

**Rules and Regulations**

**Of**

**St. Andrew Cemetery**

**Revised 4/15/09**

**552 Main Street  
Milford, Ohio 45150**

## Preamble

“The Church through its funeral rites commends the dead to God’s merciful love and pleads for the forgiveness of their sins. At the funeral rites, especially at the celebration of the Eucharistic sacrifice, the Christian community affirms and expresses the union of the Church on earth with the Church in heaven in the one great communion of saints. Though separated from the living, the dead are still at one with the community of believers on earth and benefit from their prayers and intercession. At the rite of final commendation and farewell, the community acknowledges the reality of separation and commends the deceased to God.”

The above paragraph from the General Introduction of the Order of Christian Funerals expresses our confident belief in the resurrection of the body and the communion of saints. As a further seal and symbol of our faith, the Church regards its cemeteries to be sacred and holy places and raises a cross in each as a sign of hope to all Christians in the resurrection.

In the very earliest days, Christians have respected and honored the bodies of the dead and the places where they rest. To insure the dignity and reverence and sacred character of its cemeteries, rules and regulations were created to maintain good order.

Catholic cemeteries are intended for the burial of Catholic Christians who are entitled to burial according to the rules and discipline of the Roman Catholic Church. However, the burial of individuals who do not profess the Roman Catholic faith and the conduct of their burial service by a non-Catholic minister or religious representative is permitted in a Catholic cemetery. This most frequently involves situations of interfaith marriage in which spouses choose to be buried next to each other. Other situations may arise which require the sensitivity and pastoral judgment of the Pastor of St. Andrew Church.

The following are the rules and regulations of St. Andrew Cemetery, which are established to ensure the sacred character of St. Andrew Cemetery, in accord with the mind and traditional practice of the Roman Catholic Church, and to maintain good order for the use of the cemetery. All lot owners and visitors, and all rights of interment, entombment or inurnment are subject to the rules and regulations of the cemetery which are now in force or which may here after be adopted without prior notice by the Cemetery Board of St. Andrew Cemetery (the “Board”). All determinations as to the interpretation of these rules and regulations shall be made by the Board or Pastor of St. Andrew Church.

# Article I

## Definitions

- A. “Board” shall mean the Board of Trustees of St. Andrew Cemetery, the members of which shall be appointed from time to time by the Pastor.
- B. “Cemetery” shall mean all properties held and being used or to be used for interment as well as all properties used for related purposes such as roadways, walks and buildings.
- C. “Grave” shall mean a space of ground in the Cemetery of sufficient size to bury the remains of one (1) deceased person.
- D. “Lot” shall include and apply to one grave or more than one grave when the graves are adjoining. Various size lots are available.
- E. “Interment” is the permanent disposition of the remains of a deceased person by burial.
- F. “Lot Owner” are those persons who have purchased interment rights in the Cemetery.
- G. “Memorial” shall mean a monument or grave marker for one or more deceased persons.
- H. “Permanent Type Vase” is defined as a lawn-level vase cast in concrete that will be upright when in use but reversed and closed flush with the ground when not in use.
- I. “Vault” shall mean an outer container of reinforced concrete or steel used for the protection of the casket and to eliminate settlement of the ground after a grave is closed.
- J. “Management” is hereby defined as the person or persons duly appointed by the Pastor and the Board to conduct and administer the day-to-day operations of the Cemetery.
- K. “Parish” shall mean the congregation of St. Andrew Roman Catholic Church, Clermont County, Milford, Ohio.
- L. “Pastor” shall mean the Pastor of the Parish appointed from time to time by the Archdiocese of Cincinnati.
- M. “Disinterment” shall mean that St. Andrew Cemetery Management will hire the company to remove the vault & casket from the ground, backfill and repair the cemetery lot. Permission of the spouse (18 years of age or older) or a Court Order must be obtained before the disinterment process can be started. (Ohio Revised Code, Sec. 517.24). Ownership of the lot(s) may revert back to St. Andrew Parish.

## **Article II**

### **Admission to Cemetery**

The Pastor or Management reserves the right to refuse admission to the Cemetery to any person (i) who is not there for the sole purpose of burying the dead or visiting a grave; or (ii) whom the Pastor or Management deems detrimental to the best interest of the Cemetery.

- A. **HOURS:** The Cemetery shall be open from dawn to dusk, unless weather conditions make it unsafe to travel on the roads in the Cemetery.
- B. **SAFETY:** Persons within the Cemetery should exercise caution while walking over the grounds because of irregularities in grading.
- C. **PERSONAL CONDUCT:** Idling, loitering or any boisterous demonstrations and un-Christian language within the Cemetery or any of its buildings are prohibited. No bicycles, in-line skates, skateboards, roller skates, scooters, tricycles or similar items may be brought into or used in the Cemetery.
- D. **DRUGS AND ALCOHOLIC BEVERAGES:** Non-prescription drugs and alcoholic beverages are not permitted within the Cemetery.
- E. **SIGNS AND ADVERTISING:** No signs, notices or advertising of any kind shall be allowed within the Cemetery except those placed by the Management or those for which the Management has given express written approval.
- F. **ANIMALS AND PETS:** Except for seeing-eye dogs, animals and pets are not allowed in the Cemetery at anytime.
- G. **FIREARMS:** Firearms are not to be brought onto cemetery property except by military escort accompanying a veteran's funeral or attending memorial services.
- H. **PEDDLING OR SOLICITING:** Peddling or soliciting the sale of any commodity within the cemetery is prohibited.

## **Article III**

### **Interment Procedure**

- A. **SUBJECT TO LAWS:** In addition to being subject to these Rules and Regulations, all burials within the Cemetery are expressly made subject to the laws and regulations of governmental authority having appropriate jurisdiction.
- B. **TIME AND CHARGES:** All burials within the Cemetery must be made at the time, in the manner and upon receipt of such charges as are fixed by the Management from time to time.
- C. **NOTICE:** The Management reserves the right to insist upon at least twenty-four (24) hours notice prior to any burial. The Management shall not be responsible for the failure of the funeral home or family to notify the Management that a burial is to take place.
- D. **GRAVE FULLY PAID FOR:** Except by special prior written consent of the Management, no burial shall be permitted within the Cemetery and no rights shall be acquired by the purchaser or purchasers of a right of burial until the price of the grave is fully paid as provided in the contract between the purchaser and the Cemetery.
- E. **ERRORS IN INSTRUCTIONS:** The Management shall not be responsible for any interment or instructions concerning an interment given by telephone or any mistake occurring due to lack of proper instructions as to the particular grave location where an interment is to be made. The Management reserves the right to make an equitable charge whenever additional labor costs result from such a mistake.
- F. **FUNERALS:** All funeral processions upon reaching the Cemetery entrance shall be under the supervision of the Funeral Home and its employees. All burials shall be made only by personnel approved by the funeral director and Management.
- G. **OPEN CASKETS:** The casket may not be opened at anytime within the Cemetery without the express permission and presence of the Management. The management reserves the right to refuse permission to anyone to open the casket without the consent of the legal representative of the deceased or without a Court Order.
- H. **VAULT:** No burial shall be permitted in a grave unless the grave contains a vault into which the casket is placed and which is sealed to the grave being closed.
- I. **CREMATION:** Cremated remains of a body should be treated with the same respect given the corporeal remains of a human body. This includes the use of a worthy vessel to contain the ashes. The cremated remains should be buried in a grave. Whenever possible, appropriate means for memorializing the deceased should be utilized, such as

a plaque or stone which records the name of the deceased. The faithful who choose cremation are presumed to have the proper motives.

## **Article IV**

### **Removal of Remains of Deceased**

- A. **GENERAL:** When the removal of the remains of a deceased from a grave (“disinterment”) within the Cemetery is requested, the next of kin must consult the management to be properly advised of disinterment procedures. The cause of disinterment must be reasonable. Permission of the spouse (18 years of age or older) or a Court Order must be obtained before the disinterment process can be started. (Ohio Revised Code, Sec. 517.24). All disinterment shall be subject to charges set by the Management.
- B. **SUBJECT TO LAWS:** In addition to being subject to these Rules and Regulations, all disinterments from the Cemetery are expressly made subject to the laws and regulations of any governmental authority having appropriate jurisdiction. No disinterment shall be made if the deceased died of a contagious or infectious disease, until a permit has been issued by the Board of Health of a general district, township or city health district.
- C. **TIME AND CHARGES:** All disinterment must be made at the time, in the manner and upon receipt of such charges as described within these Rules and Regulations or otherwise fixed by the Management.
- D. **NOTICE:** The Management reserves the right to perform any disinterment at the convenience of the Management. Notification must be made prior to disinterment to the Parish Office.
- E. **APPLICATION:** An application for disinterment under Section 517.23 of the Ohio Revised Code shall be in writing and shall follow the stipulations of that section of the law. The company doing the disinterment is responsible for all damages and must provide a certificate for liability prior to disinterment.

## **Article V**

### **Lot Owner's Rights**

- A. **RIGHT OF BURIAL ONLY:** The lot owner does not purchase property in fee, only a right of burial therein. Not more than one (1) body or the remains of more than (1) body shall be buried in one grave. Management has the right to waive in cases of cremation (urns).
  
- B. **INDIVIDUAL RIGHTS:** All lots purchased shall be presumed to be the sole property of person or persons named in the Certificate of Burial Rights; provided however, that a spouse of a lot owner shall have a vested right of burial of his or her remains in any unused grave, which shall continue as long as he or she shall remain the spouse of the lot owner or shall be his or her spouse at the time of such lot owner's demise.

If the lot owner files with the Management written instructions that are legally sufficient to name who will be interred in individual graves, the instructions will be recognized by the Management and will be followed if such instructions are definite, reasonable and practicable, subject however to a vested right of interment of the surviving spouse.

In the absence of valid and legally sufficient written instructions, files with the Management by the lot owner, or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto by the laws of interstate succession of the State of Ohio. A vested right of burial as herein provided may be waived and shall terminate upon interment elsewhere of the remains of the person entitled thereto. If Certificate of Ownership is not available, requesting party for burial rights must provide consent of living heirs.

## Article VI

### Purchase of lots

- A. **SELECTION:** Persons desiring to purchase a grave or lot should contact the Parish Office. All prices and methods of payment are fixed by the Parish.

All prices below include perpetual care:

One regular lot ... (40" x 10')	\$ 425
Four cornerstones are required for each lot.....	\$ 125
One Baby lot with two cornerstones (includes opening & closing)....	\$ 325
(One Baby lot size is (40" x 44"))	
Opening and closing of one regular lot (40" x 10')	\$ 500
Opening and closing of grave on Friday or Saturday, additional .....	\$ 100
Opening and closing of grave for burial of Cremation Urn.....	\$ 150
Cremation Lot (40" long x 30" wide) (includes opening & Closing)..	\$ 325
Disinterment (per single lot) .....	\$1,500

- B. **GRAVES AND LOTS** shall be sold only to individuals who are active parishioners (and their immediate family) of St. Andrew Parish at the time the grave or lot is purchased. Employees and others are eligible for burial at discretion of cemetery Management.
- C. **CERTIFICATE OF BURIAL RIGHTS:** A Certificate of Burial Rights shall be issued to each grave or lot purchaser upon full payment price except in the case of a single grave being purchased for immediate need. In this case, all records on file in the Parish Office will be in the name of the deceased.

The presentation of the Certificate may be required at the time the arrangements are made for burial or whenever any other rights are to be exercised. When such Certificate is not presented, or when presented by someone other than the original lot owner, the Management will be governed by the property rights of the original lot owner and the sequence of inheritance expressed in these Rules and Regulations in allowing the burial of the remains of any deceased person.

- D. **CHANGE OF ADDRESS:** It shall be the duty of the lot owner to notify the Management of any changes of his/her address. Notice sent by the Management to said owner's last address of record shall be proper and legal notification.
- E. **NO TRANSFER WITHOUT CONSENT:** No transfer or assignment of any grave or lot within the Cemetery, or any interest therein, shall be valid without the prior written consent of Management and the written consent of all rightful heirs, duly notarized and affixed to the lot owners card.
- F. **NO PROFIT:** State law prohibits a grave or lot within the cemetery from being sold at a profit.

- G. **INDEBTEDNESS:** The Management reserves the right to refuse to consent to a transfer or to an assignment of a grave or lot as long as there is any indebtedness due the Cemetery from the lot owner.

## **Article VII**

### **Decorations and Memorials**

- A. **PLANTING:** All planting and work of any nature shall be under the exclusive control of the Cemetery. The planting of any tree, shrub, bush, plant or flower, or any other vegetation of any kind, whether as annual or a perennial, is expressly prohibited. No coping, curbing, fencing, hedging, border or enclosure, stones, gravel or aggregates, or any other material of any kind, whether natural or artificial, shall be installed, erected, planted, placed or allowed around a lot or grave. Turf shall not be disturbed for any purpose except under written authorization of the Management. Planting or other work accomplished in violation of these rules and regulations shall be removed by the Management and the owner of the burial area charged for the reconditioning of the affected area.
- B. **FLOWERS:** In the past the placing of real flowers on graves did not present too great a problem to the Cemetery, even on special occasions such as Easter and Memorial Day. However, with the advent of artificial flowers it has become a serious problem for every Cemetery including St. Andrew Cemetery. It is not practical to first move the artificial flowers, mow the grass, and then replace them in their former location. Errors in replacing are bound to occur and the labor cost is prohibitive. The Cemetery has no alternative but to remove artificial flowers in order to mow the grass. Therefore, the following procedures will prevail pertaining to flowers:
1. Potted plants and containers made of glass, pottery and other breakable materials are prohibited and, if placed, will be immediately collected and discarded. Power mowers hitting such objects endanger the lives of workmen and visitors alike.
  2. Permanent type vases (on the monument) only, will be permitted in the Cemetery.
  3. Fresh cut flowers and artificial only will be permitted to be placed in the permanent type vases between March 15<sup>th</sup> and November 1<sup>st</sup>. All flowers or any artificial flowers will be removed.
  4. Seven days after Easter, Mother's Day, Memorial Day and Father's Day, all fresh cut flowers will be gathered and discarded at the discretion of the Management.
  5. Artificial flowers and wreaths of artificial flowers, in good condition, will be permitted to be placed on the monument and remain from Nov 1<sup>st</sup> to March 15<sup>th</sup>.
- C. **FLAGS:** The placement of flags shall be permitted on the graves of Veterans of the Armed Forces; however, these flags shall be removed when, in the opinion of the Management, it is desirable to do so. Further, the flags must be stuck in the ground or holders, as the placement of flag holders or emblems shall be prohibited, and any holders or emblems shall be prohibited, and any holders or emblems shall be removed by the Management and discarded.
- D. **PERMANENT MEMORIALS:** In the interest of helping and protecting people in the selection of memorials and vases, the Cemetery requires that all workmanship on, and

materials in, memorials and vases be of high quality. Accordingly, acceptance of any and all memorials and vases for placement in the Cemetery must meet the standards set forth in these Rules and Regulations.

1. A memorial application and detailed designs must be submitted to the Cemetery prior to any work being started by the memorial dealer on the memorial, and the designs will be accepted or rejected, depending on size, structural stability, location, letterings, etc., all shall be in compliance with these Rules and Regulations.
2. The following dimensions and specifications for memorials shall be observed in the Cemetery:

Standard Double .....	12" x 36" x 30" high
Single .....	12" x 24" x 30" high
Baby .....	10" x 17" x 7" high
Cremation .....	12" x 24" ground level

3. If the memorial does not conform in every detail to the approved designs, it shall be the sole responsibility of the memorial dealer to return the memorial to its place of business and to correct any errors or deficiencies in workmanship and materials.
4. To expedite handling of the memorial application and placement of the memorial or vase, payment of installation charges shall accompany the application.
5. All memorials and vases shall be installed under the direction of the Cemetery personnel in the manner prescribed by the Cemetery. Any memorial installed by an independent memorial dealer shall conform to all of the regulations contained in these Rules and Regulations and the following:
  - a. Memorial companies or dealers shall complete the Memorial Application and receive Cemetery approval of the design plans prior to the production and delivery of any memorial to the Cemetery.
  - b. The Cemetery shall reserve the right of site location selection, conduct of installation of the memorial and protection of the site. Therefore, a location and layout design must be submitted with the application.
  - c. Application for installation of an approved Cemetery memorial shall be submitted to St. Andrew Parish Office at least two (2) working days in advance.
  - d. Installation shall be made during normal Cemetery working hours and only during favorable weather and ground conditions.
  - e. Any memorial dealer doing work in the St. Andrew Cemetery shall present to the Parish Office its Certificate of Workman's Compensation for its employees and Liability insurance insuring against any damage that may occur to the Cemetery grounds or persons or property in the Cemetery. The Cemetery shall be held harmless from and against any injury caused by the memorial dealer or its employees or agents. Likewise, memorial dealers shall protect the Cemetery grounds and cause no damage to turf by ingress or egress to the work site.
  - f. Should any memorial or monument become unsightly, in need of repair, 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 to the lot owner if the Management deems necessary.

- g. Lot owners are advised that memorials are not Cemetery property but remain the personal property of the lot owner. Therefore, memorials should be insured under the lot owner's homeowners insurance policy.

- E. **REMOVAL:** The Management reserves the right to upgrade or make improvements in any area of the Cemetery. Renovation is periodically necessary and is a benefit to all lot owners. Renovation can include but is not limited to realigning and resetting grave markers at lawn level, eliminating evergreens and shrubbery that had been planted prior to the issuances of these rules and regulations, and any other item invading lots or obstructing other memorials.

## **Article VIII**

### **General Liability of Management**

The Management shall take reasonable precautions to protect each grave and the remains therein from loss or damage, but the Management hereby disclaims all responsibility for loss or damage from causes beyond Management's reasonable control, including, but not limited to, damage to vases, memorials or monuments caused by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar to the foregoing that is beyond the reasonable control of the Management, whether the damage be direct or collateral. The Management shall be held only to the exercise of reasonable care and diligence in the Management and maintenance of the Cemetery, and shall not be held liable for and Obligation not expressly set forth within these Rules and Regulations.

## **Article IX**

### **Exceptions and Modifications**

- A. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Management, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.
- B. The management may, and it hereby expressly reserves the right, at any time and from time to time, to adopt new rules and regulations or to amend, alter and repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations.

## **Article X**

### **Miscellaneous**

- A. Section 1721.19 for the State of Ohio Revised Code regarding violations or rules of a Cemetery Association provides as follows:  
 “No person shall violate a bylaw, rule or regulations adopted by the trustees, directors or other officers of the cemetery company or association or by a board of township trustees having charge of township cemeteries, with reference to the protection, good order and preservation of cemeteries, and the trees, shrubbery, structures and adornments therein. Watchmen, superintendents, gardeners or agents of a cemetery company or association may arrest on view, a person found violating this section and bring him before a judge of a county court or judge of a municipal court having jurisdiction within the township of trial.”
- B. All persons are encouraged to visit the Cemetery. However, the Cemetery is a sacred place especially to those persons whose family and friends are buried therein; therefore, all visitors must conduct themselves in a acceptable fashion with due regard to the feelings of others. To this end, the Management shall have the right to eject from the grounds any person or persons whose actions they deem objectionable.
- C. The Cemetery reserves and shall have the right to correct any errors made by the Cemetery employees in making interments, disinterment or removals in planting or grading work and memorial work or in the description, transfer or conveyance of burial rights either as to the rights in a particular burial area conveyed or as to the person to whom conveyed. In particular, the Cemetery may correct any errors in the description, transfer or conveyance of burial rights by substituting any conveying in lieu thereof burial rights in other burial areas of equal value and similar location as far as possible, or as may be selected by the Management, or at the sole discretion of the Management, by refunding the amount of money paid in such transactions and repossessing the burial rights. In the event such error involves the interment of any person in such burial area, the Cemetery reserves and shall have the right to disinter and transfer such remains to such other burial area of equal value and similar location as may be substituted and conveyed in lieu thereof.
- D. The Management, its agents and employees, other grave and lot owners and those reasonably entitled thereto, shall have a perpetual right of way over graves and lots to pass to and from other graves and lots.

The Management may at any time or from time to time in order to erect buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the interment of dead human bodies or other cemetery purposes: re-survey, enlarge, diminish, replant, alter in shape or size, or otherwise change all or any part or portion of the Cemetery area. The Management shall have, to be exercised at any time and from time to time, easements and rights of way over and through the Cemetery grounds for the purpose of installing, maintaining and operation pipe-lines, conduits or drains for sprinklers, drainage, electric or communication lines or for any Cemetery purpose.

Original Policy dated 1984  
 Revision I September 1987  
 Revision II April 18, 2000

Revision III October 17, 2005  
Revision IV April 15, 2009