

St Mary's Cemetery

St Ambrose Parish

Little Hocking, OH

Cemetery Rules and Regulations

Parish Cemetery Rules and Regulations – Approval

The pastor of Saint Ambrose Church, Little Hocking, Ohio hereby approves and adopts the following rules and regulations for St Mary's Cemetery (a.k.a. J. A. Watterson Cemetery), Little Hocking, Ohio.

All holders and persons within the cemetery, and all burial spaces, shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Pastor of Saint Ambrose Church, Little Hocking, Ohio. The reference to these rules and regulations in the document conveying the right of interment shall have the same force and effect as those printed in this document.

Recommended:

Cemetery Committee:

Chairman: James Griffith

Members: Bryan Hayes, Charles L. Wilsbacher

Approved and Adopted:

Pastor: [signed]

Rev. Robert A. Gallagher

Date: 20 Feb 2013

INDEX

<u>ITEM</u>	<u>PAGE</u>
Rules and Regulations	
A. Purpose of Cemetery	3
B. Admission to Cemetery	3
C. Purchase of an Interment Deed	3
D. Cemetery Nomenclature	3
E. Grave Sizes and Restrictions	4
F. Arrangements for Funerals and Interments	5
G. Interment Procedure	5
H. Disinterment and Removals	6
I. Correction of Errors	6
J. Instruction to Easement Holders and Holder's Rights	7
K. Service Charges and Payments	8
L. Right to RePlat	9
M. Use of Cemetery – Ornaments, Flowers, and Related	9
N. Grading and Improvements	10
O. Cemetery Hours	10
P. Loss or Damage	10
Q. Easement Rights Holder's Change of Address	11
R. Care	11
S. Memorials and Rules for Memorial Work	11
T. In General	12
Revision Log	14

Parish Cemetery Rules and Regulations

A. Purpose of Cemetery

The Catholic Cemetery is intended for the interment, entombment, or inurnment of Catholics who are entitled to Christian burial according to the rules of the Roman Catholic Church.

Interment of non-Catholic members of a Catholic family will be permitted under most conditions as the Church does not wish to separate in death those who were united in life, but interments shall be subject to permission from the Management.

The interment of other non-Catholics may be allowed on rare occasions on recommendation of the Cemetery Committee and approval of the Pastor of Saint Ambrose Church.

The term "Management" in this document refers to the Pastor and Cemetery Committee of Saint Ambrose Catholic Church, Little Hocking, Ohio.

B. Admission to Cemetery

The Management reserves the right to refuse admission to the Cemetery to any persons who are not there for the sole purpose of burying the dead, visiting a grave, or paying respects to the memory of the dead.

C. Purchase of an Interment Deed

Lots in the Catholic cemetery are not sold in the sense that the title to the soil passes to the purchaser. What is granted is the exclusive and perpetual right to burial in these lots as long as the rules and regulations of the cemetery are met.

Those wishing to make a selection of a burial space should contact the Parish Office. They will arrange for a member of the cemetery committee to review the options and go to the cemetery with you if needed. Upon payment of the fee, an interment deed will be issued. The deed records and cemetery map will be updated.

D. Cemetery Nomenclature

Beginning in 2012, the cemetery is laid in a grid pattern with north-south rows identified by the alphabet. Row A is the eastern most row. The grave coordinates along these rows are numbered starting at the north end and are based on a standard grave that is 4.5 feet (north-south) by 10.0 feet (east-west) and referenced to Row A. (Grave 10 in Row H is roughly west of Grave 10 in Row A.) Because the north boundary of the cemetery is 18 degree north of east, the lower number grave sites do not exist the further west a row is in the cemetery (See separate map.)

An individual grave is identified by the row and distance along that row. Example: K30 is space 30 in Row K.

Because the cemetery has existed since 1883, rows vary in width and are not straight. At different periods of time the “standard” grave size also varied. As a result,

a. The distance to a given grave along a row may be identified by a value that is not a whole number; Example H16.7.

b. Some remaining grave sites are less than the standard size in one or both directions. These are restricted to small children or sub-divided into “cremation only” sites. The latter are set at nominal 2.5 feet east-west and 3.0 feet north-south. These latter are identified by a “e”, “f”, or “g” after the grave ID and are restricted to a single cremated remains and a monument flush with the ground.

Because cremation is now permitted, there are cases of two or more remains in a given grave. The lower level remains or those closest to the monument are identified with an “A” after the grave number, and the upper remains or those farther from the monument with a “B”; Example: L13A and L13B. With multiple cremated remains, the suffix may be “C” or “D”.

E. Grave Sizes and Restrictions

NOTE: Prices are subject to change and are in a separate document. Check with the Parish Office to confirm the latest values.

1. There are four burial situations.

a. The standard grave is 4.5 feet (north-south) by 10.0 feet (east-west).

The ten foot length allows eight feet for the casket and two feet for a monument.

The monument is to be located at the head end of the casket (typically the west end of the plot) and can be an above ground monument. It can be used for a single body burial, a body plus a cremated remain (close family member), or up to four cremated remains (close family members). Any monument beyond the one at the end (which can have multiple names) must be level with the ground.

b. The cremation-only grave is nominal 3.0 feet (north-south) by 2.5 feet (east-west).

The site is restricted to a single cremated remains. The monument must be level with the ground.

c. Cremated remains added to a full size grave purchased and occupied by a body burial for an individual.

Cremated remains must be those of a close relative of the person of the body burial, there must be at least 17 inches of dirt between the body burial casket/vault and the level ground, and the cremated remains must go above the casket. The monument for the cremated remains must be level with the ground. Only one cremated remains is allowed per body burial.

d. Infant grave

These graves are provided free to parishioners on the death of an infant. (The family may choose to purchase a full size grave site.)

(1) For a casket/vault nominally 15 inches long burial is in a single “cremation-only” plot and those rules on monuments and ornaments apply.

(2) For casket/vault nominally 36 inches long burial is in a double (3 feet x 5 feet) “cremation-only” plot and those rules on monuments and ornaments apply.

2. Assigned locations within cemetery

Management reserves the right to assign new easement deeds to isolated open grave sites and for sequential addition to an open row. Management will make a reasonable effort to honor requests for locations near close relatives for body burials. The cremation-only graves will be in sequential addition to the areas reserved for this type of burial. An adjacent plot may be purchased and reserved for the future cremation burial of a spouse.

3. Monuments and Decorations

There are different restrictions on the monuments and decorations for the different burial situations. See Sections M (Ornaments) and S (Monuments) for more detail.

4. Unmarked graves

The cemetery records are incomplete and there are an unknown number of unmarked graves within the cemetery. Every reasonable effort has been made to avoid burials in spaces already occupied. However, in the event digging a grave reveals a previous occupant, it will necessary to have the current burial move to another grave site. Management will work with the bereaved, to the extent possible, on an acceptable alternate site.

F. Arrangements for Funerals and Interments

The funeral home will contact the Parish Office or Pastor or cemetery committee contact list to confirm which grave is to be used for an immediate interment. The funeral home will arrange for the grave to be opened (and closed). If there is not an interment deed covering the burial, a representative of the deceased must meet with Management and arrange for a burial site.

The grave digger must contact Management to confirm the exact location of the burial. A cemetery committee member will mark the grave to avoid mistakes in grave location.

Funerals shall not be admitted to the Cemetery when they are escorted or accompanied by societies, organizations, or lodges which are banned by Church Law. Certain fraternal or lodge services not otherwise forbidden by Church Law may be permitted by the Management, provided specific permission is obtained a reasonable time in advance.

G. Interment Procedure

The Management reserves the right to request evidence of eligibility for Catholic burial according to the norms of Church Law.

The Management must be notified and give approval before any remains are added to the cemetery. Working through the approved grave digger satisfies this requirement for deceased with an interment deed.

All graves (body and cremated) must be opened and closed by a grave digger approved by Management.

To minimize errors, Management must be contacted to mark a site before the grave is dug or a monument is set in place.

The casket must be enclosed in a concrete vault or concrete liner with lid. Infant burials must be in a combination casket and vault. Cremated remains must be in a crush resistant container (examples: wood box, metal urn) or vault.

When cremated remains are shipped in from out of state for burial with no ceremony or involvement of a funeral home, the ashes should be shipped directly to the grave digger after the Parish Office has been notified and agreement has been reached with the grave digger for the burial.

See Section E (Grave Sizes and Restrictions) for restrictions on grave sites, number of remains in a grave site, and monuments. Also see Section S for further information about monuments.

The casket may not be opened at any time within the Cemetery without the express permission and in the presence of the Management. The Management 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 Management may take appropriate steps to correct any obnoxious or improper conditions. When it has been approved by the Management, a casket may be opened by a funeral director.

Besides being subject to these rules and regulations, all interments and removals shall be subject to the orders and laws of the properly constituted authorities of the city, county, state, and federal, including the Regulations of the Department of Health.

H. Disinterment and Removals

Any disinterment or removal will be handled by a funeral director. However, the cemetery Management must be notified prior to such action. The funeral director will provide Management with copies of the legal documents authorizing the disinterment or removal.

The Management shall assume no liability for the damage incurred to any casket or vault during the disinterment and removal.

The cost of interment, disinterment, and removals will be borne by those requiring the action – for example: the legal representative of the deceased or the court ordering the disinterment. The Management shall have the right to designate the hour and manner in which interments, disinterment's and removals will or will not be permitted.

I. Correction of Errors

The Management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment's or removals, or in the description, transfer or conveyance of any easement rights or burial space, either by cancelling such conveyance and substituting and conveying in lieu thereof other easement rights or burial space of equal value

and similar location as far as possible as may be selected by the Management or at the sole discretion of the Management, by refunding the money paid on account of such purchase. In the event any such error shall involve the interment of the remains of any person in any burial space, the Management reserves, and shall have, the right to remove and reinter the remains in such other burial space of equal value and similar location as may be substituted and conveyed in lieu thereof.

J. Instructions to Easement Rights Holders and Holders Rights

The Management reserves the right to specify the terms of purchase of all easement rights in burial places. The fee for the interment deed must be paid in full before the gravesite is occupied.

Should the burial space purchaser fail to carry out the terms of the purchase agreement, the Management may declare the agreement cancelled and all easement rights of the purchaser in and to the burial space forfeited.

The use of the burial space is for the easement rights holder or holder's relative, subject to the written consent of the holder if requested by the Management, for interment purpose only. Grave speculation, that is the resale of grave space for profit, is not permitted.

By special permission of the Management a person not a member of the easement rights holder's family may be interred in the burial space, subject to the written consent or instruction of the holder.

Any transfer of easement by the holder or his heirs must be approved by Management and recorded in the Cemetery Records. A new deed will be issued to document the transfer.

In cases where the easement rights holder lives in another city, permission for an interment in the grave site may be given over the telephone, but verified by e-mail or fax. This is permitted to avoid undue hardship to the holder. However, the Cemetery will not accept responsibility for any errors that occur as a result of such phone calls. A burial will not be considered complete and valid until the holder follows the phone call with written permission for the interment.

In the event of death of an easement rights holder any and all privileges of the holder shall pass to the holder's family in the following manner.

1. The spouse of a holder of any burial spaces containing more than one interment space has a vested right of interment of his/ her remains in the burial spaces.

2. If the holder shall have filed written instructions that are legally sufficient at the Parish office as to which member or members of his/ her family shall succeed to the easement rights of the burial spaces, the instructions will be recognized by the Management and will be followed if in the judgment of the Management such instructions are definite, reasonable and practicable, subject however to a vested right of interment of the surviving spouse.

3. If no valid or legally sufficient written instructions shall have been filed in the office or if valid and legally sufficient instructions are in conflict with a later will and the holder has left instructions in the will, duly admitted to probate in a court having jurisdiction thereof, subject, however, to a vested right of interment of a surviving spouse, such instructions shall control provided they are not in conflict with the Cemetery rules and regulations then in force and provided the Parish Office is furnished with proof of the same.

4. In the absence of valid and legally sufficient written instructions filed at the office by the holder or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto by the laws of succession of the State of Ohio.

5. In a conveyance to two or more persons as joint tenants, each joint tenant has a vested easement right of interment in the burial space conveyed. Upon the death of a joint tenant, the title to the burial space held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

6. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

7. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the holder and the name of the person or persons entitled to the use of the burial spaces is complete authorization to the Management to permit the use of the unoccupied portion of the burial spaces by the person entitled to the use of them.

8. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants names in the easement papers to any burial spaces filed with the Management is complete authorization to the unoccupied portion of the burial spaces in accordance with the direction of the surviving joint tenants or their successors in interest.

Open burial spaces may be returned to the Cemetery.

The easement rights holder must return the interment deed and provide a written statement that he is relinquishing his rights to a specific burial site(s) to the Parish Office. The office reserves the right to request identification.

Upon request, the original fee will be returned to the holder of the easement rights.

The Management reserves the right to require any written instructions or permits from the easement rights holder or the holder's rightful heirs to be notarized.

K. Service Charges and Payments

The Management shall have the right to establish a charge and time of payment for each interment, disinterment, removal, easement transfer or return, and for the performance of any other service rendered by the Management; and all work in connection with such service as shall

be subject to the determination and supervision of the Management. Fee must be paid in full before the interment or other action proceeds.

The Management reserves the right to review and adjust the fees and fee schedule as needed.

L. Right to Replat

The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the disposal or interment of, human dead bodies or other Cemetery purpose:

1. To resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise to change all or any part or portion of the Cemetery.

2. To layout, establish, close, eliminate, or otherwise modify or change the location of roads, walks or drives, provided that ingress and egress to and from any burial space is preserved or is allocated to the easement rights holder.

The following rights and privileges are hereby expressly reserved to the Management, to be exercised at any time:

Easements and rights of way over and through all of the Cemetery premises for the purpose of installing, maintaining and operating pipelines, conduits, or drains for sprinklers, drainage, electric or communication lines or for any other Cemetery purpose.

M. Use of Cemetery – Ornaments, Flowers, and Related

To meet both cemetery maintenance needs and the desire of relatives to decorate graves:

1. The use of coping, curbing, fencing, hedging, stone or wood chips, planted flowers, and votive lights are discouraged. If the relatives of the deceased choose to use these items they must be enclosed by fencing or curbing. All future fenced / curbed areas must extend no more than one foot from the monument. They must be only on the designated grave site with no overlap of adjacent grave sites. Maintenance of the enclosed space is the responsibility of the relatives of the deceased. Management reserves the right to remove these items if they are not maintained.

2. Use of temporary flowers (cut or artificial) is permitted. Where containers for the flowers are not part of the monument, they should be in a cone shaped container immediately adjacent to the monument or mounted on top of above ground monument with a bracket. Wreaths on free-standing frames are not permitted during the grass cutting season (April through October). Flowers are to be removed when they have deteriorated.

3. Planted flowers, shrubs or trees are not permitted. The one exception is for flowers that do not obstruct the monument; these are permitted when within a fenced area described in Item 1 above.

4. American Flags: Deceased who were veterans may have a small American flag immediately adjacent to the above ground monument. Metal flag holders are permitted. Management reserves the right to remove flags that have deteriorated.

5. Solar powered lights are discouraged, but a single unit per grave is permitted when it is placed immediately adjacent to the monument.

6. Special restrictions apply for the “cremation only” or “cremation above a body burial” graves. Since there is only a ground level monument, the only decorations permitted during the grass cutting season are:

- a. A container of flowers from three days before to seven days after Memorial Day.
- b. If the deceased was a veteran, a small American Flag from three days before to seven days after Memorial Day, the Fourth of July, and Veterans Day.

7. Glass containers are not permitted

8. Benches or any items that do not fit within the area described in Item 1 above are not permitted.

The Cemetery shall not be liable for any flowers or floral containers placed at the grave on the day of the funeral nor for any other flowers or floral containers placed for the memorialization of a burial space at any time after the interment.

The Management reserves the right to remove any flowers, vases or floral designs, or any other items when they detract from the beauty of the Cemetery or violate the cemetery rules and regulations.

N. Grading and Improvements

All grading, landscaping and improvements of the Cemetery will be made by the Management.

The Management reserves the right to use legally approved chemical applications to beautify the Cemetery properties.

O. Cemetery Hours

The Management shall have the right to establish the opening and closing hours of the Cemetery

P. Loss or Damage

The Management disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandalism, malicious mischief, explosions, unavoidable accidents, or any

cause similar or dissimilar beyond the control of the Management whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section of a burial space, including graves or crypts or niches or any portion or portions thereof in the Cemetery, which has been damaged by such causes, the Management shall give a two (2) week written notice of the necessity for such repairs to the easement right holder of record. The notice shall be given by depositing the same in the United States mail, with postage prepaid, addressed to the easement rights holder of record at his or her address stated on the records of the Management. In the event the easement right holder fails to repair the damage or notify the office within two (2) weeks of specific plans to repair the damage, the Management may direct that the repairs be made and charge the expense against the burial site and to the easement right holder of record.

Easement rights holders are advised that memorials are not Cemetery property, but remain the personal property of the holder. Therefore, the memorial should be insured through the holder's homeowner's insurance policy.

Q. Easement Rights Holder's Change of Address

It shall be the duty of the easement rights holder to notify the Management of any change in his post office address. Notice sent to a holder at the last address in the Management's records shall be considered sufficient and proper legal notification.

R. Care

"Care" is to be understood as that care and maintenance necessitated by natural growth of grass and trees or shrubs owned by the Cemetery, and includes planting, cutting, and care of lawns, trees, and shrubs and the cleaning and maintenance of roadways, and walks.

The term "Care" shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any burial space, nor the planting of flowers or ornamental plants; nor does it mean the reconstruction of any marker, granite, bronze or concrete on any burial space or any damage beyond the Management's reasonable control.

S. Memorials and Rules for Memorial Work

For the purposes of these rules and regulations, the terms "memorial", "tombstone", "headstone", "monument" refer to the same thing.

"Above Ground" means that the monument is upright.

"Ground Level" means that the monument is flush with the ground.

A monument must be installed within one year of a burial. Minimum requirement is a granite monument flush with the ground, at least 4 inches thick, that displays at least the deceased's name and years of birth and death.

The government issued one foot by two foot bronze plaque for veterans is to be attached to the tombstone or used as the only monument for Cremation Only grave sites where it is placed at

ground level. Those already used as footstones are “grandfathered” and do not need to be moved.

All monuments must have a concrete foundation to minimize the chance of monument movement and damage as the ground settles or equipment runs over it.

The following maximum size restrictions apply to new monuments:

- Standard grave –single grave (4.5 feet): 36 inches long
- Standard graves – double grave (9 feet): 72 inches long
- Cremation-only or infant (3 feet): 24 inches long
- Contact Parish Office for monuments spanning more than two graves.

Memorial dealers shall abide by all the rules and regulations of the Cemetery.

The location and position in which a memorial is to be placed or erected on a burial space shall be entirely subject to the approval and under the supervision of the Management. Management should be contacted to mark the exact grave site before a tombstone is set.

Non-Cemetery workers engaged in placing or erecting monuments or other structures, are prohibited from scattering their material over adjoining burial spaces, or from blocking roads, or walks, or from leaving their material on the grounds longer than is absolutely necessary.

While the Management will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure on any burial spaces, it disclaims responsibility for damage or injury beyond its reasonable control.

Should any memorial, mausoleum or tomb become unsightly, dilapidated, or a menace to the safety of persons within the Cemetery, the Management shall have the right to correct the condition or to remove the same, without prior notice if the Management deems necessary, in either case at the expense of the easement rights holder.

Soliciting memorial sales or memorial work within the Cemetery is not permitted.

Only the easement holder or those responsible for the funeral have the right to place a memorial.

No alterations, with the exception of engraving of names and dates as properly authorized, may be made to any monument or memorial once placed in the cemetery.

T. In General

The Management reserves the right, without notice, to make temporary exceptions, suspensions or modifications in any of these rules or regulations when, in its judgment, the same appear advisable and such temporary exceptions, suspension or modification shall in no way be considered as affecting the general application of such rule.

In all matters not specifically covered by these rules and regulations the Management reserves the right to do anything which in its judgment is deemed reasonable and consistent with the welfare of all easement rights holders, and such determination shall be binding upon the holder and all parties concerned.

The Management reserves the right at any time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof or to adopt any new rule or regulation with respect to the Cemetery or anything pertaining thereto.

From time to time as current rules and regulations may be amended or deleted, or as new rules and regulations may be added, a notice will be published in the parish bulletin. The notice should summarize the changes and refer to the regulations at the Parish Office for details. Such publication shall constitute the promulgation of new rules and regulations and will be binding upon all easement rights holders and visitors to the Cemetery effective on the date of publication.

A copy of the Rules and Regulations will be posted on the Parish web-site – stambroseohio.org

REVISION LOG

If major revision, mention key points under “Paragraphs Revised”. Change revision date in footer of affected pages.

DATE

13 November 2011

REVISIONS

Initial issue

January 2013

General revision with following changes:

1. Minor revisions to Approval section and moved it ahead of Index.
2. Adjusted Index
3. Added
 - a. Section D – Cemetery Nomenclature
 - b. Section E – Grave Sizes and Restrictions
4. Section F – Arrangements for Funerals and Interments
Added second paragraph
5. Section G – Internment Procedure -- major revisions
6. Section J – Instruction to Easement Holder and Holder’s Rights –
Deleted first and fourth paragraphs
7. Section M – Use of Cemetery – Ornaments, Flowers, and Related
Major revisions
8. Section S – Memorials and Rules for Memorial Work
Major revisions

February 2013

- Section E – Added Infant graves
- Section G – Removed requirement to have cremated remains in a vault.
Added requirement for casket/vault for infant burials
- Section J – (3rd paragraph) Revised wording on prohibiting grave speculation.
(Next to last paragraph) Revised statement on returning open grave sites.
- Section S - Added requirement for concrete monument foundation.
Added limitations on monument size.