

HANDBOOK FOR PARISH CEMETERIES

**Issue by Most Rev. Joseph V. Adamec, D.D.
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INTRODUCTION

- 1) From the time that the Sacred Body of our Crucified Savior was laid in the tomb to await the hour of his glorious Resurrection, the Church has been most solicitous to surround with an atmosphere of Christian faith and reverence the burial of those who will rise with Christ. In the Funeral Mass and the Final Commendation and Farewell at the grave, the Church gives voice to her belief in the Christian doctrines of the resurrection of the body, the communion of saints, and life everlasting. Moreover, as a further seal and symbol of that faith, she sets apart and blesses the place in which the bodies of her faithful departed await the day of Resurrection.
- 2) In the very earliest days, Mother Church found it necessary to make rules and regulations which would protect the sacred places and relics laid therein. She could not and would not allow anything within these holy precincts which would desecrate them, lessen their beauty or bring dishonor on the dead. Therefore, to assure the sacred character of the Catholic parish cemeteries within the Diocese of Altoona-Johnstown, and for the mutual protection and benefit of the Cemetery and its plot holders, the Bishop of the Diocese of Altoona-Johnstown hereby promulgates this “Handbook for Parish Cemeteries” of the Diocese of Altoona-Johnstown.
- 3) This Handbook was proposed by the Cemetery Commission of the Diocese of Altoona-Johnstown, an advisory group established by Bishop Joseph Adamec in 1988 for the purpose of providing advice to the Bishop on matters of governance for the Catholic cemeteries within the Diocese. This Handbook is a description of practices and procedures for the effective operation and preservation of a Parish cemetery
- 4) This Handbook is also a description of the legal rights and responsibilities of the Cemetery as well as those who are or will be buried there. Therefore, this Handbook contains “directives,” the authoritative statement of requirements that each cemetery must satisfy, as well as statements of “policy,” which are the practices and procedures which the Bishop expects each cemetery to follow. This Handbook also contains “guidelines” or suggestions concerning practices and procedures that are best determined by the Pastor responsible for a cemetery. A careful reading of the

Handbook will enable one to distinguish directives from policies and guidelines.

- 5) This Handbook also refers to “Rules and Regulations.” Each Cemetery must establish, publish and make available to all plot holders the requirements, practices and procedures that have been adopted by the local parish cemetery.
- 6) The provisions of this Handbook and the Cemetery’s Rules and Regulations shall apply to any mausoleum or columbarium now in existence or which may hereafter be erected in the Cemetery.
- 7) The purpose of any Catholic Cemetery is to provide for the burial of those persons who are entitled to Christian Burial according to the rules and discipline of the Roman Catholic Church. Any questions will be resolved in accordance with the provisions of this Handbook, the Cemetery’s own Rules and Regulations, the canons of the Catholic Church, its rules and discipline as applied by the Pastor of the parish that is responsible for the Cemetery. If a plot holder is dissatisfied with the Pastor’s decision, appeal may be made to the Diocesan Bishop. He or his designated representative will make the final decision.
- 8) All parish cemeteries as well as plot holders and persons entering a Catholic Cemetery in the diocese shall be subject to the provisions of this Handbook, and to the Rules and Regulations established and amended for that particular parish Cemetery. The reference to the Handbook and the Cemetery’s own Rules and Regulations in the certificate conveying burial privileges shall have the same force and effect as if both the Handbook and the Rules and Regulations were set forth in full therein.

CEMETERY OPERATIONS

Definitions

- 9) The term “Management” shall mean the person or persons duly appointed to conduct and administer the Cemetery of a particular parish, including the Pastor or Administrator of the parish, his designated representative, and the Parish Cemetery Committee.
- 10) The term “Cemetery” shall mean all the property used or intended to be used for interment of human remains.
- 11) The term “Plot” shall mean one or more adjoining graves or crypts within the Cemetery.
- 12) The term “Burial Privileges” shall mean a Burial Privilege Certificate sold by the Management to a member of the Catholic Church authorizing the use of a plot for the interment of human remains. The privilege of burial in a Catholic Cemetery is granted to Catholic party and a non-Catholic spouse. The Management sells only the right to use the space; ownership of the grave or crypt remains with the Management.
- 13) The term “Interment” shall mean placement of human remains or cremated human remains in a grave or crypt located within the Cemetery.
- 14) The term “Grave” shall mean a space in the Cemetery used or intended to be used for the in-ground placement of a casket or urn containing human remains.
- 15) The term “Crypt” shall mean the space within a building used or intended to be used for the permanent placement of a casket or urn containing human remains. Such a building may be referred to as a mausoleum or columbarium.
- 16) The term “Disinterment” shall mean the removal of the human remains from the grave or crypt for the purpose of examination or burial in another location.
- 17) The term “Plot holder” shall refer to the person or persons who have purchased burial privileges or who hold these privileges through inheritance or transfer.
- 18) The term “Memorial” shall refer to a commemorative item or structure used to mark where an interment has been or will be made. It may also serve to remember a family or individual not

buried there (a fact which must be noted in the records of Management). It includes a monument, tombstone, headstone, grave marker, tablet, or the inscription on a crypt.

- 19) The term "Foundation" shall mean the base on which a memorial is erected.
- 20) The term "Care" shall refer to the maintenance of graves and crypts necessitated by natural growth and ordinary wear, as well as the cleaning and maintenance of roadways, walks, and common areas.
- 21) The term "Qualified Outside Contractor" shall mean a person, firm or corporation performing work on Cemetery grounds, other than an employee of the Cemetery or the plot holder of record. "Qualified Outside Contractors," as used herein, shall mean and include all contractors, subcontractors, material men, laborers and other persons or entities performing work or services at the Cemetery, and/or delivering or installing equipment or materials of every nature and type, including specifically all funeral directors, memorial dealers and vault installation companies.

Cemetery's Rights And Responsibilities

- 22) The Management shall specify the terms of purchase of all burial privileges and to fix the number of interments allocated to a plot.
- 23) If the purchaser fails to carry out the terms of the Burial Privilege Certificate purchase agreement, the Management shall have the right to declare said agreement void and all rights of the purchaser in and to the plot forfeit. The Management shall have the right to resume possession of the plot or the unused part thereof.
- 24) The Management shall have a perpetual right of ingress and egress over any and all lots in the Cemetery for the purpose of passage to and from other lots and other parts of the Cemetery.
- 25) All interments and disinterments, construction of foundations, walks and curbs, erection of memorials, grading, landscape work, improvements of any kind, planting, trimming, and removal of plants, trees and shrubs, and all care of plots shall be done only at the direction of the Management.

- 26) Cemetery employees are not permitted to do any work for plot holders except upon the order of the Management.
- 27) Cemetery employees are not permitted to receive any fee, gratuity or commission, directly or indirectly, except from the Management.
- 28) If in its discretion the Management deems it necessary to remove existing trees, hedges, shrubs, posts, bars, corner markers, entrance sills, enclosures or parts of enclosures, it may remove and dispose of the same without any liability and without responsibility for the replacement or cost of replacement thereof.
- 29) The Management shall have the right to change the boundaries or grading of the Cemetery or of a portion thereof, or to change the arrangement of graves or crypts. It also reserves rights of way under, through and over the Cemetery grounds and any and every part thereof.
- 30) The Management shall have the right to correct errors made by it in the sale or description of burial privileges or any discrepancies relating to burial privileges. In its discretion, the Management may substitute other burial privileges or refund any monies paid for the purchase of burial privileges.
- 31) In the event of an error or discrepancy involving the size, boundaries, or location of a plot or any unforeseen subsurface condition, and this error, discrepancy or condition prevents a proper interment, the Management shall have the right to preclude further interments in the plot.
- 32) The Management shall have the right to correct any error made by a Qualified Outside Contractor at the contractor's expense.
- 33) Persons entering the Cemetery grounds for any reason are invitees or licensees and assume each and every risk. Therefore, the Management shall not be liable for injuries to any person occurring within the Cemetery, except those arising from its own willful misconduct or gross negligence.
- 34) The Management shall not be liable for the theft of any property occurring within the Cemetery except for that arising from its own willful misconduct or gross negligence.

- 35) The Management shall not be liable for any loss or damage from any cause beyond its reasonable control, including but not limited to the elements, , earthquake, flood, war, insurrection, riot, order of any military or civil authority, thieves, vandals, strikers, malicious mischief-makers, explosion, unavoidable accident, or any cause similar or dissimilar.
- 36) In the event it becomes necessary to reconstruct or repair any graves or crypts which have been damaged by causes over which the Cemetery has no control, the Management shall give written notice of the necessity for such repair to the plot holder of record. Mailing said notice to the name and address of the plot holder of record shall constitute adequate notice. In the event the plot holder fails to repair the damage within a reasonable time, the Management may direct that the repairs be made and charge the expense to the plot holder of record.
- 37) The Management shall have the right to prohibit the installation of any memorial which because of design, content, workmanship, material or faults of any kind is, in its opinion, unsatisfactory, in violation of the provisions of this Handbook or the Cemetery's Rules and Regulations, or is offensive to the teachings of the Roman Catholic Church.
- 38) The Management shall have the right to have repaired or removed any memorial or foundation, which does not conform to the provisions of this Handbook or the Rules and Regulations of the Cemetery or is offensive to the teachings of the Roman Catholic Church.
- 39) Should any memorial, private mausoleum or tomb become unsightly, dilapidated, or a hazard to the safety of persons within the Cemetery, the Management, after notice to the plot holder, shall have the right to correct or remove the condition at the expense of the plot holder.
- 40) The name or inscription on each memorial must correspond with the information contained in the records of the Management, and no changes shall be made thereon except upon written request of the proper parties and by permission of the Management.

Plot Holder's Rights And Responsibilities

- 41) All burial privileges in the Cemetery are conveyed and shall be held subject to the provisions of this Handbook and the Rules and Regulations adopted by the Management.
- 42) A Burial Privilege Certificate authorizes the use of a plot for the interment of human remains. The scattering of cremated remains over the Cemetery or over a portion thereof is never permitted
- 43) The use of a plot is for interment purposes only and not for resale or profit.
- 44) The purchase of burial privileges and all arrangements for interment made through a funeral director or other agent shall be binding on the purchaser or plot holder.
- 45) The individual(s) named in the Burial Privilege Certificate issued and of record will be presumed to be the holder(s) of the burial privilege unless the Management receives written notice to the contrary.
- 46) It shall be the duty of the plot holder to notify the Management of any change in his or her post office address. Notice sent to a plot holder at the last address in the Management's record shall be considered sufficient and proper legal notification.
- 47) A vested burial privilege is one in which the individual holding it has a superior right to its use, which is not defeasible by anyone other than the owner or someone else who has a similar vested privilege. A vested burial privilege may be released by waiver or terminated upon the interment elsewhere of the remains of the person in whom it is vested.
- 48) The spouse of an plot holder has a vested burial privilege in the space superior to any other person, even if the marriage occurred after the burial privilege was acquired and the Burial Privilege Certificate makes no reference to the spouse. No transfer or other action of the plot holder, without the written consent of the spouse of the plot holder, deprives the unnamed spouse of a vested burial privilege.
- 49) In the case of a divorce, the vested burial privilege of the spouse who is not identified in the Burial Privilege Certificate is

terminated. A new certificate will be issued which reflects the terms of the divorce decree and property settlement.

- 50) A vested burial privilege does not give one the right to be interred where any deceased person having a prior vested burial privilege has been interred, nor does it give one the privilege to have the remains of more than one deceased person interred in a single interment space in violation of the provisions of this Handbook or the Rules and Regulations adopted by Management.
- 51) Burial privileges in any lot shall not be vested in any person or persons until full payment has been made to the Management and the Burial Privilege Certificate is issued.
- 52) If the Burial Privilege Certificate has been lost or mislaid, a duplicate may be issued to the person who has established legal right to it by presenting a notarized affidavit in which the person claiming interment privilege in said plot must identify himself, establish his holding of the privilege to said plot and state that no other party has prior or equal claim to said plot.
- 53) Upon the death of a plot holder, any and all privileges of the plot holder shall pass to the plot holder's spouse, then to those designated in instructions filed by the plot holder with the Management, then to those designated in the plot holder's will, and finally according to the Commonwealth's laws of intestacy.
- 54) When there are multiple holders of burial privileges, they may designate one or more persons to represent their interests by filing written notice with the Management. In the absence of such designation or in the absence of written objection at the time of interment, the Management may, without liability, permit an interment upon the request or direction of any co-holder set forth in a notarized affidavit containing the fact of the death of the plot holder and the name of the person or persons entitled to the burial privilege.
- 55) Subject to the provisions of this Handbook and the Cemetery's Rules and Regulations, burial privileges are transferable. Upon the receipt of written instructions from the current plot holder or a legal representative, the Management shall transfer the burial privileges to the person(s) designated in the authorization and issue a new Burial Privilege Certificate. Transfers are limited to

those who are entitled to Christian Burial and a non-Catholic spouse. However, to the extent that it is practicable, the records of as-yet-unused plots shall always include the names of preceding plot holders to facilitate accurate record-keeping.

- 56) The Management may exchange burial privileges when desired by the plot holder. However, if the Burial Privilege Certificate to be surrendered is of greater value than that to be received, no compensation will be given to the plot holder.
- 57) At its sole discretion, the Management may repurchase a Burial Privilege Certificate for the original price, less any administrative cost.
- 58) The Management shall have the right to require full payment of the purchase price and perpetual care as a condition of any transfer or assignment of burial privileges.

Memorials

- 59) The Management shall have the right at all times to prescribe the kind, size, design, content, symbolism, craftsmanship, quality and material of all foundations, memorials or inscriptions placed or to be placed in the Cemetery.
- 60) Only one marker will be permitted on each grave or crypt.
- 61) All memorials shall be made of granite, marble, or bronze, manufactured by recognized manufacturers in accordance with trade standards and good craftsmanship. They must be in proportion to the size of the lot.
- 62) A detailed plan and design of all foundations and memorials, including the inscription, must be submitted to the Management for approval. No foundation shall be constructed or memorial installed until it is checked and approved by the Management.
- 63) For a Catholic Cemetery to keep its distinctly religious nature, only Christian symbols will be permitted on memorials. Scenes or symbols depicting a decedent's occupation, hobbies, interests, fraternal associations, etc., are not permitted. The depiction of animals may be appropriate if a verse of Sacred Scripture is used to identify its religious nature.

- 64) If any memorial or any inscription shall be determined by the Management to be offensive or otherwise in violation of the provisions of this Handbook or Cemetery's own Rules and Regulations, the Management shall have the right to enter upon such lot and remove or change the offensive or improper object or objects at the expense of the plot holder.
- 65) The general care and maintenance of the Cemetery grounds and buildings, including landscaping, grass-cutting, gardening, planting, and embellishment of the property, is the responsibility of the Management and shall be performed exclusively at the direction of Management. General care, however, does not include any special care of individual plots.
- 66) No work on individual plots shall be performed by the plot holder or qualified outside contractor except upon the written order of the plot holder and with the permission of the Management.
- 67) All work of every type performed on individual plots or elsewhere in the Cemetery shall be done under the supervision of the Management. Therefore, the Management shall have the right to fix the days and hours when a foundation may be installed, a memorial delivered, or when work of any kind may be performed.
- 68) For reasons of public safety, no coping, curbing, fencing, hedging, borders, or enclosures of any kind around the plot, head or foot stones, and no decorations, ornaments, images, toys, wooden crosses, boxes, glass or plastic enclosures, and no iron or wooden chairs and settees, and no vases or urns of concrete, metal, wood, glass, or plastic, wholly or in part, are permitted, unless specifically described in the Rules and Regulations of the Cemetery. The Management shall have the right to remove, without notice and without making restitution to the plot holder for same, any article deemed in violation of this provision.
- 69) All work orders, inquiries, protests and complaints must be made in writing and directed to the Management.

Interment Procedures

- 70) All interments are subject to the provisions of this Handbook and the Cemetery's Rules and Regulations. Therefore, a burial permit is

required for each interment. The remains of a deceased person will not be accepted for interment unless encased in a suitable casket or urn. The use of a Management-approved burial vault is required for all interments of a casket in a grave.

- 71) Each parish Cemetery is a Catholic Cemetery. All interments must be in accord with the law and teaching of the Roman Catholic Church. The committal service shall take place at the site of interment whenever possible. No symbols or ceremonies, religious or otherwise, may be used or performed that would be contrary or offensive to Catholic principles.
- 72) The Management shall have the right to designate the day, the hour, and the manner in which interments will be permitted.
- 73) The Management may accept a written authorization from the plot holder of record as a proper order for interment, unless there are written instructions to the contrary on file in the Cemetery office.
- 74) The Management shall have the right to demand written evidence of eligibility for Catholic burial according to the norms of Canon Law.
- 75) No person shall be permitted to bring or discharge a firearm within the Cemetery, except a Guard of Honor present with the approval of the Management and under the command of an Officer. Hunting is prohibited on Cemetery property.
- 76) When for any reason the interment space cannot be opened as specified, the Management shall have the right to make whatever arrangements it deems best and proper so as not to delay the funeral.
- 77) When an interment is delayed for any reason beyond the control of the Management, including but not limited to inclement weather, labor strikes, unforeseen underground obstructions, the filing of a protest or the failure to comply with the provisions of this Handbook or the Cemetery's Rules and Regulations, the Management shall have the right, without incurring any liability, to make whatever arrangements it deems best and proper under the circumstances.

Disinterment Procedures

- 78) The transfer of human remains from the Cemetery and disinterments generally will be permitted only for the most serious reasons.
- 79) No disinterment will be permitted without the proper state and local permits and the consent of the Management. Furthermore, the Management may, in its sole and absolute discretion, require an order of Court or the consent of any person it deems advisable.
- 80) All disinterments shall be made under the supervision of the Management. Therefore, the Management shall have the right to designate the day, hour and manner in which disinterments are performed.
- 81) Any and all charges, including unpaid balances pertaining to the plot or its perpetual care, shall be paid in full before a disinterment shall be permitted.
- 82) The casket may not be opened within the Cemetery without a court order or, in the alternative, without the written permission (and in the presence) of the Management and the written consent of the legal representative of the deceased.
- 83) The Cemetery shall under no circumstances be held liable in case of disinterment where it acts upon the written order of a person claiming to have the authority to give such order.
- 84) The Management shall exercise due caution in making a disinterment, but it shall assume no liability for the damage to any casket, urn or burial vault incurred in making the disinterment.

Perpetual Care

- 85) The Management has an obligation to provide for the general maintenance of the Cemetery grounds, including individual plots. The Management has established a "Perpetual Care Fund" for this purpose. A percentage of the purchase price of all interment space sold in the Cemetery is deposited into the Perpetual Care Fund.

Monies received for the Perpetual Care Fund are invested on behalf of the Management with a qualified trustee, according to the provisions of this Handbook. Interest income from the Perpetual Care Fund is expended by the Management in such manner as, in its judgment, will be most advantageous to the plot holders as a whole, and in accordance with purposes and provisions of this Handbook applicable to the expenditure of such funds.

- 86) The term "Care" as it relates to individual plots refers to general maintenance necessitated by natural growth and ordinary wear. The term "Care" shall in no case mean the maintenance, repair or replacement of any memorial; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in the Cemetery including work caused by impoverishment of the soil or disruption of water supply or facilities; nor does it mean the reconstruction of any marker or memorial, or concrete work on any section or plot, or any portion thereof.

Service Charges And Payments

- 87) The Management shall have the right to fix a charge and a time of payment for each interment, disinterment, plot transferred or returned, and for the performance of any other service rendered by the Management, its employees or volunteers. All work in connection with such service shall be subject to the supervision of the Management.
- 88) Any and all charges imposed by the Management must be paid in full before any work can commence on a lot.

Visitors to Cemetery

- 89) Unless otherwise specified in the Cemetery's Rules and Regulations, the Cemetery is open from dawn to dusk.
- 90) All persons entering the Cemetery for whatever reason must display proper respect for the deceased and for the sacred ground in which they are interred. The Management shall have the right to take any measures it deems necessary to ensure strict observance of this basic principle.

- 91) Anyone present in the Cemetery after closing will be considered a trespasser.
- 92) Trespassers and violators of the Rules and Regulations of the Cemetery may be ejected from the Cemetery, prosecuted, held liable under the law for any damage done by them, and refused admission to the Cemetery in the future.
- 93) Unless otherwise specified in the Rules and Regulations of the Cemetery, no child under the age of fourteen (14) years is permitted in the Cemetery unless accompanied by an adult.
- 94) No person shall pluck any flower, take cuttings of or otherwise damage any tree, plant, or shrub within the Cemetery without specific permission of the Management.
- 95) No person shall be permitted to sell flowers, plants, or any other article or item, or to solicit work or the sale of any commodity whatsoever within the Cemetery without the written permission of the Management.
- 96) No signs, notices, or advertising of any kind shall be allowed within the Cemetery except those placed by Management.
- 97) No person is permitted to loaf, loiter or engage in any boisterous demonstration within the Cemetery.
- 98) No person is permitted to throw rubbish or trash on roads, driveways, paths, walks, or any part of the grounds within the Cemetery.
- 99) No person is permitted to picnic or partake of any refreshment within the Cemetery.
- 100) No person is permitted to bring or consume alcoholic beverages or controlled substances within the Cemetery grounds.
- 101) No animals are permitted within the Cemetery, except trained seeing-eye dogs.
- 102) All vehicles entering the Cemetery shall be restricted to the Cemetery roads and shall not exceed the posted speed limit.

- 103) The Management shall have the right to exclude any or all vehicles from the Cemetery because of adverse weather conditions, special events or work taking place within the Cemetery. Further, the Management may exclude any vehicle it believes might damage in any way the roads within the Cemetery or might be considered a nuisance by the Management, its employees, the plot holders and/or visitors of the Cemetery.
- 104) Any vehicle that parks in front of an open grave, or parks in any way that obstructs the movement of other vehicles may be removed at the owner's expense.
- 105) The Management shall have the right to forbid and prevent assemblies within the Cemetery which it deems inappropriate.
- 106) The Management shall have the right to exclude anyone who is not a plot holder or a relative of a plot holder or a person interred, as the rules and Management's judgment may dictate.
- 107) The Management shall not be liable for any injuries sustained by any person violating any of the provisions of this Handbook or any rule or regulation of the Cemetery. Nor shall Management be liable for any theft or damage to any vehicles while on Cemetery property.

Qualified Outside Contractors

- 108) Workmen not employed by the Management who are hired to do any kind of work on any individual plot shall operate as independent or Qualified Outside Contractors, but must do so with permission from the Management and under the general supervision of the Management.
- 109) All Qualified Outside Contractors performing work on the Cemetery grounds shall present and file with the Management evidence of being bonded and proof of insurance to do business in Pennsylvania, as well as evidence of adequate insurance coverage for public liability, vehicle and property damage and Workers Compensation.
- 110) All Qualified Outside Contractors must notify the Management in advance of any work to be done and detail its plans, specifications

and any anticipated obstructions of roads or paths. The Management shall determine when and how any work it has approved will be performed.

- 111) All work and other activity must cease in the immediate vicinity of the grave or crypt where funeral services are being held.
- 112) The Qualified Outside Contractor will use his best efforts to complete in a timely manner any work performed in the Cemetery. No work will be allowed to remain in an unsafe, improper or unfinished state; the Management shall have the right to complete or remove said work at the expense of the plot holder.
- 113) No motorized equipment will be permitted within the Cemetery without the specific consent of the Management.
- 114) Where heavy material is to be moved, the Management may require planks be laid on the walkways, paths or grass areas to protect them from damage.
- 115) Damage done to lots, walks, drives, trees, shrubs, lawns or other property by Qualified Outside Contractors or their agents may be repaired by the Management, and the cost of such repairs charged to the Qualified Outside Contractor.
- 116) The Management shall have the right to stop all work whenever, in its opinion, proper preparations for the work have not been made, when tools or equipment are inadequate or defective, when work is being executed in such a manner as to threaten life or property, when the Qualified Outside Contractor has been guilty of misrepresentation, when any reasonable request by the Management or its employee has been disregarded, when work is not being executed according to approved specifications, or when any person employed on the work violates any rule or regulation of the Cemetery. The Management disclaims any and all liability for damages arising from its suspension of work previously approved.

In General

- 117) The statement of any employee or representative of the Cemetery shall not be binding upon the Management unless the statement coincides with the terms of a Burial Privilege Certificate, the

provisions of this Handbook or the Rules and Regulations of the Cemetery.

- 118) In its sole discretion the Management shall have the right to make, without notice, temporary exceptions, suspensions, or modifications in any of its Rules or Regulations. Any temporary exception, suspension, or modification shall in no way be considered as affecting the general application of the original rule or other provision of its Rules and Regulations.
- 119) In all matters not specifically covered by the provisions of this Handbook or the Cemetery's Rules and Regulations, the Management shall have the right to do anything which in its judgment is deemed reasonable under the circumstances and such decisions shall be binding upon the plot holder and all parties concerned.
- 120) The Bishop shall have the right at any time and from time to time to change, repeal or add to the provisions of this Handbook or to adopt a new Handbook governing parish cemeteries within the Diocese of Altoona-Johnstown.
- 121) The Management shall have the right at any time and from time to time to change, repeal or add to its Rules and Regulations, or any part thereof, or to adopt any new Rules and Regulations with respect to the parish Cemetery.
- 122) A new or modified Handbook will be available in the Parish office.
- 123) New or changed Rules and Regulations will be posted in the Parish Office for period of thirty days prior to their adoption and such notice, with or without publication in the Church bulletin, shall be considered complete and sufficient announcement of the said change.
- 124) If any section, subsection, paragraph, clause or provision of the provisions of this Handbook or the Cemetery's Rules and Regulations shall be adjudged invalid, such adjudication shall apply only to the provision so adjudged, and the rest of the provisions of this Handbook or the Cemetery's Rules and Regulations shall remain valid and effective.

- 125) The Management may enforce the provisions of this Handbook and its own Rules and Regulations by pursuing any remedy available to it under contract, at law or in equity, including injunctive relief.
- 126) If any plot holder is dissatisfied with the decision of the Pastor concerning the application of the provisions of this Handbook or the Cemetery's Rules and Regulations, the plot holder may request that decision be reviewed by the Bishop or his representative, whose decision will be final.

ADMINISTRATION

INTRODUCTION

- 127) The Pastor of each parish with one or more cemeteries shall be responsible to the Bishop for the proper administration of the Cemetery and compliance with the policies of the Diocese. With the assistance of a Parish Cemetery Committee, the Pastor or his designated representative shall direct the work of all parish employees, contractors and volunteers in the operation and maintenance of the parish Cemetery.
- 128) Each parish with one or more cemeteries shall establish a Parish Cemetery Committee. This council should consist of at least three lay members of the parish who demonstrate a commitment and a competence to supervise the operation of the Cemetery. The Parish Cemetery Committee serves the Pastor of the parish in an advisory capacity. The Pastor will convene and preside at meetings as needed, but at least once each year.
- 129) The Pastor and Parish Cemetery Committee shall be responsible to perform the following duties: Prepare an annual Cemetery budget for approval by Parish Finance Council; Supervise investments and transfer funds as necessary to pay Cemetery expenses; Maintain records and maps of Cemetery; Schedule and supervise maintenance of Cemetery property and buildings; Plan improvements to the Cemetery for approval by Parish Finance and Pastoral Councils; Prepare reports for the Diocese; and Establish and amend Rules and Regulations pertaining to the parish Cemetery.

- 130) The day-to-day duties of administering the parish Cemetery shall be performed by employees, volunteers or contractors, under the direction of the Pastor or his designated representative. They shall be responsible to perform the following duties: Perform routine maintenance of Cemetery grounds and buildings; Handle purchase of Burial Privilege Certificates; Supervise interments and disinterments as necessary; and Maintain up-to-date records and map of Cemetery.

Compensation of Administrators

- 131) Neither the Pastor nor any member of the Parish Cemetery Committee will receive any compensation for this service to the parish community. No volunteer who participates in activities intended to maintain or improve the property or buildings of the parish Cemetery will receive any compensation for this ministry. Only those persons specifically employed with the approval of the Pastor and Parish Cemetery Committee will receive financial compensation for their work.

Required Administrative Records And Reports

- 132) The Pastor and Parish Cemetery Committee will prepare and maintain a comprehensive record of the Cemetery, which will include the following: The identification of every plot, including the name and address of the current plot holder, the number and location of spaces included in that plot, the names of all who have been interred in the plot, the purchase price, and all payments made for the burial privilege, for any services provided by the Management, and for Annual or Perpetual Care; An accurate map of the graves and crypts of the Cemetery, designating those sold and those used; To the extent that it is practicable, a collection of Cemetery documents that were distributed to plot holders in the past, specifically including blank copies of the Burial Privilege Certificate and other agreements, Rules and Regulations and any other documents that defined rights or expectations of either the plot holder or the Management; The Rules and Regulations of the local Cemetery prepared and published by the Pastor and the Parish Cemetery Committee.

- 133) The original records and map must be stored in a fire-proof container, and an up-to-date copy of these records and map must be stored at a separate location from the first.
- 134) The Pastor and Parish Cemetery Committee will file an annual report with the Diocese of Altoona-Johnstown, detailing the revenue, expenditures and balances of all funds designated to pay for the operation and preservation of the Cemetery.

FUNDING OF THE CEMETERY

INTRODUCTION

- 135) There must be two separate Cemetery funds: the Perpetual Care Fund and the General Maintenance Fund. Both the Perpetual Care Fund and the General Maintenance Fund must be accounts separate from each other and separate from all other church accounts. There shall be no commingling of any parish funds with either Cemetery fund. No money from either cemetery fund can be transferred, loaned or used as collateral to pay for a church expense.
- 136) The Perpetual Care Fund is a trust fund whose interest earnings establish a permanent source of revenue for the General Maintenance Fund. Under no circumstances is the principal amount of The Perpetual Care Fund to be spent or loaned.
- 137) The Perpetual Care Fund is made up of money from the following sources: At least 25% of the gross revenue derived from the sale of graves and crypts; At least 15% of the annual interest income earned on investments specifically designated to provide perpetual care of the Cemetery property; 100% of the bequests, fund-raising activities and parish contributions specifically designated to provide for perpetual care of the Cemetery property; and at least 25% of gross revenue from the sale of Cemetery property or its timber or mineral rights.
- 138) The General Maintenance Fund will cover the expenses of administering, maintaining, protecting and improving the land, buildings and equipment of the parish Cemetery.

- 139) The General Maintenance Fund includes all Cemetery monies not in the Perpetual Care Fund, such as checking or savings accounts at local banks, in the Diocesan Mutual Aid Plan or elsewhere.
- 140) The General Maintenance Fund is made up of money from the following sources: Not more than 75% of the gross revenue derived from the sale of graves or crypts; Not more than 85% of the interest income earned on investments of the Perpetual Care Fund; 100% of the gross revenue from fees for opening graves, issuing new Burial Privilege Certificates, reviewing and approving memorials; 100% of the annual fees paid by plot holders or crypt owners for the care of their property; 100% of bequests, fund-raising activities and parish contributions specifically made to support the general maintenance of the parish Cemetery; and not more than 75% of the gross revenue from the sale of Cemetery property or its timber or mineral rights.

Investment Requirements of The Perpetual Care Fund

- 141) All monies in the Perpetual Care Fund must be deposited in a trust fund administered by the Diocesan Mutual Aid Plan or Foundation for the Diocese of Altoona-Johnstown.
- 142) The trustee of the Perpetual Care Fund will provide periodic reports on earnings and expenditures to the Pastor and Parish Cemetery Committee, at least once a year.

LOCAL ISSUES

- 143) There are policies and practices of a Cemetery that are better determined by the Management of that particular Cemetery. These would be specified in the Cemetery's Rules and Regulations. What follows are some of these issues, with suggestions as to how they may be addressed.
- 144) Only one interment shall be permitted in each grave or crypt, except in the case of: A parent and an infant child; Twin children under ten years of age buried at the same time; Two interments of cremated remains; or The interment of an adult and one interment of cremated remains, which may be allowed in the discretion of the Cemetery. Subsequent memorialization may be restricted.

- 145) A single-interment section is available for those who wish to purchase only one space. All spaces in this section are used strictly in numerical order or order of sale. These single spaces are not transferable.
- 146) Orders for interment must be received at least one (1) full working day prior to an interment, and the following information must be furnished: Name, age, sex, and places of birth and death of the deceased; Lot, section and space number; Name of owner of interment space; Name of funeral director; Exact size of burial container or casket; Date of interment and time of arrival at Cemetery; and Name and address of the next of kin. The Management shall have the right to impose an extra charge on interment orders received with less than the minimum notice described above or for funerals arriving after 3:30 P.M.
- 147) Arrangements satisfactory to the Management for the payment of any or all indebtedness due the Cemetery must be made before any interment or disinterment is made.
- 148) The uniform style of the inscription on a crypt shall be designated by the Management.
- 149) Flowers may be arranged at the site of an interment. Floral designs shall conform to Catholic thought and practice. All flowers shall be removed from the interment site immediately after the grave site service by the family, funeral director or Cemetery personnel.
- 150) When and how plot holders may place flowers, wreathes and flags shall be designated by the Management.

HANDOUT FOR PLOT HOLDERS

INTRODUCTION

- 1) From the time that the Sacred Body of Our Crucified Savior was laid in the tomb to await the hour of His glorious Resurrection, the Church has been most solicitous to surround with an atmosphere of Christian faith and reverence the burial of those who will rise with Christ. As a further seal and symbol of that faith she sets apart and blesses the place in which the bodies of her faithful departed await the day of Resurrection.
- 2) In the very earliest days, Mother Church found it necessary to make rules and regulations which would protect the 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 on the dead.
- 3) To insure the sacred character of parish cemeteries in the Diocese of Altoona - Johnstown, each Cemetery is governed by the Pastor relying on the Cemetery's Rules and Regulations, the Canon Law of the Roman Catholic Church and the Handbook for Parish Cemeteries issued by the Bishop of the Diocese. Copies of both the Rules and Regulations and the Handbook are available for review in the Cemetery office and in the Parish office.
- 4) This is a Catholic Cemetery operated and maintained for the interment of those entitled to Christian burial according to the guidelines of the Roman Catholic Church. When one purchases a Burial Privilege Certificate, he or she and heirs bind themselves to the governing principles mentioned above currently in effect, or as amended in the future. Violation of these principles may result in the forfeiture of one's privilege to use the burial plot. When a plot holder is dissatisfied with the Pastor's application of the provisions of Canon Law, the Handbook, or the Cemetery's Rules and Regulations, appeal may be made to the Diocesan Bishop. He or his designated representative will make the final decision.

Buyer's Rights and Responsibilities

- 5) The purchase of a Burial Privilege Certificate, whether in a grave or a crypt, does not acquire title to the property itself.
- 6) Plots are for the interment of the plot holder; they may not be sold for profit by holders of Burial Privilege Certificates. All interments must be in accord with Church Law. No symbols or ceremonies, religious or otherwise, may be used or performed that would be contrary or offensive to Catholic principles.
- 7) This is a Catholic Cemetery. To keep its distinctly religious nature, only Christian symbols are permitted on the memorials. Scenes depicting a decedent's occupation, hobbies, interests, fraternal associations, and so on, are not permitted. The depiction of animals as found in Sacred Scripture is appropriate only if the Scripture verse is used with it to show that it is of a religious nature. Therefore, the Management requests a printed diagram showing the design and specifications for each memorial and inscription for advance approval.
- 8) All memorials are to be finished in accordance with trade standards and good craftsmanship. They must be in proportion to the size of the lot. Their foundations must be installed by qualified bonded contractors under the supervision of the Management.
- 9) In the event that a memorial does not conform to the specifications as approved, the Management will request that the memorial be removed by the dealer, otherwise the Management shall have the right to remove it at the expense of the dealer.
- 10) Memorial dealers and outside contractors are considered independent contractors and are to be bonded for work in the Cemetery. The Management is not responsible for defects in memorials or foundations caused by the memorial dealer.
- 11) Perpetual Care (and Annual Care where it is available) includes filling in sunken graves, seeding, cutting of grass, and trimming around memorials. Care does not include placement, maintenance or repair of any memorials or the planting of flowers or ornamental plants on specific plots.
- 12) To facilitate routine care and maintenance of the Cemetery, plot holders may not plant and prune flowers, shrubs or trees, nor may

they erect fences, border arrangements, furniture, or any decorations without prior approval of the Management.

- 13) The Management is not liable for damages arising from vandalism, natural disasters, public unrest, or any cause beyond the reasonable control of the Management.
- 14) The Management may refuse to open a grave or permit the placement of a memorial when just debts are not paid (e.g. unpaid balance on a plot, annual plot care, or perpetual care) or when there is a question of ownership of the plot.
- 15) The Management may, at its discretion, repurchase plots, graves or crypts at original cost minus any outstanding expenses. Any transfer of ownership rights must be made by the Management.
- 16) Plot holders are to keep the Management informed of their current address. The address on file will be considered the legal address for notices pertaining to the Cemetery.
- 17) Upon the death of a plot holder, all privileges in the plot shall pass to the spouse; then to those named or designated in instructions left for the Cemetery or in the will; finally to those designated according to the Pennsylvania law of intestacy. A new Burial Privilege Certificate is to be issued in all instances by the Management.
- 18) All inquiries and business concerning the Cemetery are to be made in writing or by appointment only.

Visitors

- 19) This Cemetery is private property. Unless otherwise specified in The Rules and Regulations, the Cemetery is closed from dusk to dawn.
- 20) All persons entering the Cemetery for whatever reason must display proper respect for the deceased and for the sacred ground

in which they are interred. The Management shall have the right to take such measures as the circumstances warrant in order to ensure strict observance of this basic principle.

- 21) Identification, including a Burial Privilege Certificate, may be required of visitors by Cemetery personnel.
- 22) Unless otherwise specified in the Cemetery's Rules and Regulations, children under the age of fourteen (14) years must be accompanied by a parent or other adult. No pets except trained seeing-eye dogs are permitted on Cemetery grounds.
- 23) There is to be no loitering or unlawful assembly, no boisterous language or inappropriate actions, no alcohol or controlled substances in the Cemetery.
- 24) No firearms may be brought on to the property or discharged without permission of the Management. Hunting on Cemetery property, littering and vandalism are punishable by a fine and/or imprisonment. Violators will be prosecuted.
- 25) All off-highway vehicles, bicycles, skateboards, roller blades, snowmobiles, etc. are prohibited in the Cemetery. No illegal parking of cars is permitted. The speed limit in the Cemetery is posted.
- 26) All Cemetery Rules and Regulations apply to the Mausoleum.
- 27) The Management shall have the right to make improvements to the Cemetery at all times.
- 28) In all matters not herein specifically covered, the Management shall have the right to determine and decide any and all questions that shall arise.