetery Administration.

### **Resale of Rights of Burial**

\*\* An Owner of a Certificate of Right of Burial or an heir holding rights to a Certificate may donate that space back to St. Joseph Cemetery at any time.

\*\* A Certificate Owner or heir may sell a Right to Burial to another individual for the original purchase price. The sale and transfer must be facilitated through St. Joseph Cemetery Administration, using appropriate signed and notarized forms.

## **BURIALS**

### **General Requirements**

\*\* Interments are limited to human dead only.

\*\* No interments will be permitted unless proper arrangements are made through a licensed funeral director.

\*\* The appropriate disposition of cremated remains is interment within an established cemetery. The scattering of remains is prohibited. Other

practices, such as division of cremated remains, are not in accord with the teachings of the Roman Catholic Church, and are therefore prohibited.

### **Advance Payment of Right of Burial**

\*\* Graves must be paid in full through the St. Joseph Cemetery Administration before burial takes place.

### **Hours When Burials Are Permitted**

\*\* No funeral or interment will be allowed in the cemetery on Sunday.

\*\* In the event of severe weather, unfavorable ground conditions or delays caused by conditions beyond control, interments may be postponed.

### **Vaults**

\*\* A concrete or metal burial vault is required for all full body interments. Vaults must be of the top seal variety. Exceptions will be permitted for steel vaults and oversized vaults which only come as bottom seals.

\*\* Vaults are not required, but are encouraged, for cremated remains. However, vaults cannot be accommodated for cremated remains buried on top of a full body burial, due to space constraints.

### **Footers**

\*\* All headstones are required to have a footer. Headstones are to be put in place, on the footer, by the monument company.

\*\* Footers must be 4 inches longer and wider than the base of monument, (a 2" margin around the monument) and the footer must be at least 30 inches deep.

\*\* Upon receipt of measurements from the monument company, the St. Joseph Cemetery Administration will arrange for the footer to be properly outlined.

### **Excavating and Refilling of Graves**

\*\* The St. Joseph Cemetery sextons will be in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the St. Joseph Cemetery personnel.

## **Burials Per Grave**

- \*\* No more than one casket will be allowed per grave.
- \*\* One interment only shall be allowed in a casket, except a father or mother with an infant child, or two children buried at the same time.
- \*\* Cremains are to be buried in a designated grave space only. Four cremains burials are permitted per grave space.
- \*\* Only two cremated remains are permitted to be buried on top of another space with a casketed burial, dependent upon the dimensions of the receptacle and existing adequate space, individually determined by the St. Joseph Cemetery Administration.

## **DECORATIONS OF GRAVES**

### **Flowers and Floral Pieces**

- \*\* All cut flowers and plants are to be removed when they become unsightly.
- \*\* No artificial flowers may be placed into the ground; artificial flowers are only permitted in permanent vases or as a saddle piece. Artificial flowers contain wires which can become a hazard to groundskeepers and visitors.
- \*\* Artificial flowers are to be removed when they become unsightly. This includes arrangements which are faded, tattered or scattered.
- \*\* Owners or heirs desiring to retain funeral flower pieces following a burial must remove them within 5 days after the interment.
- \*\* Planting of flowers, shrubs, trees or other ground plants are not permitted.
- \*\* Arrangements that fasten to the top of the headstone (saddle floral pieces) are recommended as to facilitate mowing and trimming of the grave site.
- \*\* Flowers and floral pieces deemed objectionable or unsightly will be removed at the discretion of the Cemetery Committee.

### **Grave Decorations**

\*\* Decorations are limited to **two per grave**, placed upon the headstone or footer to facilitate mowing and trimming safety. Following exceptions are: Military decorations and Decoration Day (included Memorial Day and Fourth of July). Permanent military decorations are permitted year round. Temporary military and veteran decorations, such as small flags, may remain at gravesites from Memorial Day through Labor Day.

\*\* Shepherd hooks are acceptable as long as they are placed directly against the footer.

\*\* No glass candles or lights, tins or other materials that could cause a potential danger are permitted and are subject to immediate removal by Cemetery Committee.

\*\* Vigil lights must be non-burning (no live flame), powered by batteries or solar cells. The chamber containing the battery or solar cell must be waterproof to prevent leakage of any toxic materials.

\*\* Mulching, fencing, bordering, grave blankets or enclosing a grave site is prohibited.

\*\* Marble chips, stones, wood chips, bricks or any other landscaping materials are prohibited on grave sites.

\*\* Because of the difficulty of maintenance at the gravesite, placement of mementoes such as food, pictures, toys, stuffed animals, etc. are prohibited at the gravesites.

\*\* In order to maintain the cemetery as an honorable and respectful final resting place for your loved ones the Cemetery Committee reserves the right to remove any materials or decorations deemed objectionable or inappropriate. Any prohibited structures or objects will be removed without prior notice.

\*\* Winter decorations are to be removed from graves by Easter of each year.

\*\* Summer decorations are to be removed from graves by Veteran's day of each year.

\*\* Erecting of a flag pole is prohibited.

\*\* Groundskeeper or maintenance staff will remove decorations after scheduled clean-up dates if the Certificate Owner or their heirs do not do so.

\*\* St. Joseph Cemetery cannot assume any liability for decorations placed on burial sites.

## **MONUMENTS AND MARKERS**

### **Ownership and Responsibility**

\*\* Monuments and markers are personal property. All monuments within the cemetery are the property the grave Owners, their heirs, or the responsible party that ordered and placed them. Maintenance of the monuments is the responsibility of the Owner.

\*\* Monuments and markers are subject to temperature extremes, snow, ice, wind, rain, etc. St. Joseph Cemetery will not be responsible for inadvertent scratches, chips, cracks and movement that occur from routine maintenance, weather conditions or vandalism. Such happenings are a condition that may go with the privilege of placing the monument in the cemetery.

\*\* A headstone or other appropriate permanent marker is required on all graves and should be installed as soon after burial as possible.

\*\* Only the Owner of a Certificate of Burial Rights or their heirs have authority to place a grave marker. In the event of the Certificate Owner authorizes the interment of a deceased person in that place of interment, the immediate family of the deceased person shall have the right to place a memorial on that place of interment.

### **Permissible Monuments and Markers**

\*\* Only one marker is allowed per grave space unless two infants, multiple cremations or a combination of a burial and a cremation are buried on the same space. A second marker can be installed but it is recommended to be flat to the ground

\*\* Monuments or markers must fit on the footer. No concrete grave markers are permitted.

\*\* Military plaques may use precast footers (28" x 16" X 4") and must be placed level with the ground unless used as a headstone, which may be placed above ground.

\*\* When it becomes necessary to remove a monument for a burial, the Owner will be responsible to make the proper arrangements. If a monument company has been contacted to remove a monument for a burial, the monument company will also be responsible for returning the monument to its original location.

\*\* Suggested deadlines to order grave monument footers are April thru September each year.

### **Vases**

\*\* All permanent vases must be attached to the monument base.

## **GENERAL MAINTENANCE**

### **Grave Maintenance Following a Burial**

\*\* Depending on the season of interment and weather conditions, it can take up to a year for the ground around a grave to settle. St. Joseph Cemetery sextons are solely responsible for soil and seeding maintenance following a burial.

## **REGULATIONS GOVERNING ACCESS AND CONDUCT**

### **Entrance Regulations**

\*\* Visitors assume all risks when driving or walking the cemetery grounds.

\*\* Children under 16 yrs. of age are not permitted within the cemetery unless accompanied by an adult.

\*\* Access to St. Joseph Cemetery is restricted to daylight hours only. Entrance after dark will be considered trespassing.

\*\* Only vehicles used by individuals visiting a place of interment or having other business with the cemetery are permitted on cemetery property. All other vehicles will be deemed unauthorized and their occupants will be deemed trespassing. Unauthorized vehicles will be subject to towing at the owner's expense.

### **Improper Conduct**



- \*\* St. Joseph Cemetery maintains a dignified and appropriate final resting place for our loved ones. Any behavior or conduct not keeping with this purpose is expressly forbidden.
- \*\* Interfering with an interment is prohibited.
- \*\* No littering on the cemetery grounds.
- \*\* No placing of unauthorized signs, notices or advertisements.
- \*\* No alcoholic beverages or illegal substances are permitted within the cemetery.
- \*\* No animals are permitted on the cemetery grounds unless they are leashed and under supervision at all times. Pet owners must clean up after the animals.
- \*\* No person shall injure, deface, take, or carry away any monument, marker, tree, shrub, flower, ground or any other property or ornament in St. Joseph Cemetery.

### **Drives**

- \*\* The speed limit within the cemetery is 10 miles per hour.
- \*\* Vehicles must stay on driveways. Driving or parking on the grass is not permitted.

## **MISCELLANEOUS**

### **Office Records**

- \*\* The official cemetery records are kept at St. Francis Xavier Church Parish Office. All business pertaining to the cemetery should be transacted through the Cemetery Administration personnel.
- \*\* The locations of all graves is recorded on an official map.
- \*\* All holders of a Certificate of Burial Rights are required to notify the Cemetery Administration of any changes of address.

### **Prices and Charges**

- \*\* St. Joseph Cemetery is financially independent of St. Francis Xavier Parish's general operations. Income for the cemetery consists of grave sales

and donations designated for the cemetery. All cemetery income is used exclusively for cemetery operations.

\*\* It is expensive to provide the perpetual care necessary to maintain a beautiful and dignified cemetery properly. There is grass to mow, debris to remove, driveways to maintain, snow to remove, and landscaping requiring special attention. The cost of graves does not come close to covering these ongoing expenses. Donations are needed to help defray these expenses. St. Francis Xavier Parish holds an annual cemetery collection for this reason and donations are accepted year round. We ask for your prayerful consideration to help us maintain our cemetery properly.

\*\* Fees incurred for grave opening and closing are set by and payable to St. Joseph Cemetery.

\*\* St. Joseph Administration reserves the right to adjust or amend the fees for the Right of Burial whenever necessary.

### **Loss of Rights due to Unlawfully Taking of a Human Life**

\*\* In the event of the person contracting as the purchaser of the Right of Burial is named or to be named as responsible for taking the life of the deceased in an unlawful manner, the Owner waives their right to the ownership of the Right of Burial. The Cemetery Committee shall hold the Certificate of Right of Burial until such time as a court of competent jurisdiction issues an order designating another individual as the Certificate Owner. With the Right of Burial belonging to the Cemetery Committee for the benefit of the deceased, the Cemetery Committee retains sole discretion to determine who shall have the rights of the heirs as established by these policies unless otherwise ordered by a court of competent jurisdiction.

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\*\* St. Joseph Cemetery Administration reserves the right to make amendments and repeal the policies and procedure of the cemetery and to make exceptions whenever it deemed necessary.

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