

ST. JOSEPH CEMETERY

2643 Waterloo Road
Mogadore, Ohio 44260
330-628-9941

RULES AND REGULATIONS

*Adopted October 10, 2002
Amended June 1, 2011
Amended May 9, 2013*

Ever since Christ's body was reverently laid in the tomb to await Resurrection,
Christians have respected and honored the bodies of the dead
and the places where they rest.

St. Joseph Cemetery was founded in 1830 and continues today as Holy Ground.
Here it is that we bury our deceased loved ones,
give thanks to God for the gift of earthy life and the call to eternal life
which the Father so generously shares with us in Christ Jesus.

The following rules and regulations are in effect
to insure the sacred and beautiful character of this parish cemetery,
plan for its upkeep and perpetual care,
and respect and protect the rights of the purchaser,
all in accord with the mind and traditional practice of the Roman Catholic Church.

PREAMBLE

For the mutual protection and benefit of the plot holders and of St. Joseph Parish, the following Rules and Regulations for Cemetery operation have been adopted. **All plots, plot owners and visitors** shall be subject to these Rules and Regulations and any such amendments, alterations, or additions as shall be adopted in the future by St. Joseph Cemetery Committee. The reference to these Rules and Regulations in the Certificate of Burial Rights and/or Cemetery Easement shall have the same effect as if set forth in full therein. All determinations as to interpretation of these Rules and Regulations of St. Joseph Cemetery shall be made by the Management and such determinations shall be final.

The Management 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 applications of such rule.

SECTION I: DEFINITIONS

Cemetery – St. Joseph Parish burial grounds

Cemetery Committee – Consists of nine members of the parish, each serving a three-year term, the sexton serving as an ex-officio member, and the Pastor

Certificate of Easement – same as “Right of Interment”

Decoration – Any non-Cemetery property and/or personal property belonging to owner and placed upon the grave for ornamentation or memorialization purposes

Family Members – Husband and wife, their parents, their children, their siblings

Grave – shall mean a space of ground in the Cemetery of sufficient size in which a deceased person is buried

Management – Management is defined as the person or persons duly appointed by the Pastor of St. Joseph Parish for the purpose of conducting and administering the operation of St. Joseph Cemetery. These persons shall include the sexton, the chairperson of the Cemetery Committee and one other person from the Committee appointed by the Pastor

Need – Immediate usage of plots

Parishioner – Persons currently registered on the St. Joseph Parish roster

Plot – is an unused space within the Cemetery intended to be used for earth burial and of sufficient size to accommodate one grave

Right of Interment – Certificate of Easement for use of plot. The owner or purchaser of a Right of Interment does not acquire a fee simple interest in the property purchased from the Management, only a right of burial therein

SECTION II: VISITING THE CEMETERY

- A.) The Cemetery shall be open to visitors daily at dawn and will close at dusk. Children under age of 12 must be accompanied by an adult at all times. Trespassers found on Cemetery grounds during prohibited hours and violators of any of the following rules will be prosecuted.
- B.) Personal Conduct: Idling, loafing, loitering or any boisterous demonstrations within the Cemetery of any of its buildings are prohibited.
- C.) Littering or dumping of any type of trash is prohibited.
- D.) Removing or damaging any property is expressly prohibited.
- E.) Unauthorized placing of signs, notices or advertisements is prohibited.
- F.) Non-prescription drugs and alcoholic beverages are not permitted within the Cemetery.
- G.) All animals must be under the control of the owner at all times, and must be on a leash while in the Cemetery grounds. Pet owners are required to clean up after their animals.

- H.) Visitors assume all personal risks when coming onto the Cemetery grounds.
- I.) Vehicles must proceed slowly and quietly within the Cemetery and stay on the roads.
- J.) No vehicle should be parked or left on a road within the Cemetery in such a position as to prevent another vehicle from ingress, egress and/or right of way. Parked vehicles should not have the motor running.
- K.) Riding motorcycles, ATV's, and snowmobiles for recreational purposes in the Cemetery is prohibited.
- L.) The Management reserves the right to close the Cemetery if the safety and welfare of visitors may be endangered.

SECTION III: PURCHASE AND USE

- A.) St. Joseph Cemetery is intended for, and restricted to, the interment of Catholic St. Joseph parishioners and their family members who are entitled to such interment in accordance with applicable Canon Law and discipline of the Roman Catholic Church. The burden of proving that the deceased is Catholic, or a proper relative thereof and entitled to such interment, shall rest upon the owner of the Right of Interment or other person applying for the interment of the deceased. All determinations with regard to the Right of Interment shall be within the sole discretion of the Management.

To avoid breaking family ties, a non-Catholic member of a Catholic St. Joseph parishioner family may be interred in this Catholic cemetery.

- B.) A parishioner may purchase no more than two (2) plots unless an immediate need is established and proven and approved by the Management, e.g. loss of multiple family members. Full payment should be made at the time of purchase. No interment will be permitted and no rights shall be acquired by the purchaser of the Right of Interment until the same is paid in full, except under the terms and conditions of a 30-day agreement. Price list is available at the parish office.
- C.) Number of Burials per grave. Each **full size** plot is designated for the interment of human remains of not more than one of the following combinations:
 - One full size coffin and one infant coffin
 - One full size coffin and one cremated remains
 - Four cremated remains
 - Two infant coffins

In sections specifically designated for cremated remains, no more than two cremated remains may be interred in a half size plot.

- D.) To purchase a plot, the name of address of the grantee must be indicated on the Right of Interment. If more than one plot is purchased, it should be indicated who will be interred in individual plots. The grantee shall provide, in writing, the names and addresses of the persons to whom the grantee's property would pass by intestate succession. The grantee shall notify the management in writing of any subsequent changes in the name or address of any persons noted above.
- E.) Any Right of Interment/Certificate of Easement purchased shall be presumed to be the sole property of the person or persons named on such; provided however, that a spouse shall have a vested right of burial of his or her remains in any unused plot conveyed to the other, which right shall continue as long as he or she

shall remain the spouse of the plot holder or shall be his or her spouse at the time of such plot holder's demise. If the plot holder files written instructions that are legally sufficient at the Cemetery office as to who will be interred in the individual plots, 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 filed at the office by the plot holder or a duly probated will, the right of interment shall devolve upon those entitled to succeed, according to the Sequence of Inheritance of the State of Ohio. A vested interest of burial as herein provided may be waived and shall be terminated upon disposition elsewhere of the remains of the person entitled thereto.

- F.) No transfer or assignment by gift, inheritance or any other means of the Right of Interment/Certificate of Easement or interest therein shall be valid without the prior written consent of the Management. Proper notarized verification and compliance with Section III: A, B and C are essential. There will be a nominal charge for this service.
- G.) It is recommended that plot holders donate unused plots back to St. Joseph Cemetery or they may be repurchased by St. Joseph Cemetery, at the Management's discretion, at no more than 50% of the original purchase price. Plot holders are prohibited from selling a Right of Interment/Certificate of Easement to any other person or persons.

SECTION IV: MONUMENTS

- A.) An application must be submitted to the Management prior to the purchase of the memorial monument. All shall be in compliance with adopted Cemetery standards. Christian symbols are strongly encouraged. The application will be accepted or rejected, dependent on size, structure, stability, location, lettering, inscription, color and material.

The size restrictions of monuments are as follows: The maximum height of all new monuments shall be 44" overall including base. The maximum length of monuments shall be 30" for a single plot, 60" for a double plot, and 72" for four side by side plots. The maximum width of the monument shall be 12". A full size plot with four cremains may include one of the following options: one upright monument adhering to size restrictions with up to four names, four single flat/flush monuments with maximum size of 24" x 12", or a combination of one upright monument with four single flat/flush monuments. A half size plot in the cremains only section must use flat/flush monuments with a maximum size of 24" x 12".

- B.) The Management shall not be liable for any errors in the placement of memorials resulting from instructions mistakenly communicated to the Cemetery. A copy of the agreement between the plot holder and memorial company must be forwarded to the Cemetery prior to installation of the footer.
- C.) Installation of headstones shall be scheduled at the discretion of the sexton during normal Cemetery working hours from April through September.
- D.) Monuments are not Cemetery property but remain the personal property of the plot owner and therefore should be insured under the individual's homeowner's insurance policy.

SECTION V: DECORATIONS AND ROUTINE UPKEEP OF GRAVES

- A.) No trees or bushes may be planted on the plots of individuals; however memorial trees or bushes approved by the Management may be purchased by the plot owner and planted by Cemetery personnel in specifically identified areas on the Cemetery grounds.
- B.) At the time of interment flowers may be placed on or near the place of interment. The flowers will be removed and discarded by Management as appearance dictates.
- C.) Evergreen blanket coverings are permitted from November 1 to March 1 only.
- D.) Outlining of graves is not permitted. Outlining of monuments must be flush with the ground and within the one foot boundary in front and/or beside the monument, and approved by the Management. Shredded wood fiber or peat moss are the only acceptable planting bed mulches.
- E.) All decorations should be placed firmly at the headstone within a one foot boundary in front and/or beside the monument. Any decorations that become wind blown and/or dislodged will be discarded at the discretion of the Management.
- F.) Artificial and fresh cut flowers are permitted in an approved secured container but will be removed when they become unsightly. Free standing containers such as tin cans, glass jars, etc. are not permitted and are subject to immediate removal by Management.
- G.) Planting of flowers is permitted only within a one foot boundary in front and/or beside the monument.
- H.) Closed vigil lights are only permitted with approval of the Management. Open flames of any type are not permitted.
- I.) American flags may be placed on graves at any time, but must be removed when not presentable. Service or organization recognitions/markers on members' graves are permitted. Any other decoration must be approved by the Management.
- J.) Decorations that become unsightly will be removed at the discretion of the Management.
- K.) In specific areas of the cemetery limited to flat stone markers, nothing may be planted or placed on such plot except during the Christmas and Easter season.

SECTION VI: DISINTERMENT

- A.) When the removal of the remains of the deceased from a grave within the Cemetery is requested, the interested parties should consult the Management to be properly advised of removal procedure. All removals shall be subject to charges set by the Management.

SECTION VII: COMPLIANCE

- A.) Previous burials may be exempted from new rules unless health and safety issues are involved. Previous purchases completely unused and new purchases will follow these rules and regulations.

- B.) All plots, used and unused, must conform to regulations in Section V – Decoration and Routine Upkeep of Graves. After the effective date of these Rules and Regulations as written herein or any amendment, alteration or addition thereto, there will be a 30-day period for removal of all items which are not in compliance.

SECTION VIII: RESTRICTIONS AND DISCLAIMERS

- A.) The Management shall take all 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 their reasonable control, including, but not limited to, damage to crypts, vaults, vases, memorials or monuments or decorations caused by the elements, an act of God, vandals, explosions, unavoidable accidents, or any cause similar or dissimilar whether the damage be direct or collateral.
- B.) The Management reserves the right to renovate or make improvements in any area of the Cemetery that it deems necessary. This can include, but is not limited to, realigning and resetting grave markers at lawn level, eliminating evergreens and shrubbery, and establishing new turf.
- C. The Management uses its best efforts to maintain the Cemetery in a safe and hazard free manner. Due to general outdoor conditions, ground settling, soft ground, and any number of conditions over which the Management has no control, visitors to the Cemetery assume all risks when coming onto the property.
- D.) The Management shall be held only to the exercise of reasonable care and diligence in the maintenance of the Cemetery and shall not be held liable for any obligation not expressly set forth within these Rules and Regulations.