

# St. Pius X Cemetery

295 Chestnut Ridge Road  
Rochester, New York 14624

## Rules and Regulations

For any questions, please contact the Parish Business Office  
St. Pius X Church  
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Rochester, New York 14624  
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Rev. 02/01/2020

Rules and Regulations  
Of  
St. Pius X Cemetery  
  
Of the Parish of  
  
St. Pius X Church of Rochester, NY  
  
Of the  
  
Diocese of Rochester  
State of New York

Approved  
July 24, 2017

This revision of the Rules and Regulations supersedes all past revisions & editions.

Rev. 02/01/2020

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# Preamble

Ever since the Sacred Body of our Crucified Saviour was reverently laid in the tomb, there to await the hour of its glorious Resurrection, the Church has been most solicitous to surround the burial of those who hope to rise with Christ with an atmosphere of deep Christian faith and profound reverence. In the Mass and burial prayers, the Church gives voice to her belief in the Christian doctrines of the Resurrection of the Body, the Communion of Saints, and Life Everlasting; but as a further seal and symbol of that faith she sets apart and solemnly blesses the place in which the bodies of her faithful departed await the day of Resurrection.

In the very earliest days, Mother Church found it necessary to make rules and regulations which would protect these sacred places and the relics laid therein. She could not and would not allow anything within the holy precincts which would desecrate them, lessen their beauty, or bring dishonor to the dead.

To insure the sacred character of the cemetery operated by St. Pius X Church of the Diocese of Rochester in accord with the mind and traditional practice of the Church to establish and maintain good order, the following rules and regulations are in effect.

## Formal Adoption and Subjection

Rules and Regulations

Of

St. Pius X Cemetery

Of the Parish of

St. Pius X Church of Rochester, NY

Of the

Diocese of Rochester

State of New York

The Rules and Regulations that follow are hereby adopted as the Rules and Regulations for St. Pius X Cemetery as herein names, and all owners of interment, entombment, inurnment rights, employees, visitors, contractors and their employees performing work with the Cemetery shall be subject to the Rules and Regulations as well as such amendments and alterations as may be adopted by St. Pius X Cemetery from time to time, with the same force and effect as such Rules and Regulations and

amendments as set for in the Certificate of Burial Rights (Certificate), Purchase Agreement, or any other form or documents issued by St. Pius X Cemetery or the Diocese of Rochester, New York.

## **Intended Use of Cemetery**

The Catholic cemetery images the Communion of Saints. By peaceful rest among other believers in Jesus Christ, in silence our beloved deceased still proclaim their belief in the Resurrection of Christ's promise of eternal life to those who follow Him. Those who request burial within a Catholic cemetery are making this Profession of Faith.

The Cemetery is therefore intended for the interment of Catholics and members of their families who have a right to Christian burial according to the rules of discipline of the Roman Catholic Church.

The Cemetery is intended for the interment of Catholics who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any question of the burial on a non-Catholic or of any person not entitled to Christian burial according to the rules and discipline of the Roman Catholic Church, shall be decided exclusively by the Management appointed by the Bishop, and such decision shall be final and binding on the parties.

The cemetery's management is committed to see that the St. Pius X Cemetery is well maintained and is the image the Church's respect for the dignity of each individual human person. Many families visit these sacred burial grounds for prayer and reflection. Specifically, each visitor seeks their loved one's burial place as an expression of their love and devotion. Activities such as the walking of pets, jogging, riding of bikes, roller blades and roller skates, picnicking and other park-like activity is inappropriate on cemetery grounds. An exercise such as walking through the grounds is usually acceptable, provided that walkers are dressed appropriately and do not infringe upon visitors, mourners, or cemetery workers. Although there is light traffic please be alert to vehicles and maintenance equipment.

The cemetery has maintained as a specific rule a regulation that states, "The walking of dogs or the bringing of animals into the cemetery is strictly forbidden." The one exception to this rule is the use of animals as certified service animals.

As custodians of God's acre, we must continue to balance recreational desires with more practical concerns of appearance and upkeep. While not everyone will agree with all the rules, we ask that everyone accept them as contributing to our common goal – a well-kept cemetery. Thank you for helping us in our continuous effort to make our cemetery a more beautiful place to visit and easier to maintain.

## **Admission to the Cemetery**

The Management reserves the right to refuse admission to the Cemetery and to refuse the use of Cemetery equipment or facilities at any time to any person or persons, as the rules, judgment and tradition may dictate. ALL roads, entrances and land within the confines of the Cemetery are private property, and entrance is limited to persons authorized by Cemetery Management. At the discretion of

Cemetery Management the cemetery may be closed for inclement weather and/or if there are unsafe conditions.

## Visiting Hours

The Cemetery shall be open for visitors from the hours between the sunrise and sunset of the day.

When visiting the Cemetery, all are cautioned to drive slowly. Vehicles shall be parked on the pavement; do not park on the grass. Do not leave your car keys, purses or valuables in your car. The cemetery will assume no responsibility.

## Definitions

The following definitions cover terms used in the Rules and Regulations as well as terms used by personnel of the Cemetery. As used in the Rules and Regulations, the following terms shall have the meaning hereinafter defined, unless a contrary intention appears from the context of any particular regulation.

**Affidavit** is a signed statement, duly sworn to by the maker thereof, before a notary public or other officer authorized to administer oaths.

**Affiant** means the person who signs a duly sworn statement.

**Alternative Container** means an unfinished wood box or other non-metal receptacle without ornamentation, often made of fiberwood, pressed wood or composition materials, and generally lower in cost than caskets.

**Board of Health Permit (Burial Permit)** is the burial, entombment, inurnment or removal permit required pursuant to Section 4145 of the Public Health Law in the State of New York or the equivalent form for a state or local jurisdiction that is annotated for disposition of the remains of a deceased human being.

**Burial** means the disposition of full human remains (as opposed to cremated) under the ground.

**Care** means that the general maintenance of the cemetery and of the lots, graves, niches, memorials and markers therein is the sole discretion of St. Pius X Cemetery, including cutting and trimming of lawn and trees at reasonable intervals, keeping in repair the drains, water lines, roads, buildings, fences and other structures, in keeping with a well maintained cemetery. It also includes overhead expense for such purposes as maintaining necessary records of ownership, transfers and burials.

**Casket** includes the coffin and means a rigid container designed for the encasement of human remains and customarily constructed of wood or metal, ornaments and lined with fabric.

**Cemetery** shall mean The St. Pius X Cemetery and as is used herein shall mean all the property for ground burials and niche entombments and inurnments, roads, paths, maintenance buildings, administration facilities, entrances, fences, and the lands constituting the cemetery.

**Cemetery Office** shall mean the main office of the cemetery administration located within the Parish Office of St. Pius X Church.

**Cemetery Services** means opening and closing graves or niches; setting grave liners and vaults; setting markers; and long-term maintenance of cemetery grounds and facilities.

**Certificate of the Right of Burial (Certificate)** is the original certificate (receipt) issued to an individual which grants the privilege or right of burial or inurnment in a specific grave or niche. It does not convey ownership of land or other interest in the grave, niche or plot to which it refers.

**Certificate Holder** is the person (original owner, heir or other authorized person) who is actually in possession of a valid Certificate of interment/inurnment rights.

**Duplicate Certificate of Right of Burial (Duplicate Certificate)** is the duplicate certificate issued to an individual which confirms the privilege or right of burial or inurnment in a specific grave, plot or niche. It does not convey ownership of land or other interest in the grave, plot or niche to which it refers.

**Columbarium** is a structure with niches (small spaces) for placing cremated human remains in urns or other approved containers.

**Contractor** means any person, firm or corporation or anyone engaged in placing, erecting, inscribing or repairing any memorial, or performing any work on cemetery ground other than an employee of the cemetery.

**Cremation** (using fire and heat) is the process by which a body of the deceased is reduced to its basic elements. Cremation is permitted for Catholics as long as it is not chosen in denial of Christian teaching on the Resurrection and sacredness of the human body.

**Cremated Remains** means the human remains after incineration in a crematory. (In ordinary pertinence, also referred to as cremains.)

**Crematory** is the facility where the remains of the deceased human beings are processed by cremated.

**Cremation Niche** is the final resting place for cremated human remains in a cemetery.

**Cremation Vault** is the container or outer receptacle made of concrete, metal, fiberglass, or durable plastic used for the outer protection of an urn.

**Diocesan Bishop** shall mean the Roman Catholic Bishop of the Diocese of Rochester, New York or his appointed representative.

**Disposition** is the placement of cremated or whole human remains in their final resting place.

**Foundation** means the in-ground base, usually a concrete beam, upon which a memorial is installed.

**Funeral Services** are the services provided by a funeral director and staff, which may include consulting with the family on funeral planning; transportation, shelter, refrigeration and embalming of remains; preparing and filing notices; obtaining authorizations and permits; and coordinating with the cemetery, crematory or other third parties.

**Grave** is a space in the ground in a cemetery for the burial of human remains beneath the earth. Upright Memorial Grave is a grave that permits a memorial to extend above the grade. Flat Marker Grave is a grave that permits a memorial to remain flat or flush to the grade.

**Grave Liner** is the concrete cover that fits over a casket in a grave. Some liners cover tops and side of a casket. Other, referred to as vaults, completely enclose the casket. Grave liners minimize ground settling

**Graveside (Committal) Service** is a service to commemorate the deceased held at the cemetery before burial.

**Interment** means burial below ground, beneath the earth.

**Inurnment** means the placing of cremated human remains in an urn and a placement of such urn in a niche or grave.

**Maintenance** is the physical upkeep of a cemetery's grounds and buildings as defined under Care.

**Management (Cemetery Authorities)** means the St. Pius X Cemetery of the Parish of St. Pius X Church of Rochester, NY of the Diocese of Rochester, New York, a religious corporation, and the person or persons duly appointed by the Diocesan Bishop of the Diocese of Rochester for the purpose of conducting and administering the Cemetery.

**Memorial** shall include monument, underground vault, tombstone, headstone, grave marker or inscription on a niche front or fronts, for one or more deceased persons.

**Memorial Service** means a ceremony commemorating the deceased, without the human body present.

**Monument** is the memorial made principally of stone that extends above the surface of the earth, in upright form. Monuments are currently restricted to designated lots in designated sections of the cemetery. The size, content and other characteristics are subject to regulations. (See Monument Regulations section)

**Niche** is a space in a columbarium to hold an urn.

**Original Owner** is the person whose name is recorded on the certificate as the purchaser of interment/inurnment rights. The original owner is usually designated and referred to as the Certificate holder during his or her lifetime.

**Permanent Maintenance Fund** is the money that is allocated from the sale of each grave, plot or niche and placed in a trust for the maintenance and upkeep of the entire cemetery.

**Plot or Family Plot** shall include and apply to a grave space of more than one adjoining grave recorded on one certificate.



**Pre-need** means purchasing cemetery property in advance of actual need.

**Priest Lines** means a certificate of entitlement to Christian Burial in a Catholic Cemetery. Certificate should be issued from the home parish of the deceased.

**Purchaser** is the person who has signed the Purchase Agreement (Contract) for the purchase of interment/inurnment rights.

**Temporary Marker** is the marker placed on a gravesite after burial and is generally removed at the time a monument is placed.

**Urn** is the container to hold cremated human remains. It can be placed in a columbarium or buried in the ground.

**Vault** is the grave liner that completely encloses a casket or urn.

## General Regulations

All vehicles entering the Cemetery shall abide by the vehicle and traffic laws of the State of New York and of the Cemetery. The speed of vehicles shall be limited to 10 miles per hour.

All commercial vehicles shall be prohibited from entering the Cemetery except those specifically performing authorized work within the Cemetery.

Children under 15 years of age are not permitted within the Cemetery unless accompanied by a supervising adult.

The walking of dogs or bringing of animals into the Cemetery is strictly forbidden. The one exception to this rule is the use of animals as certified service animals.

Activities such as bicycling, picnicking, jogging or playing ball are strictly forbidden within the Cemetery.

All Certificate holders are advised to consult the planting and decorating regulations before placing or planting any article. Certificate holders are reminded that since the Cemetery is open to the public and visited frequently by others, the Cemetery Management cannot guarantee plants and decorations from damage or disappearance.

The Cemetery Management reserves the right to remove and dispose of all floral pieces after the interment or inurnment service.

Commercial or professional photography is not permitted in the Cemetery.

Conduct of any kind which in the opinion of the Cemetery Management does not respect the sanctity of the cemetery is prohibited.

No one shall be permitted to solicit visitors for the purpose of selling memorials, flowers, decorations, or similar articles within the confines of the Cemetery.

No one shall pick any flower or disturb branches on shrubbery within the Cemetery.

All landscaping and grading is the responsibility of the Cemetery. All other work is subject to the approval of Cemetery Management.

Only Cemetery employees are permitted to perform work within the Cemetery, with the exception of contractors authorized by Cemetery Management. Contractors must submit a Hold Harmless Agreement and Proof of Insurance to Cemetery Management before commencing any work.

Cemetery employees and contractors are permitted to work only under direction of their supervisor, and they are not permitted to perform work upon the request of visitors.

The Cemetery cannot assume responsibility for damage incurred as a result of vandalism, weather, riot, or any cause beyond the control of Cemetery Management. The cemetery will only be responsible for damage caused by cemetery personnel and equipment. The cemetery has the right to determine liability and reserves the right to repair a memorial damaged by cemetery personnel.

The Cemetery Management reserves the right at any time or from time to time to erect buildings for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the interment of human remains or other cemetery purpose:  
Resurvey, enlarge, diminish, replat, alter in shape, or size, or otherwise change all or any part or portion of the cemetery.  
Lay out, establish, close, eliminate or otherwise modify or change the location of roads, walks, or drives.

The Cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments/inurnments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveyance in lieu thereof, substituting other interment property of equal value and similar location as far as possible as may be selected by Management, or, in the discretion of the Management, by refunding the amount of money paid of said purchase. In the event such error shall involve the interment of remains of any person in such property, the Cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

The statement of any employee of the Cemetery shall not be binding upon the Cemetery Management except as such statement coincide with these rules and regulations.

These rules and regulations shall apply to all burial spaces and memorials now in existence and which may hereafter be established or erected.

In all matters not specifically covered by these rules and regulations, the Cemetery Management reserves the right to take such action which in its judgement is deemed reasonable in the circumstances, and such determination shall be binding upon the Certificate holder and all parties concerned.

The Cemetery Management reserves the right at times, and from time to 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 regulations with respect to said cemetery of anything pertaining thereto.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Management, therefor, reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, without notice, when in the judgment of the Management, such action appears necessary; such temporary exception, suspension or modification shall in no way be construed as affecting the general applications of such rules and regulations.

Payment of Cemetery Fees – Transaction Terms – Sale transactions within the cemetery environment are unique because of the permanence associated with the purchase decision and utilization of the product and service. Sale of burial or inurnment rights in an at-need environment basis implies immediate use and an opening/closing service fee is also associated with the use. Once the deceased occupies the space, a relationship of “permanence” is presumed and established. As a consequence, full payment is required prior to burial. The family is encouraged to speak with the funeral home if payment is to be made directly or as part of the funeral home’s bill of services. The cemetery accepts cash, bank check, certified check, bank debit cards, Discover, MasterCard and Visa credit card for the full amount due. The payment should be made to St. Pius X Cemetery.

## **Cemetery Affidavits and Acknowledgements**

Most situations and requests to the cemetery’s management do not require affidavits. A simple review of procedures outlines in the Rules and Regulations are in most cases sufficient to meet cemetery requirements. However, under some circumstances, the cemetery may choose and/or require affidavits as the best means of accomplishing an objective.

An affidavit of designation may be the original owner’s (parent’s) best way to achieve a goal of leaving/providing/ensuring burial space for a physically or mentally challenged and dependent adult child.

Under circumstances where the Rules and Regulations do not provide a full procedure and a request for affidavits cannot be completed the cemetery may require “court order action” to accomplish an objective.

Affidavits are intended to be an amendment to cemetery records clarifying the original owner’s intent.

Affidavits in general are cemetery prepared forms where someone is making a statement to be recorded in cemetery records for a particular burial space. These generic forms are reviewed and deemed acceptable by legal counsel to assist with the protection of St. Pius X Cemetery as an entity, its management, St. Pius X Church of Rochester, New York, the Roman Catholic Diocese of Rochester, New York, the original owners within St. Pius X Cemetery, their heirs, funeral directors, monument dealers, and other interested parties with a clear statement that is evidenced as sworn in front of a Notary Public that will allow decisions to be made by cemetery management. These affidavits are presented to the cemetery’s management for review and consideration of acceptance. When accepted the form is affixed

to the original owner's record, in essence an amendment or modification to the cemetery record system has been made.

The affidavit form is prepared for free; however, a fee is collected for the "recording of the affidavit" in the cemetery records.

When a third party prepares and affidavit, it must be in an acceptable format to cemetery management. The cemetery at its own discretion can choose to accept or reject the document based on form, legibility, paper quality and its overall content.

Due to the conditional nature of a "Living Trust" with variations in appointment, consignment, and similar conditions beyond the scope of exact, clear and concise instructions, our cemetery's management has opted not to accept, record, recognize or follow these instructions. Original lot owners are encouraged to utilize the appropriate and approved method and use the cemetery affidavit system as prescribed.

Some examples of approved cemetery affidavit/document forms includes:

Application for Duplicate Certificate of right of Burial (Duplicate Certificate)

A Designation of unused burial space

Close a grave prohibiting future burials

Permission to bury, inurn, inscribe or erect a memorial

Disinterment or Removal from a burial space.

Removal of a cemetery monument

Inscription of a different surname

A surrender or refund request

A Temporary Receiving/Burial Agreement

A revocation of a prior affidavit

Limit burial to only those legally entitled to burial

Identification of a legal heir at law

Identification of a person previous identified in a cemetery affidavit

Relinquish Right of Interment

## Catholic Teaching on Cremation

### ***What is cremation?***

Cremation (using fire and heat) is the process by which a body of the deceased is reduced to its basic elements. Cremation is permitted for Catholics as long as it is not chosen in denial of Christian teaching on the Resurrection and sacredness of the human body.

### ***Does the Church have a preference for burial or cremation of the body of the deceased?***

Although cremation is permitted, Catholic teaching continues to stress the preference for burial or entombment of the body of the deceased. This is done in imitation of the burial of Jesus' body.

*"This is the Body once washed in baptism, anointed with the oil of salvation, and fed with the bread of life. Our identity and self-consciousness as a human person are expressed in and through the body ...*

*Thus, the Church's reverence and care for the body grows out of reverence and concern for the person whom the Church now commends to the car of God."*

***What are the steps to be taken?***

When cremation is chosen, the full course of the Order of Christian Funerals should still be celebrated, including the Vigil Service (wake), the Funeral Liturgy, and the Rite of Committal. The preservation of this order allows for the greater expression of our beliefs and values, especially, the sacredness of human life, the dignity of the individual person and resurrection of Jesus Christ.

Through its funeral rites, the Church commends the dead to the merciful love of God and pleads for the forgiveness of their sins.

***Should cremation occur before or after the funeral?***

The Church clearly prefers and urges that the body be present during the Vigil and Funeral Mass, and that if cremation is to be used, it take place following the Rite of Final Commendation.

The cremated human remains would then be interred during the Rite of Committal. The diocesan bishop has permitted cremated remains to be present for the Funeral Liturgy.

***What should become of the cremated remains following the funeral?***

Church teaching insists that cremated remains must be given the same respect as the body, including the manner in which they are carried and the attention given to their appropriate transport and placement.

The cremated remains of a body are to be buried or entombed, preferably in a Catholic cemetery, and using the rites provided by the Order of Christian Funerals. The following are not considered to be reverent dispositions that the Church requires: scattering cremated remains, dividing cremated remains and keeping cremated remains in the home.

The remains of a cremated body should be treated with the same respect given to the corporeal remains of a human body. This includes a worthy container to hold the cremated remains.

If you are considering cremation, it is wise to discuss your choice with your family, your parish priest, or the Cemetery office.

## **Information for Certificate Holder**

Upon the purchase of burial rights in a burial space the purchaser shall receive a Certificate of the Right of Burial (Certificate) (Receipt), recorded in his or her name. Said purchaser shall be known as the Original Owner. Said purchaser may also be referred to as the Certificate Holder, Lot-Holder or Lot-Owner, Plot-Holder or Plot-Owner.

If there is an interment in any grave sold as a multiple space unit, the remaining graves in the unit may not be surrendered.

In case of the loss or destruction of the Certificate, a Duplicate Certificate of Right of Burial (Duplicate Certificate) (Duplicate Receipt) may be issued to the Original Owner of the burial rights or, if deceased, to the spouse and children.

The Cemetery Management reserves the right to specify the terms of purchase of all burial rights in graves, plots and niches and to fix the number of interments allocated to a grave, plot or niche. Management reserves the right to set minimum and maximum plot sizes in designated areas.

The use of a grave, plot or niche is for the Original Owner or the heirs, for interment/inurnment purposes only, and the Certificate is not transferable. The holder of the Certificate shall not have any right to sell, transfer, exchange, or in any manner dispose of said grave, plot or niche or any part thereof, or any right or interest therein.

Merger or subdivision of plots, graves and niches are not allowed.

The laws of the State of New York govern the descent of title to Cemetery Rights of Burial and other matters pertaining to assignments, conveyances, devises and inalienability subject to Section 8 of the Religious Corporation Law. The Management will assist any Certificate Holder who desires information on questions pertaining to the burial space.

Presentation of the original certificate authorizes Cemetery Management to permit an interment, erect a memorial, or inscribe a memorial on an unrestricted burial space. Certificate Holders are cautioned to keep Certificates in a safe place where they will be readily available when needed.

Certificate Holders and their heirs should report a Change of Address to Cemetery Management.

It is highly recommended that all Original Owners make a disposition of the unused interment spaces while living. An owner can complete a cemetery affidavit for space designation. Original Owners may re-convey their interment spaces in the cemetery, specifying the interments to be made and that no remains now interred shall be disturbed or removed. A certificate (affidavit) for this purpose may be obtained at the Cemetery's Office.

## **Ownership of Burial Rights**

### ***Who owns a gravesite?***

The cemetery always retains ownership of gravesites/niches. The cemetery extends a Right of Interment (or Burial Privilege) to the purchaser/owner referred to as the Original Owner.

The possession of a Certificate of Interment Rights (or Cemetery Certificate/Receipt) by anyone other than the original certificate owner does not guarantee ownership of or the right to use graves. Upon death of the Original Owner, the ownership of the lot is currently governed by Section 8 of the Religious Corporations Law:

“Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall descend to his heirs-at-law or devises, subject, however to the following limitations and conditions: If he leaves a widow and children, they shall

have in common the possession, care and control of such lot during her life. If he leaves a widow and no children, she shall have the possession, care and control of such lot during her life. If he leaves children and no widow, they or the survivor of them, shall in common have the possession, care and control of such lot during the life of the survivor of them. The parties having such possession, care and control of such lot during the term thereof may erect a monument and make other permanent improvements thereon. The widow shall have the right of interment, for her own body in such lot, or in a niche and a right to have her body remain permanently interred therein, except that her body may be removed there from to some other family lot with the consent of her heirs. At any time when more than one person is entitled to the possession, care and control of such lot, the persons so entitled thereto shall designate in writing to the religious corporation which of their number shall represent the lot, and on their failure designate, the board of trustees or directors of the corporation shall enter of record which of said parties shall represent the lot. While such failure continues. The widow may at any time release her right in such lot, but no conveyance or devise by any other person shall deprive her of such right.”

Purchase of a burial site is for the Right of Burial and not for the land or columbarium space itself. Burial rights may not be subdivided and cannot be sold to others by the purchaser(s).

You have purchased the Right of Burial in St. Pius Tenth Cemetery. You have not purchased the real estate or the property on which the burial space is located. St. Pius Tenth Cemetery retains title to the land and the property. Along with the Right of Burial you acquire the right to place a memorial on the grave according to the rules and regulations of St. Pius Tenth Cemetery.

Under the law, the purchaser and the purchaser’s spouse have first rights. The rights then pass to the purchaser’s descendants. Spouses of descendants do not have automatic burial rights.

Purchases should be made for specific persons to avoid confusion or conflict in the future. When a specific person is not designated for a purchased grave the rights of burial are inherited as follows:

- 1) The purchaser(s)
- 2) The spouse of purchaser(s)
- 3) The children of the purchaser(s) according to the sequence of death.

If there are spaces remaining, the person(s) inheriting the rights according to the above sequence may designate rights to other persons in writing. If there are no surviving heirs according to the above sequence, then the rights pass to collateral relatives, in order, to parent, brothers and sisters, nephews and nieces.

Rights of Burial do not pass as residual property in a will. However, rights may be passed in a will by a *specific devise*. The will must specifically name the person(s) and the identification of the spaces to be left to the person(s)

When several persons equally inherit burial rights it becomes difficult at times to get agreement or to contact all the persons involved. The law demands that in such situations that the person designate in writing to the cemetery a person who will represent the lot. If the heirs fail to designate who will represent the lot, the cemetery board may designate a spokesperson to represent the lot.

The principle of *lots held indivisible* applies once a burial is made on a lot. Upon the death of the purchaser of burial rights, the rights to the entire lot pass to the heirs. The original owner(s) may return all or a portion of the lot according to cemetery rules. This right exists only with the original owner(s) and the rights to sub-divide cease with the owner(s)' death.

One full size grave can accommodate one of the following burials:

- 1) One full casket burial OR
- 2) One full casket burial and one cremated remains burial OR
- 3) Two cremated remains burials

Memorialization on a grave with more than one burial must be on a common marker and in keeping with the style, type and location of other markers in the section. The right to place a memorial on the grave follows the same line of succession as the right of burial.

## Interments/Inurnments

Cemetery Management shall have the right to request those wishing to arrange for an interment to call the Cemetery Office in ample time so the Cemetery may complete arrangements relative to the opening of the burial spaces. A minimum of 48 hours, not including weekend and holidays.

Arrangements for interments shall be accepted only from licensed funeral directors who shall call the Cemetery Office to make such arrangements. The arrangements made by the funeral director with the Management are binding on the Certificate Holder/owner. An exception to this requirement is the case of cremated human remains wherein private persons may directly arrange for such inurnment.

A Board of Health/Township Permit when required must be presented to the Cemetery management before interment is completed. A Cremation Certificate must be presented to the Cemetery Management before inurnment is completed.

All funerals shall be subject to the supervision and direction of the Cemetery Management.

All funerals shall be accompanied by a licensed funeral director who shall present to the Cemetery Management the burial permit and the appropriate Certificate or affidavit, and remit all cemetery charges.

The Cemetery Management may require "Priest Lines" as written evidence of eligibility for any Catholic burial according to the norms of Canon Law. The cemetery will require priest lines for the following: when a funeral does not take place in a parish church in the Diocese of Rochester, New York; for instances when there is no funeral liturgy in a parish church; and when there is only a wake service in the funeral home.

All interments must be made in a proper burial container (casket or urn). All casket and urns must be contained in an approved burial vault.



No casket shall be opened at anytime within the confines of the cemetery without the presentation of a court order.

The Cemetery Management reserves the right to prepare all affidavits required by the Cemetery Rules and Regulations and to levy a charge for recording of certain affidavits and supporting papers.

The Original Owner or, if deceased jointly by all heirs, may restrict burial or reserve burial space in the plot by use of cemetery affidavit.

Funeral directors and the general public are advised to contact the Cemetery office for clarification or any questions regarding interment regulations.

The cancellation of a burial order shall be subject to a cancellation fee of not less than 50% of the opening fee.

The Cemetery Management has implemented a Space Restriction Utilization policy. One full size grave can accommodate one of the following burials:

- 1) One full casket burial OR
- 2) One full casket burial and one cremated remains burial OR
- 3) Two cremated remains burials

One cremains niche can accommodate only one urn.

Memorialization on a grave with more than one burial must be on a common marker and in keeping with the style, type and location of other markers in the section. The right to place a memorial on the grave follows the same line of succession as the right of burial.

Requests for the placement of cremated remains inside a casket to be buried will be honored with the acceptance of: cremation certificate, payment of a recording fee, receipt of an appropriate affidavit, and with plans for the inscription on the monument for current along with future available inscription space.

When required, Priest Lines in the form of a certificate or letter from the parish priest of the decedent should state the deceased is entitled to Christian Burial. Additional certification will be required for the burial of cremated remains, documentation for out-of-diocese funeral liturgies, indigent verification and when requested by cemetery management.

A copy of the death certificate and a notarized letter identifying the relationship of the person completing arrangements for the interment of cremated remains shall be required.

In cases where there is a family lot with multiple undesignated burial spaces, the Cemetery Management may furnish a sketch of the lot layout of the unused burial spaces for selection and approval for use by the family (current certificate holder). A burial order will not be considered complete until receipt of a signed lot layout sheet is presented to the cemetery authorities. The family is responsible to consider lot selection and its relation to any existing and future inscription layout designed for the monument on the burial lot.

For safety and security of buried remains and for the safety of our staff members completing interments, the Cemetery Management through its interment procedures and its general rules and regulations reserves the right to temporarily remove and/or relocate remains within the same gravesite

by raising and lowering remains in a shared burial space for the purposes of completing an additional interment alongside or beneath these moved remains. An example would include, but not be limited to, relocating a cremation urn vault in a effort to inter remains alongside or beneath these remains in the same grave.

## **Maintenance and Cemetery Care**

The term “maintenance” refers to the physical care of a Cemetery in its entirety. It shall consist, among other things, of the general repair and cleaning of public walks and roads in the Cemetery, the general repair and cleaning of buildings, fences and equipment utilized in the proper administration, protection and operation of a Cemetery. It shall not include special care of graves, or care for plantings, monument, memorial or other structure situated thereon.

## **Care of Graves and Columbarium**

“Care” is to be understood as the attention to the maintenance of plots necessitated by natural growth and ordinary wear and includes cleaning, planting, cutting and care of lawns and plantings; the cleaning and maintenance of roadways and walks provided there are sufficient cemetery funds for that purpose.

All grave-holdings within the Cemetery are under the Permanent Maintenance. The fee for Permanent Maintenance is determined by management and is included as a percentage of the purchase price of a Right of Burial Certificate.

The care of graves involves seeding, fertilizing, lawn maintenance and landscaping at the discretion of the cemetery.

## **Outside Contractors**

St. Pius X Cemetery recognizes that there are special skills and oftentimes tools required to perform certain types of work within its facilities. The Cemetery collaborates with Outside Contractors for the performance of certain tasks including, general contractors, vault companies, tree trimming and landscaping services, pesticide and fertilizer applicators, grave diggers and foundation setters, and monument companies.

A Hold Harmless Agreement and Certificate of Insurance (Evidence of Insurance) are required for all work completed by contractors and their subcontractors for the duration of the work complete on cemetery grounds.

Contractor work schedule are subject to the approval of Cemetery Management and can be modified daily according to burial schedules and area needs.

The Contractor must comply with, and be governed by, all laws, ordinances, or Rules and Regulations applying to the premises, and the work thereon, and shall pay for all necessary permits.

## **Columbarium**

No inurnment will be permitted until full payment has been made for the niche opening fees.

Niches will be opened only by employees of the Cemetery or their designee.

Permanent Maintenance is included as a percentage of the cost of the niche space.

Inscriptions are contracted exclusively with one monument contractor. It is advised that inscription designs be submitted to Cemetery Management prior to etching to ensure that the design meets with the approval of the Cemetery Management. The Cemetery may levy a charge for inscription removal.

Niche Dimensions: All niches measure 12" x 12" x 12" and can retain standard size cremation urns and containers.

Requests to place military emblems on niches must be accompanied by Honor Discharge Papers from a branch of service in the United States of America's military.

## **Temporary Entombments**

All human remains brought to the cemetery for interment will be interred on the same day in a permanent resting place. When immediate interment is impossible or impractical, the decedent's family must arrange for temporary storage of the remains in a private facility (usually at the funeral home) until such time that burial can safely and practically take place.

## **Memorials and Rules for Memorial Work**

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

The Cemetery Management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in the Cemetery. All memorials are subject to the approval of the Management prior to placement, and acceptance or rejection shall be based upon such approval.

The maximum size of upright memorials shall be:

- 36" overall height
- 30" width over a single grave
- 48" width over a double grave
- 15" depth

The maximum size of flat memorials shall be”  
30” width over a single grave  
48” width over a double grave  
15” depth

The Cemetery Management reserves the right to fix the days and hours when any memorial may be delivered to the Cemetery.

All memorial work, or placement or removal of any memorial, shall be on the written order of the lot holder.

The Cemetery will provide the foundation base for memorials. The Original Owner or the monument company will be billed for this work.

A detailed plan and design of all memorials must be submitted to the Cemetery Management for approval before a foundation will be set. If the memorial does not conform to the approved plan and design, it will be the sole responsibility of the dealer to correct any errors or deficiencies in workmanship and material.

The location and position in which a memorial is placed or erected on a plot shall be entirely subject to the approval, and shall be under the supervision of the Cemetery Management.

No memorial extending above the surface of the ground shall be erected on plots designated as flat memorial only.

Non-cemetery employees, in placing or erecting monuments and other structures, or bringing in materials in regard to such work, shall operate as independent contractors, but such work must conform to the regulations made by the Cemetery Management.

Non-cemetery workers, in placing or erecting monuments, building foundations and other structures, are prohibited from scattering their material over adjoining plots, or from blocking roads or walks, or from leaving their material on the grounds longer than is absolutely necessary, or from attaching ropes to trees, shrubs or memorials. When heavy material is to be moved over lawns, planks must be laid to prevent injury.

Damage done to plots, walks, drives, trees, shrubs or other property by non-cemetery workers, dealer, or contractors, or their agents, may be repaired by the Cemetery Management; and cost of such repairs shall be charged to the dealer, contractor, or his principal.

The Cemetery Management reserves the right to stop all work of any nature when, in its opinion, proper preparations therefor have not been made; or when work is being done in such a manner as to endanger life or property; or when work is not being executed according to specifications; or when any reasonable request on the part of the Cemetery Management is disregarded; or when any person employed on the work violates any rule of the Cemetery Management.

# Grave Decorations and Plantings Rev. 02/01/2020

To preserve and manage the beauty and dignity of St. Pius X Cemetery for all those we serve, and for the safety of visitors and workers, we have instituted the following rules for grave decorations and plantings.

The Cemetery will maintain all landscape features including grass, trees and shrubs but will not maintain flowers or urns.

Planting of trees and shrubs on graves is prohibited. Seeding and reseeding of graves is provided by cemetery. Laying of sod on graves by lot holders is not permitted.

Plants (annuals and perennials) are allowed only in front of the monuments in a clearly marked grade area. They are not to exceed a distance of 12" in front of the monument base and cannot extend beyond the length of the monument. No plants of any kind are allowed on the side or behind a monument. The space behind the monument belongs to another grave. Plant height should not obscure the inscription on the monument. Edging is permitted if kept in good repair. Planting of ivy (or similar creeping vines) and invasive species of flowers (such as Lily of the Valley) are not permitted.

For safety reasons artificial flowers and ornaments such as pinwheels, balloons, hanging baskets and all glass or ceramic items are not allowed. They can present a safety risk if caught in mowing equipment and can damage other property and monuments if they become projectiles. Mulching with crushed stones, shells or other hard material is not permitted for safety reasons.

Resin, stone or ceramic statuary, flower urns and approved cemetery lights are permitted within the 12" garden area in front of the monument. Plastic items are not permitted. The word "statuary" is meant to primarily refer to a religious statue, appropriate for the grave of a Catholic Christian. The Cemetery Board asks that any statuary placed in the garden area be appropriate and in good taste. Final judgment will be that of the Cemetery Board.

American flags shall be placed only in the tube supplied by the cemetery. Contact the Parish Office if you wish to have a tube placed on a grave. Flags that become tattered and worn will be removed by cemetery personnel and disposed of in the proper & respectful manner. Veteran and firefighter emblems are allowed within the 12" garden area. No items shall stand alone in the grass where they can present a problem and/or hazard for those mowing and risk being damaged. Permanent metal vases are allowed for placement of fresh flowers in front of the monument. Glass containers are not allowed and will be removed by cemetery personnel

All plants and flowers on graves should be cared for by the owners. All withered and dead plants are to be removed. Plantings that are not cared for will be removed by cemetery personnel.

Summer flowers and decoration should be removed by October 1. Easter decorations are permitted until Memorial Day. Wreaths (natural or artificial) and winter decorations are permitted November 1 to March 15. Flowers and decorations that are not removed by the stated deadlines will be removed by cemetery personnel. The period of March 15 – May 1 is traditionally used by cemetery personnel to clean and prepare the grounds for spring. Please refrain from planting and placing new decorations during this period, with the exception of Easter decorations.

Funeral flowers will be removed within one week of interment.

Please place all trash in the receptacles located throughout the cemetery.

These rules must be observed for the common good of all and the safety of workers and visitors. At their discretion the Cemetery Management reserves the right to remove items that are not in compliance. If you are unsure of what is allowed contact the Parish Office for guidance.