

SAINT MARY'S IMMACULATE CONCEPTION CEMETERY

7176 ESKER ROAD, CUSTER, WI 54423-8800

— Cemetery Rules and Regulations —

INTRODUCTORY RULES AND REGULATIONS

1.0 • INTRODUCTION

For the mutual protection and benefit of lot holders, the following *Rules and Regulations* have been adopted by Saint Mary's Immaculate Conception Church Cemetery located at 7176 Esker Road in the Town of Stockton, Portage County, Wisconsin. All lot holders and visitors within the cemetery and all graves sold shall be subject to said *Rules and Regulations*, and subject further to such other *Rules and Regulations*, amendments, or alterations as shall be adopted from time to time.

The Catholic cemetery, like a church, is a sacred place wherein the mortal remains of the faithful departed dwell while awaiting the glorious resurrection of the body. The Catholic cemetery should be identifiable as a sacred place and care should be given to the cemetery both in the external signs that are used and in the care of the grounds. Families are encouraged to visit the graves of loved ones to pray for the dead, remember the cherished moments, and celebrate our faith in Christ and His promise for our resurrection on the Last Day. The parish provides perpetual care of the cemetery grounds. Donations to the Perpetual Care Fund are always welcome.

All Catholic cemeteries of the Diocese of La Crosse are under the jurisdiction of the diocesan bishop. In parochial cemeteries, like Saint Mary's Immaculate Conception Cemetery, the parochial administrator or pastor is the superintendent of the cemetery. The superintendent of the cemetery shall see to it that the monuments, inscriptions, and ornamentation of the monuments are in keeping with the teachings of the Catholic faith and all Church and civil laws concerning the administration of the cemetery are observed.

2.0 • DEFINITIONS

The terms "**lot**", "**plot**", "**grave**", "**grave site**", or "**burial place**" shall be used interchangeably and shall apply with like effect to one or more adjoining graves.

The term "**interment**" shall mean the permanent disposition of the remains of a deceased person by burial.

The term "**inurnment**" shall mean the permanent disposition of the cremated remains of a deceased person by burial.

The term "**memorial**" shall include a monument or marker:

—A "**monument**" is above the ground.

—A "**marker**" is level with the ground.

The term “**management**” shall comprise the parochial administrator or pastor and any other officially designated individual or groups of individuals for the purpose of conducting and administering the cemetery association.

The term “**lot holder**”, “**grave owner**”, or “**owner**” shall be used interchangeably and shall mean a person who has been granted interment or inurnment rights (“right of burial”).

The term “**right of burial**” shall mean only the privilege of interment or inurnment in the cemetery.

A “**certificate of right of burial**” grants only the privilege of interment or inurnment and is not to be construed as a deed to the land itself.

The term “**care**” shall apply to the entire cemetery provided by either the perpetual care fund or by Saint Mary’s Immaculate Conception Church.

3.0 • GENERAL RULES AND REGULATIONS

Saint Mary’s Immaculate Conception Cemetery is owned and operated in accordance with the laws of the State of Wisconsin and the laws and discipline of the Roman Catholic Church. It reserves the right to refuse admission to the cemetery and to refuse the use of any of the cemetery’s facilities at any time, to any person or persons whom the management may deem objectionable to the best interests of the cemetery.

The cemetery is intended for the burial of Catholics and members of their families who are entitled to a Christian burial according to the laws and discipline of the Roman Catholic Church, either now in force or hereafter enacted. Any question of the burial of a member of a lot holder’s family or of any person not entitled to a Christian burial shall be decided by the parochial administrator or pastor in accord with Diocesan Cemetery Regulations, the Code of Canon Law, and the laws of the State of Wisconsin.

Religious ceremonies other than those of the Catholic Church are not permitted in the cemetery unless the consent of the parochial administrator or pastor has been obtained.

Pets and all-terrain vehicles (ATVs), side-by-sides (SxS/SSVs), utility terrain vehicle (UTVs), or recreational off-highway vehicle (ROVs) are not permitted in the cemetery.

Near the cemetery entrance, the management has posted the polices to be followed by relatives and friends of the deceased for the placement of flowers and decorations to facilitate the efficient care of the cemetery grounds and to ensure the safety of visitors, maintenance personnel, and equipment.

4.0 • LOTS AND LOT HOLDERS

The management has the full and exclusive power to determine the price of lots, including the percentage amount for perpetual care (if over 15%) and the charges for special services to the lot holders, so far as such decisions are in accord with Diocesan Cemetery Regulations, the Code of Canon Law, and the laws of the State of Wisconsin.

The management has the full and exclusive power to issue certificates of right of burial, so far as such decisions are in accord with Diocesan Cemetery Regulations, the Code of Canon Law, and the laws of the State of Wisconsin. Such certificates are to be signed by the parochial administrator or pastor or the person(s) officially designated by him.

The right of burial is obtained by the purchaser of a certificate which shall entitle the purchaser to the perpetual use of the lot for the purpose of burial only. The title of the land remains vested in the name of the parish cemetery. All lots are sold on a first-come, first-served basis. Unpaid lots cannot be reserved or held in the name of a family or family member. Lots are considered sold when payment is received.

No burial rights will be sold in common or joint ownership. The title shall be vested in one name only. Upon the death of an owner of a certificate, the right to such a certificate passes to the heirs or next-of-kin.

No grave shall be used for any other purpose than for the burial of the human dead. No interment or inurnment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted.

Written consent from the management is required for any sale, transfer, or assignment of lots. If a holder of burial rights wishes to resell the rights, it shall be done through the management.

The cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, explosions, insurrections, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Lot holders are granted only the right of interment or inurnment in their graves. The cemetery reserves the right to refuse to permit the interment or inurnment of anyone who was not at the time of death the owner of the grave, a relative of the owner by blood or marriage, or the named family representative.

It remains the right and Christian duty of the cemetery association to make special arrangements and adjust prices to accommodate the poor and destitute, unknown persons, or multiple victims of a disaster to ensure the dignity and care of all human remains.

5.0 • CORRECTION OF ERRORS

The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, inurnments, disinterments, disinurnments, or removals, or in the description, transfer, or conveyance of any interment property.

6.0 • GENERAL CEMETERY CARE

The cemetery will give such care as it can, consisting of appropriate grass mowing, trimming, and weed control and the general preservation of the grounds. The general care assumed by the cemetery shall in no case mean maintenance, repair, or replacement of any vase, basket, memorial, flowers, or other objects placed near or upon a grave. Care shall not include the care of monuments or markers placed by the lot holder or his/her heirs or family members.

RULES AND REGULATIONS REGARDING BURIALS

7.0 • BURIALS IN GENERAL

No interment or inurnment will be made in a grave which is not fully paid. The permission of the lot holder or family representative is required for interment to take place. Where there is a question, such permission shall be in writing. If the lot holder is deceased, the named family representative has the final say in all family-related questions or concerns when interacting with the cemetery.

The management shall provide for burials during each season, including winter. The management reserves the right to charge a reasonable fee to recover the costs related to providing for a burial during difficult weather conditions.

The funeral director shall give to the parish/cemetery office the “Report for Final Disposition of a Human Corpse and Out-of-State Burial Transit Permit” from the State of Wisconsin Department of Health Services, Division of Public Health. This permit is not required for in-state disposition of a stillbirth.

The management does not offer grave opening services for interments or inurnments. The funeral director must coordinate the grave opening with an approved grave opening contractor and the cemetery. The management accepts no liability for damages to property or personal injuries during the course of a grave opening; nor does it accept any responsibility for the quality of services or workmanship provided by the grave opening contractor.

The standard size of a grave opening for interment in the old section of the cemetery is 120”L × 48”W. The standard size of a grave opening for interment in the new section of the cemetery is 144”L × 48”W. The standard size of a grave opening for inurnment without a burial vault is 12”L × 12”W × 18”D. Inurnments with a burial vault require a larger grave opening. Inurnments do not require a burial vault unless the vessel containing the cremated remains is biodegradable (e.g., wood, clay, wicker, etc.). Burial vaults for inurnments are not permitted when the inurnment is on top of a previous interment.

7.1 • INTERMENTS AND DISINTERMENTS

A cemetery lot is entitled to either one (1) interment (casket and vault) or one (1) inurnment. No more than one (1) interment (casket and vault) per lot is permitted. An additional inurnment will be permitted for an additional fee. The additional inurnment must be a family member or a person granted a special exception by the management.

No interment of a body may be made unless the remains are contained in a casket and burial vault. Wooden burial vaults are not permitted.

For disinterments, the consent of all next-of-kin of the deceased person whose body is to be disinterred is required. Permission must also be obtained from the parochial administrator or pastor and the Vicar Forane. A disinterment permit must be obtained from the Portage County medical examiner. The disinterment permit shall constitute authorization to transport and reinter the disinterred remains. The management may disinter and reinter for the purpose of correcting an error made by the management in the burial of those human remains. In such a case, no disinterment permit is required so far as the laws of the State of Wisconsin are followed. The management shall assume no liability for damage to any casket, burial vault, or memorial incurred in making the removal.

7.2 • INURNMENTS AND DISINURNMENTS

Whenever possible, the Catholic Church always prefers interment of a body rather than cremation because it gives fuller expression to our Christian faith. Nonetheless, the Church does not forbid cremation as long as it does not represent any lack of faith in the resurrection of the body.

The inurnment or burial of cremated remains must be contained in a worthy vessel, that is, in a solid and durable container which is appropriately marked with the name of the deceased. Burial vaults for inurnments are not required unless the vessel is biodegradable (e.g., wood, clay, wicker, etc.). Burial vaults for inurnments are not permitted when the inurnment is on top of a previous interment.

For disinurnments, the consent of all next-of-kin of the deceased person whose cremated remains are to be disinterred is required. Permission must also be obtained from the parochial administrator or pastor and the Vicar Forane. A disinterment permit from the county medical examiner is not required. The management shall assume no liability for damage to any vessel, burial vault, or memorial incurred in making the removal.

RULES AND REGULATIONS REGARDING DECORATIONS AND MEMORIALS

8.0 • LOT DECORATIONS

Real or artificial flowers are permitted only in urns, vases, or on shepherd's hooks/poles at the end of a monument (to the right or left). Glass jars, bottles, cans, crockery, wooden containers, or other similar containers or objects are not permitted. All items should be securely attached and labeled with the name of the deceased, in case items blow away due to inclement weather.

Real flowers must be placed in urns or vases next to the monument. No flowers are permitted in front of the monument. Artificial flowers and wreaths must be tied or attached to the monument or they will be removed ten (10) days after burial, Memorial Day, or other holidays. Artificial wreaths, formed crosses, or other similar decorations are permitted between December 1st and April 1st (the non-growing season).

The cemetery management has the right to remove any or all decorations when deemed necessary. The cemetery management assumes no responsibility to loss or damage to any article placed on a lot.

9.0 • PLANTING ON GRAVES

It is not permissible to plant trees, hedges, shrubbery, or any other growing thing on the lot. The cemetery reserves the right to remove all flowers, trees, hedges, shrubbery, or any other growing thing as soon as they become unsightly, dangerous, and/or diseased, regardless of who planted the item. The cemetery management assumes no responsibility to loss or damage to any item planted on a lot.

10.0 • MEMORIALS

Lot holders must erect proper memorials on their respective lots subject to the approval of the management. The minimum required memorial is an aluminum funeral home marker. Such memorials may be placed only in the designated areas. No memorials may be placed on any grave that is not fully paid. Identification of multiple burials must be contained on the face of the monument or memorial within the lot boundaries. When any memorial work has been set in place, it shall not be removed without due process of law or written permission of the management.

All memorials shall be constructed of natural stone except the markers provided for the graves of veterans. No artificial stone of any kind is permitted. Aluminum funeral home markers are permitted. All memorials shall be erected on a concrete foundation provided by the monument company at the expense of the lot holder. At a minimum, the foundation should extend six (6) inches beyond all sides of the monument base and should be flush with the ground surface.

The responsibility of keeping any memorials, monuments, markers, or the like in a safe and proper state of repair shall be that of the lot holder or their heirs or assigns, subject to the rules and regulations of the cemetery. If no heir or assign can be located when a memorial is in need of repair, it becomes the responsibility of the management to return the memorial to a safe and proper state, using cemetery operating funds.

No coping, curbing, fencing, hedging, borders, brickwork, or enclosures of any kind shall be allowed around any graves and no walks of brick, tile, terra cotta, sand, cement, gravel, or wood shall be allowed on any graves. The management reserves the right to remove the same if so erected, planted, or placed.

Laborers employed in placing or erecting memorials and other structures or materials shall operate as independent contractors, but must do so under permission from the parochial administrator or pastor. The right is reserved to the parochial administrator or pastor to refuse to permit such work.

The management reserves the right to stop all work of any nature, whenever, in its opinion,

- proper preparations have not been made;
- or when tools and machinery are insufficient or defective;
- or when work is being executed in such a manner as to threaten life or property;
- or when the monument company has been guilty of misrepresentation;
- or when any reasonable request is made on the part of the parochial administrator or pastor;
- or when work is not being executed according to specifications;
- or when any person employed on the work violates any rule of the cemetery.

Newly erected crosses, statutes, or other grave markers of wood, iron, cement, or any like material are prohibited except the standard insignia provided for the graves of veterans. Symbols and decorations, either on memorials or otherwise, which are offensive or contrary to the teachings of the Catholic Church or against common decency are strictly prohibited.

Standard government memorials or markers (upright headstones in granite or marble; flat markers in granite, marble, or bronze; and niche markers in bronze) as well as medallions placed on a privately purchased memorials are permitted for veterans, active-duty service members, National Guard members or Reservists, or commissioned officers.

OTHER RULES AND REGULATIONS

11.0 • FEE SCHEDULE

Fee per grave lot:

- Registered parishioner\$500.00
- Non-registered.....\$1,000.00

Fee for an additional inurnment (see 7.1 above):

- Registered parishioner\$250.00
- Non-registered.....\$500.00

There is no discount for multiple lot purchases. There are no fees for an unborn child or fetus; the parish's Works of Charity fund will pay for the grave lot and burial (interment/inurnment) of an unborn child or fetus (but not a memorial). Fees are for the right of burial in the grave lot only and do not include opening and closing fees, memorials, or any other markers. The opening and closing of graves is not provided by the cemetery.

This fee schedule is subject to annual review and alteration by the cemetery association and parish Finance Council.

12.0 • ANNUAL MEETING OF THE CEMETERY ASSOCIATION

The annual meeting of the Saint Mary's Immaculate Conception Cemetery Association shall be held during the month of June unless the parochial administrator or pastor determines another time. Parishioners and lot holders are encouraged to contact the management at any time with any concerns.

13.0 • AMENDMENTS

The management reserves the right to amend these *Rules and Regulations* in accord with Diocesan Cemetery Regulations, the Code of Canon Law, and the laws of the State of Wisconsin, either now in force or hereafter enacted, without the consent or notification of lot holders. Anyone may obtain the most recent version of these *Rules and Regulations* from the Saint Mary's Immaculate Conception Parish office.

SIGNATURES

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Rev. Alan M. Guanella
PASTOR AND CEMETERY SUPERINTENDENT

David Glodowski
CEMETERY ASSOCIATION CHAIRPERSON

June 20, 2021

Date