

# Immaculate Heart of Mary Cemetery

Rules and Regulations

Revised October 23, 2013

This document will be updated in the near future to address the respectful burial of cremains.

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If you have any questions pertaining to these rules,  
please call the parish office at 636-398-5270  
during normal business hours.

## PURPOSE OF THE RULES

The purpose of the rules of the Immaculate Heart of Mary (IHM) Catholic Cemetery is to promote the ideals of Christian Burial, the continuing welfare of the Cemetery, and the well-being of lot owners and visitors. The rules are not arbitrary, but developed over decades of experience of what promotes the common good. These rules are subject to change as circumstances warrant. The rules become effective upon notification in the parish bulletin. The Pastor of IHM, in consultation with the Parish Cemetery Committee, reserves the right to change, edit, or rescind rules or parts thereof.

## DEFINITIONS

**Interment:** the committal of human remains in their final resting place

**Burial:** interment of human remains in the earth

**Burial vault:** a container made of concrete, stainless steel, galvanized steel, copper, bronze, plastic, or fiberglass that completely houses a casket or urn when it is buried

**Cremation:** the reduction of human remains by fire

**Cremaains:** a person's cremated remains

**Single burial:** the burial of one casket in a lot at a regulated depth

**Double deep burial:** the burial of two caskets, with their vaults, stacked one on top of the other in one lot; the lot must be dug double deep for the first burial to be placed in the lower position, and the grave is opened a second time for the second burial to be placed in the upper position

**Grave:** the basic, below-ground burial place

**Lot:** a burial plot of one or more graves

**Section:** designated area of cemetery land

**Lot-holder:** the person or persons who paid for the Right of Sepulture and their heirs-in-law who have the legal right to authorize interment.

**Right of Sepulture:** the legal authority to order an interment in a particular burial place

**Memorial Work:** a marker, memorial, or monument set on a foundation with a 4" apron around it on all 4 sides

**Marker:** a small memorial, lawn level, set flush with the level of the ground so as to be able to be mowed over

**Memorial:** a flat-faced stone or a metal commemorative plaque also set at lawn level, flush with the level of the ground so as to be able to be mowed over

**Monument:** a free-standing, upright memorial, a maximum of 36" in height

## CEMETERY BEHAVIOR

The Cemetery is a sacred place and is due all the honor and respect given to a church itself. It is God's Acre. Unbecoming behavior, dress and language are not to be tolerated. Picnicking or similar gatherings are also inappropriate for the sacred character of cemetery grounds. Loitering and boisterous demonstrations or improper assemblages are not permitted within the Cemetery.

## PURCHASING LOTS

When this document refers to the purchase of a lot, this is a reference to the transferal of the right to authorize interment in a purchased lot, not the transferal of ownership of property. The Parish requires those wishing to purchase a lot or those arranging for interment of a loved one to come in person to the Parish Office to fill out the appropriate paperwork and to pay for the lot. The Parish shall not honor any requests for lots made by telephone, email or text messaging.

Only registered, active members of IHM are privileged to purchase cemetery lots. Deviation of this rule can only be made by the Pastor after consultation with the Parish Cemetery Committee.

As of January 1, 2014, the cost of a cemetery lot is \$400 (four hundred dollars) for parishioners and \$600 (six hundred dollars) for non-parishioners. In the event of hardship, this cost may be adjusted by the Pastor after consultation with the Parish Cemetery Committee.

## RIGHT OF SEPULTURE

Upon paying the full amount requested for a lot, the purchaser is entitled to the Certificate of the Right of Sepulture and becomes known as a lot-holder. The right to authorize an interment is exercised at the lot-holder's discretion. Those who inherit the Right do so, on an equal basis with all those of the same class, as enumerated below. The Pastor or the Parish Cemetery Committee will not become a party to family disputes.

Persons authorized to order an interment:

1. Original lot-holder, if deceased, then:
2. Party to whom lot is willed by a specific device. If not willed, then:
3. Spouse of the deceased lot-holder. If no spouse, or if spouse is deceased, then:
4. Children or descendants of the lot-holder. If no children, then:
5. Father or mother of the deceased lot-holder, brothers or sisters of the deceased lot-holder (an adopted child shares with equal capacity as a natural child) or their descendants. If all are deceased, then:
6. Grandparents or uncles or aunts of the deceased lot-holder.

More often than not, the lot-holder is the person who will be buried in the lot. In other cases, the lot-holder may have purchased any number of lots intended for other members of his/her family, and thus has the authority to make the decision as to who may be buried in these lots as well.

The Certificate of the Right of Sepulture on an unneeded lot may **not** be transferred by a private party to anyone other than the Parish, nor shall lot-holders allow an interment on their lot for remuneration. Lot-holders with no prospective need are encouraged to donate the lots back to the Parish for

charity burials at their fair market value. Such gifts may be considered as a charitable gift to The Church. If a lot-holder does not choose to donate the unneeded lots back to the Parish, the Parish may refund the original purchase price of a previously purchased lot to a lot-holder; however, a change of records fee may be deducted from the purchase price returned.

Three copies of the Certificate of the Right of Sepulture will be made. One copy will be kept on file in the Parish Office, and the other two copies will be mailed to the lot-holder. It is advisable that a lot holder's next of kin be given one of these two copies for safe keeping.

After a period of 75 years since the last recorded activity on a burial site, after a reasonable search for heirs, the Right of Sepulture reverts back to the IHM Cemetery in regard to any unused lots. If persons with a legitimate claim present themselves after the lots have been used, their claim shall be settled by providing them with an equal number of lots in an alternate location in the Cemetery.

## **INTERMENT ISSUES**

In the event of an error in an interment or other matter:

1. If the Parish erred, it reserves the right to correct its error at its cost with no further liability to any other party.
2. If the error resulted from the order or action of a funeral director, monument dealer, or other party, the cost of rectifying the error and all other liability will be that of the one who caused the error with no liability upon the part of the Parish.
3. If the lot-holder was in error, he/she bears the full responsibility with no liability upon the part of the Parish.
4. If another person orders an erroneous interment through error or deceit, he/she must bear full responsibility with no liability upon the Parish.
5. The disinterment of the dead will only be allowed for the most pressing reasons and only upon written consent of the Pastor of IHM.

## **BURIAL SPECIFICATIONS**

Burials in the Cemetery may be one of two kinds: a casket burial or an urn burial. All casket burials must have a burial vault. These containers protect the casket from deterioration and from the weight of the earth and the lawn equipment, and they also help to eliminate soil settlement, thus maintaining the beauty of the Cemetery and reducing the cost of maintenance of leveling the ground. Burials of urns do not require a vault, though one may be used if so desired. The burial of cremains not contained in an urn is not permitted.

Burials of urns do not require a vault, though one may be used if so desired. However, if an urn is to be lifted to inter a casket later, the urn **MUST** be in vault so as to facilitate location at the time of lifting and to prevent any disruption of the urn, which could be in a fragile state due to its time spent underground. The burial of cremains not contained in an urn is **NOT** permitted.

A standard cemetery lot in IHM Cemetery is 4 feet by 10 feet. There are a couple exceptions to this size, but they are noted on our cemetery map. Part of this area is used for the placement of memorial work. The memorial work must list the names of all people whose remains are burial of the human remains. The following configurations are permissible ways in which the lots may be used. Any requests to deviate from these configurations must go before the Pastor and the Parish Cemetery Committee for a final decision.

1. If specified as a single-deep lot, any of the following configurations for burial are permissible:
  - a. One full-sized casket with vault
  - b. One infant or child-sized casket with vault centered in the middle of the grave
  - c. Up to three vaulted or un-vaulted urns; the first will be buried at the head, the second in the middle, and the third at the foot of the grave
2. If specified as a double-deep lot:
  - a. One full-sized casket with a reinforced vault (no concrete boxes) in the lower position ONLY. No urns, vaulted or not, will be placed in the lower position due to weight-bearing and settling issues once the upper position is occupied.
  - b. The upper position may be opened for any of the configurations listed for a single-deep lot.

Regardless of the way the lot is used, the cost of the lot is the same. The cost of the lot does **not** include the fees for opening the grave. Fees for opening the grave for these different types of burials vary depending on how the lot is to be used. The graves in the Cemetery are opened by a contracted party whose fees are inflationary in nature and paid at the time of burial through the arrangements by the funeral director.

**The decision for a lot to be used as a double deep lot must be stated at the time of purchase.** A lot owner may not decide after a single deep burial has taken place that he/she wants to use the lot for more than one person, because once a body has been buried, disinterment of the dead is not permissible except for the most pressing of reasons and only upon the written consent of the Pastor.

## **RIGHTS AND RESPONSIBILITIES OF THE PARISH**

The following is a list of what constitutes the rights and responsibilities of Immaculate Heart of Mary Parish in regard to the Cemetery:

1. The grade of its cemetery sections, roads, fences, or other features of the Cemetery shall be determined by the Parish and may be altered when deemed necessary at the expense of the Parish.
2. Aisles, walks, roads, and other areas may be converted to burial ground as determined by the Parish Cemetery Committee.
3. All routine lawn maintenance will be the responsibility of the Parish.
4. Seeding of new grass and leveling of a newly opened grave will be the responsibility of the Parish. After a new interment, please be patient while the grave is filled, leveled, seeded and the grass is established.

5. Maintenance of landscaping in the common grounds of the Cemetery will be the responsibility of the Parish.
6. The Parish reserves the right to remove and discard excessive decorations or plantings of live materials around a grave for the overall maintenance and appearance of the Cemetery.
7. The Parish disclaims all responsibility for damage or injury to memorial work; although, it will exercise all ordinary care to protect them. Normal wear and tear due to Cemetery operations is to be expected and causes no liability to the Parish.
8. In the event of an error on the part of the Parish, it has no other liability than to correct its error at its expense. All other errors are the liability of those responsible.
9. The Parish reserves the right to remove any monument, structure, or planting on a lot that is deemed dangerous to persons in the Cemetery or is a detriment to adjoining lots or passageways, at the expense of the lot-holder.
10. The Parish reserves the right to ask anyone visiting or working in the Cemetery to leave the premises if he/she displays or uses inappropriate behavior, language and/or dress attire.

## **RULES FOR MEMORIAL WORK**

We advise all families to read this section carefully prior to placing an order for any kind of memorial work. We also ask that you give a copy of these rules to the monument company to ensure that our specifications are met.

The purpose of memorial work is to accurately identify the final resting place of a person's remains for an indefinite amount of time. Monuments or markers need to be durable enough to withstand climatic elements that can weather them over time. If they are not durable, they become illegible, deteriorate to the point of breaking, or become a safety hazard. We must also remember that this is a Catholic cemetery, and it serves as a witness of The Church's compassion for the living and reverence for the dead. Keep this in mind as you design a piece of memorial work. For these reasons we have established the following rules regarding the memorial work placed in the Cemetery.

## **GENERAL MEMORIAL WORK RULES**

**We require an employee from the monument company to contact the Parish Office at 636-398-5270 prior to installation so our Grave Marker can make sure the location for the monument is accurately marked. We also ask that they check in with the Parish Office upon arrival in order for a representative of our Parish Cemetery Committee to inspect the stone before it is installed.**

1. The Parish Cemetery Committee asks that all graves be marked with some type of permanent marker, memorial plaque or monument within 12 months of a burial. If this creates a hardship, please contact the Parish Office to discuss this with the Pastor.
2. The Parish reserves the right at all times to prescribe the kind, design, size, symbolism, quality and material of all inscriptions, plaques, memorials, monuments, or markers placed in the Cemetery. All memorials are subject to approval by the Pastor and the Parish Cemetery Committee.

3. A drawing with all designs and inscriptions on the stone, including art work, must be submitted to the Pastor and the Parish Cemetery Committee with proof that foundation work has been ordered.
4. Every piece of memorial work must have a foundation (with piers if necessary) adequate for supporting the weight of the monument.
5. Permission must be obtained from the Parish Office for each piece of memorial work to be installed, removed or altered in any manner other than lettering in the Cemetery.
6. No memorial work may be installed in the Cemetery until it has been inspected and approved by the Parish Cemetery Committee to determine if the conditions and specifications have been fulfilled and the stone is a faithful execution of the design submitted.
7. The placement of a memorial will not be allowed for a period of six months following a single depth burial or nine months following a double deep burial to allow the ground to settle. For the burial of an infant, child, or cremains, the foundation orders may be processed any time. There is no wait.
8. The Parish cannot accept memorials for safekeeping before installation. All memorials must be installed upon delivery to the Cemetery.
9. All workmen employed by others in the erection, installation, addition or maintenance of a memorial or vault are subject to the control and direction of the Parish Office.
10. Improperly set or misaligned memorial work or memorial work set without permission will be removed at the expense of the lot-holder or his/her heirs. We require that lot-holders and monument dealers deal fairly and follow all pertinent rules.
11. Any damage made by workmen to a lot, the section or the Cemetery while working on a memorial must be repaired at the expense of the contractor.
12. Damage to the personal property of others must be reported to the Parish Office, and the cost of the repairs is to be borne by the agent who caused the damage.
13. It is the responsibility of the lot-holder or his/her heirs to maintain all memorial work in a solid, non-hazardous condition. Any damage resulting from a misalignment or loose condition of a memorial is the liability of the lot-holder or his/her heirs.
14. The family should inspect the memorial work from time to time since stones are affected by weather, heaving due to frost, and natural settling of the ground.

## **MEMORIAL WORK SPECIFICATIONS**

1. Lot-holders who have placed monuments in the Cemetery prior to November 2013 may have monuments that do not meet the following rules for size or foundation work. These monuments are grand-fathered in, but any new memorial work done must follow these rules.
2. The Parish reserves the right to determine the location of a monument or any memorial work on a lot when it is delivered.
3. Foundations for memorial work may be installed only after the location has been marked by a representative of the Parish Cemetery Committee and only according to their specifications.



4. Memorial work shall be centered on the back line of the lot. Lawn level markers, including any plaques, may be placed at the head or foot.
5. A concrete apron is required around any piece of memorial work at grade level of 4 inches minimum on all four sides for the ease of lawn maintenance around memorial pieces.
6. All lawn-level markers are to be set in a foundation, and the top of the markers are to be at ground level and placed with the contour of the adjacent ground. All monuments or markers set above the surface of the ground must be plumb and level.
7. Only one family monument will be allowed on a lot and should contain the names of all who are buried in the lot.
8. Inscriptions for the interments in a grave should be placed on the face of the monument. If they will not all fit there, they may be placed on the base of the monument.
9. A lot with an existing monument that will not accommodate the names of all those buried there may have only lawn level markers following the existing rules for lawn level markers, and they may only be placed after going through the same procedures as one would for placing the first piece of memorial work.
10. All free-standing monuments should be no taller than 3 feet in height from ground line to top of the monument.
11. If a monument is being placed on a single grave, the foundation may be no more than 3 feet across and the base of the monument no more than 2 feet 4 inches across. **Exceptions to this rule: Lots 2B31, 2E28 and 2G24 are only 2' 0" wide and the foundation may not exceed 1' 8" and the base of the monument may not exceed 1' 0".**
12. If a monument is being centered across 2 graves, the foundation may be no more than 6 feet across and the base of the monument no more than 5 feet 4 inches across.
13. The thickness, from front to back, of the base of a monument should be no less than six inches so as to minimize tipping unless design consideration approved by the Parish would suggest otherwise.
14. Memorials may be made of granite, hard marble, and/or bronze.
15. No benches will be permitted on the lots due to problems with mowing.

## RULES FOR GRAVE DECORATIONS

The following rules are designed to maintain the appearance of the Cemetery and to make your visits more pleasant.

1. No more than two tasteful decorations per grave. Please be aware of the sensitivity of others when decorating the grave of a loved one. Materials used should have a religious motif in keeping with the sacred nature of the Cemetery. The parish reserves the right to remove and discard any excess for the overall maintenance of the Cemetery.
2. The planting of shrubs and flowers around the grounds is carefully planned for the general appearance of the Cemetery. The Parish plants and cares for the natural landscaping planted in the sections. Planting is not permitted on private lots and will be removed at the lot holder's expense.

3. Flowers and all grave decorations will be picked up periodically for the general appearance of the Cemetery.
4. Please do not bring flower arrangements in glass, plastic, ceramic or sheet metal holders as they are hazardous for the workmen and visitors.
5. Please do not bring foam or plastic packing into the Cemetery in a flower arrangement. It is not bio-degradable and is a soil pollutant that hampers the growth of grass and other plants.
6. The Parish Cemetery Committee does not approve of permanent in-ground metal flower vases, nor will it accept any liability for their loss or damage under any circumstances. It is the responsibility of the lot-holder to return the vases to their holders so that they will not damage the mowing equipment.
7. The installation of stone vases on a monument is discouraged as they are fragile. The Parish is not liable for the condition of vases or any damage to them. If a stone vase is used, it must have a drainage hole.
8. The quality and disposition of funeral flowers on new graves is to be determined by the Pastor and the Parish Cemetery Committee. Funeral flowers will be removed when they become faded and unsightly.

A Christmas wreath or grave covering of natural material is permitted on a lot from Thanksgiving to the end of February.

