

RULES AND REGULATIONS

**ST. MARY CEMETERY**  
ST. CLAIR, MICHIGAN

ST. MARY PARISH

ARCHDIOCESE OF DETROIT

# PREAMBLE

Ever since the sacred body of our Crucified Savior was placed reverently in the tomb to wait the hour of its glorious Resurrection, the Church has been most vigilant to surround the burial of those who hope to rise with Christ in 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. As a further seal and symbol of that faith she sets apart and solemnly dedicates the place in which the bodies of her faithful departed await Resurrection.

In the very earliest days, the 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 on the dead.

In accord with the mind and traditional practice of the Church and to establish and maintain good order of St. Mary Cemetery, operated by St. Mary Parish of the Archdiocese of Detroit, the following rules and regulations are in effect.

## PART I RULES AND REGULATIONS

St. Mary Cemetery  
Of  
St. Mary Parish  
Of the  
Archdiocese of Detroit, Michigan

For the mutual protection and benefit of burial right holders, St. Mary Cemetery under the Archdiocese of Detroit, Michigan hereby adopts the following rules and regulations. All grave holders, persons within the cemetery and all graves shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as adopted by the Cemetery Committee of St. Mary Parish of the Archdiocese of Detroit, Michigan.

New regulations shall be adopted as the cemetery committee and pastor of St. Mary Parish deem necessary. Such regulations shall apply to all rights of burial whether purchased prior or subsequent to their adoption.

## I – DEFINITION

**ACTIVE PARISHONER** - Persons and their dependants who have been registered with St. Mary Parish for a minimum of six (6) months, or a sufficient period as determined by the pastor of St. Mary Parish. Active parishioners regularly contribute to the parish offertory through the envelope system, faithfully attend Mass on Holy Days of Obligation and share their time and talent which serves to sustain the parish.

**CARE** - shall mean care of the cemetery as herein defined.

**CEMETERY** - Includes all property for earth burials, mausoleums, and crypt entombments.

**CERTIFICATE OF RIGHT OF BURIAL** - grants only the privilege of interment and entombment as defined above and is not to be construed as a deed to the land itself.

**CRYPT** - shall mean a space of sufficient size in a mausoleum or underground vault used or intended to be used to entomb human remains.

**GRAVE** - shall mean a space of ground in the cemetery used or intended to be used for the burial of human remains.

**INTERMENT** - shall mean earth burial.

**LOCAL ORDINARY** - shall mean the Roman Catholic Bishop of the Archdiocese of Detroit

**LOT** - shall include and apply to more than one adjoining grave or more than one adjoining crypt.

**LOT HOLDER** - shall mean a person who has been granted interment or entombment rights or who holds same by right of inheritance or transfer.

**MANAGEMENT** - shall mean the person or persons duly appointed by the Ordinary of the Archdiocese of Detroit for the purpose of conducting and administering St. Mary Cemetery, operated by St. Mary Parish.

**MEMORIAL** - shall include monument, grave marker, mausoleum, sarcophagus, or inscription on crypt front or fronts for one or more deceased persons.

**PERPETUAL FUND** - The fund established to assure proper care of our cemetery for centuries after the last burial has taken place.

**RIGHT OF BURIAL** - shall mean only the privilege of interment or entombment in the cemetery. IT DOES NOT convey an ownership of land or other interest in the grave, crypt, or lot to which it refers.

**SMC** - St. Mary Cemetery

## II - PURPOSE OF A CEMETERY

Any member of St. Mary Catholic Church may purchase a Rite of Burial for themselves, a spouse or a direct relative who has been Baptized in our faith and byways of an approved manner as the ground is considered Sacred. If the purchaser is not a parishioner, he or she must have a direct relative (grandparent, parent, sibling) buried in our cemetery and have been Baptized in our faith byways of an approved manner." Confer with the parish office for applicable pricing.

## III - CERTIFICATE OF RIGHT OF BURIAL

The *Certificate of Right of Burial* grants only the right or privilege of burial to the lot holder and not title, deed, or any other interests in or to the land itself.

## IV - INTERMENT ARRANGEMENTS

1. SMC management shall have the right to request those wishing to select a grave or arrange for an interment, to call the Parish Office in ample time to complete arrangements before closing of business day. If a Funeral Director or other agent is representing the grave holder, the arrangements made by the agent with management are binding on said grave holder.
2. No organizations, except those approved by the Ordinary of the Archdiocese and recognized patriotic organizations will be permitted to conduct services in St. Mary Cemetery.
3. SMC management shall not be liable for any order given by telephone or any error occurring from the want of proper instructions as to the size of the casket, or as to the particular grave or crypt locations to which interment is to be made. The management reserves the right to make an equitable charge whenever additional labor costs result from such errors. Proper identification and relationship to deceased must be established before order is taken.
4. SMC management shall not be liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied, or where said rules and regulations shall forbid such interment. Furthermore, management reserves the right, under such circumstances, to place the body in a receiving vault until full rights have been determined. Any protest may be required to be in writing and filed with the Parish Office.

## V - INTERMENT

### PROCEDURES

1. All funerals on entering the cemetery shall be under the exclusive charge and sole direction of the SMC management.
2. All applications for interments must be made at the parish office, and parties are expected to apply no later than two business days prior to the date of interment. Sufficient time as determined by management must exist between the application and the burial.
3. A burial permit, as required by the Michigan Department of Health, must be submitted to St. Mary Parish office upon interment.
4. SMC management shall not be liable for burial permit validity or responsible for the accuracy of the data contained in said permit or for the identity of the person to be interred or entombed.
5. SMC management reserves the right to require written evidence of eligibility for Catholic burial according to the pastoral handbook of the Archdiocese of Detroit.
6. No casket shall be opened at any time within the cemetery. All requirements and procedures of the Michigan Department of Health must be followed. Management shall not permit anyone to open a casket or touch a body without the presentation of a court order.
7. No disinterment or removal shall be allowed except for good reason as determined by SMC management. The written permission of said management along with written authorization of the lot holder, and/or if necessary, the nearest of kin and written permission of state authority must precede any such action.
8. SMC management shall exercise due care in coordinating a disinterment and removal but shall assume no liability for the damage to any casket or outer burial (vault) container incurred in making the disinterment and removal.
9. The hour and manner in which interments, entombments, disinterments and removals will be permitted shall be scheduled at the sole discretion of the SMC management.
10. In addition of being subject to these rules and regulations, all interments, disinterments and removals shall be subject to the orders and laws as required by the proper and competent civil authority having jurisdiction in such matters.
11. In the event of the need of changes, SMC management reserves the

right to correct any error in the *Certificate of Right of Burial*. The management shall have the right to correct the same by canceling such certificate and substituting a *Certificate of Right of Burial* in such other grave, lot or crypt of as nearly equal value and similar location as may be possible, to be selected by management, or in the sole discretion of said management by refunding the sum paid on account of said purchase. In the event any such error shall involve interments, disinterment, or removal of the remains of any person in any grave or plot management reserves and shall have the right to remove and re-inter the remains in such other grave or lot of equal value and similar location may be substituted therefore.

12. All caskets must be enclosed in a concrete, steel, or other permanent container (vault) for earth interment. Use of wood or fiberglass containers is prohibited.
13. No interments, disinterments, or removals will be made on Sundays & holidays. A request may be made to the SMC management for an exception.
14. Only persons employed by St. Mary Cemetery or our designee, shall be used in interments, removals, maintenance, construction, demolition or other such activities unless written arrangements are made in advance with SMC management.
15. Cemetery personnel will not be held responsible for damages or injuries resulting from defects in burial vaults, concrete cases, and lids thereof when they set or seal vault cases or lids or maintain the same.

## VI - INSTRUCTIONS TO LOT HOLDERS AND LOT HOLDERS RIGHTS

1. SMC management reserves the right to specify the terms of purchase of all interment rights in graves or lots and to fix the number of interment permits allocated per grave or lot.
2. If the purchaser fails to carry out the terms of the purchase agreement, management may declare said agreement canceled and all rights of the purchaser in and to the grave or lot is forfeited. Notice of such forfeiture mailed to the last address of such purchaser appearing on the cemetery records shall be deemed sufficient.
3. No coping, curbing, fencing, hedging, borders, or enclosures of any kind shall be allowed around the grave or lot. SMC management and maintenance personnel reserve the right without prior notice to remove the same if so erected, planted or placed.

4. The use of a grave or lot is for interment purposes only of the burial right holder, the right holder's relatives, or the right holder's designee provided no other SMC rule or regulation prohibits such. The *Certificate of Right of Burial* granted is not transferable without the written consent of the management. The owner of the *Certificate of Right of Burial* shall not have any right to sell, transfer, exchange or in any manner dispose of said grave, lot, or any part thereof, or any right of interest therein without the written consent of the SMC management.
5. A limit of one urn may be placed on an occupied vault with acknowledgment and/or marker identifications of persons placed on the non-descript side of the original headstone / marker or by placement of a flush/lawn level bronze or granite marker not exceeding two feet (2') by one foot (1') in size which can be placed at the head or the foot of the grave.

Cemetery Section B

Headstones and/or markers may not exceed six (6) inches in height.

6. In the event the owner of the Certificate of Right of Burial wishes to return a grave or lot to the cemetery it may be donated to St. Mary Parish or transferred to a family member in our faith.

## VII - SEQUENCE OF INHERITANCE

In the event of the death of the owner of the *Certificate of Right of Burial*, any and all privileges shall pass to the heirs in the manner provided under the Estate Laws of the State of Michigan.

## VIII - RIGHT OF ALTERATION

1. SMC management reserves the right at any time to erect buildings for any purpose or use connected with the operations of the cemetery.
2. Management may, without notice, modify or alter any portion of the cemetery.

## IX - USE OF THE CEMETERY

1. SMC management, their agents and employees, right holders and those reasonably entitled thereto, shall have a perpetual access right over graves and lots to pass to and from other graves and lots.
2. Children under 15 years of age are not permitted within the cemetery unless accompanied by proper adult supervision.

3. Visitors are not permitted to bring animals into the cemetery or into any buildings in the cemetery. The only exception being dogs trained to aid the physically impaired.
4. Turf shall not be disturbed for any purpose except under written authorization and direct supervision of the SMC management.
5. In order to reduce maintenance costs management must regulate the method of decorating graves or lots, so that uniform beauty may be maintained, and an adequate perpetual fund balance is assured.
  - a. Annuals may be planted in pots, which are then to be hung from a shepherd's hook or other like stand of wrought iron. The shepherd's hook should be placed touching the front or side of the monument, so it does not hinder ordinary maintenance of the cemetery.
  - b. Only clay, fiberglass, plastic pots not exceeding 10 inches in diameter and no more than 6 inches high and rustic baskets with handles not to exceed 12 inches in diameter will be permitted for potted plants. Only one pot or one rustic basket will be allowed per grave. All other containers will be removed without notice.
  - c. All flowerpots must be removed by November 15.
  - d. During the winter months live wreaths, evergreen blankets and artificial decorations which are in keeping with the nature of a Catholic Cemetery are permitted between November 15 and April 1.
  - e. Families are responsible for removing all winter artificial decorations by April 1.
  - f. Families are also responsible for removing all decorations when they become withered or unsightly. The cemetery will discard any that are left unattended.
  - g. Articles such as glass of any description, any statuary, plaques, vases, water cans, food tins, wood or iron cases, cardboard containers, ornaments or bric-a-brac of any description are forbidden and will be removed without notice.
6. Management shall not be responsible for vases, floral pieces, and baskets of flowers, beyond acceptance of such floral pieces for funeral services in the cemetery. All floral pieces will be removed the day following the interment/entombment service. Persons desiring to retain these items should remove them immediately following the interment service.



7. Flags should be affixed into an appropriate brass or aluminum holder. Flags and emblems, which are tattered, torn, faded, or neglected, will be removed without notice. Only one flag permitted per grave.

## X - CONDUCT IN THE CEMETERY

1. Loafing, loitering, or boisterous demonstrations within the cemetery are prohibited.
2. Discarding of rubbish on roads, driveways, paths, walks, any part of the grounds or in its buildings is prohibited. Receptacles for waste materials are located at convenient intervals.
3. Picnicking or partaking of any refreshments within the cemetery is prohibited.
4. No one shall pluck any flowers, break any branches to remove, injure or cut any tree branches, plants, or shrubs without specific permission of management.
5. No one will be permitted to sell flowers, plants, or any other articles/items or solicit the sale of any commodity whatsoever within the cemetery.
6. No signs, notices, or advertising of any kind shall be allowed within the cemetery except those placed by the SMC management.
7. The Management reserves the right to forbid and prevent assemblages that it deems improper or inappropriate.
8. Firearms are not permitted unless carried by members of a Military organization or law enforcement.
9. Automobiles, funeral cars, and other vehicles must drive within the cemetery at a speed **not** in excess of 15 miles per hour. All such vehicles must park on the cemetery's roads and not on the grass.
10. The use of bicycles, motorbikes, roller skates, skateboards, inline skates and all other such modes of transportation is prohibited.

## XI - GRADING, LANDSCAPING AND IMPROVEMENTS

1. The Management reserves the exclusive right to do all grading, landscape work, and improvements of any kind including the care of graves, planting, trimming, cutting, or removing any trees or shrubs within the cemetery.

2. The landscape plans for the cemetery in respect to the location and varieties of trees and shrubs planted or to be planted must be followed to help assure perpetual care of these hallowed grounds. Only trees and shrubs approved by the management may be used, and then only in approved planting spaces and under the supervision of the management. Any trees, shrubs, or plants which in the opinion of the management violate such plans, obstruct or inhibit any adjacent grave, lot, walk or road or are injurious to the general appearance of the cemetery shall be removed without notice.
3. The spreading of fertilizer, ashes, or other material on graves to stimulate the growth of grass is not permitted.
4. Cemetery employees are not authorized to perform any work for grave holders except upon the direction of the management.
5. The placing of crushed stone, wood chips or shells on graves is strictly prohibited. These and any other such items will be removed.

## XII - CEMETERY HOURS

SMC management shall have the right to fix opening and closing hours of the cemetery, cemetery office and all cemetery buildings. Generally speaking, cemetery hours of visitation are ½ hour after dawn to ½ hour before sunset.

## XIII - SERVICE CHARGES AND PAYMENTS

SMC management shall assign the time and fee for each interment, disinterment, removal, grave transfer or release as well as the performance of any other service rendered including all work connected with such service as determined by management.

Any indebtedness due must be paid before an interment may be made or before any memorial may be erected. A payment plan may be arranged if needed.

## XIV - RIGHT TO REPLAT

The following rights and privileges are hereby expressly reserved for the SMC management to be exercised as needed for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for disposal or interment of, human dead bodies, or other cemetery business or affairs.

1. To re-survey, enlarge, diminish, replat, alter in shape or size or

otherwise to change all or any part or portion of the cemetery.

2. To layout, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, buildings, or driveways. To provide additional or relocate existing ingress or egress to and from the cemetery and/or any section, lot or grave site.

The following rights and privileges are hereby expressly reserved to the SMC management to be exercised at any time or from time to time:

Easements and rights of way over and through all of the premises of the cemetery for the purpose of installing, maintaining and operating pipelines, sprinklers, drainage, electric, or communication lines, or for any other purpose deemed necessary.

## XV - EASEMENT GRANTS

No easement or right of interment is granted to any grave holder on any road, drive, alleyways or walk within the cemetery. However, such road, drive, alleyways, or walk may be used as a means of access to the cemetery grounds and buildings provided SMC management so designates.

## XVI - OUTSIDE WORKERS

SMC management reserves and exercises the right to authorize workers, other than employees of the cemetery, before work in the cemetery may commence. Grave holders may have certain work done in accordance with these *Rules and Regulations* at their own expense upon application to and approval of the management. All costs must be agreed upon in writing and paid in full before said work may commence.

## XVII - EMPLOYEES

Employees of St. Mary Cemetery are not permitted to perform any work for grave holders except upon the direction SMC management.

SMC management shall have the right to maintain security personnel, if in its discretion deems it necessary. However, SMC is under no legal obligation to do so.

## XVIII - LOSS OR DAMAGE

SMC management disclaims all responsibility for loss or damage from causes beyond our control and including damage by an Act of God, the elements, insurrections, riots, orders of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, accidents

or any similar or other causes beyond SMC control.

## XIX - CHANGE OF ADDRESS

It shall be the obligation of the grave holder to notify the management of any change in his/her post office address. Notice sent to a grave holder at the last address of record will be considered sufficient and proper legal notification.

Constructive criticisms are solicited by the SMC management. Complaints made to workmen will not be considered. SMC is not responsible for vandalism to trees, disease, or damage due to weather or other conditions beyond its control and the purchaser or his/her family agree to hold SMC harmless from liability for any such event.

## XX - CARE

St. Mary Cemetery is an "Income Care" cemetery. All monies received are used solely for cemetery purposes; a portion is set aside to provide general care. "Income Care" is to be understood as that care and maintenance necessitated by natural growth and ordinary wear. This includes the cutting of lawns and the cleaning and maintenance of roadways and buildings.

The term "Income Care" shall in no circumstances mean the maintenance, repair or replacement of any memorial placed or erected upon any grave nor the planting, cutting, watering or care of any privately supplied tree or shrub nor flowers or ornamental plants, nor any special or unusual work in the cemetery. This includes installation, relocation or removing of any granite, bronze or concrete work damaged by any direct or indirect cause.

### Perpetual CARE Fund

Once the last burial has taken place income from sales will cease. A portion of cemetery sales are set aside for the future care of these sacred grounds. To help protect this fund these rules and regulations have been set forth. The cooperation of all concerned is essential for the viability of this fund.

## XXI - MEMORIALS AND RULES FOR MEMORIAL WORK

1. Memorial dealers shall abide by all rules and regulations of St. Mary Cemetery.
2. The 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 the placement. Acceptance or rejection shall be based upon such approval. Management also reserves the right to issue under separate cover detailed regulations and instructions pertaining to permissible monuments or markers to be placed in the cemetery. Said detailed regulations and instructions and all amendments hereto are hereby made a part of these rules and regulations.

3. The Management reserves the right to fix the days and hours when any memorial may be delivered to the cemetery.
4. All memorial work including the placement or removal of any memorial shall be on the written order of the grave holder.
5. Independent monument dealers or contractors who build memorial foundations are required to comply with specifications and directions established by Management.
6. The location and position in which a memorial is to be placed or erected on a grave shall be entirely subject to the approval of and under the supervision of management.

#### **MONUMENTS / MARKERS**

1. The term MONUMENT shall include a tablet, headstone, tombstone, and niche of granite, marble, or bronze, which shall extend no more than 30 (thirty) inches above the ground. The term MARKER shall include a tablet, headstone, and tombstone, which is flush with the ground. All monuments and markers must have a foundation, installed by personnel approved by the Cemetery Management. Monuments and markers must be installed on a concrete foundation the full size of the memorial finished at or below grade.

2. ALL MONUMENTS AND MARKERS must be of granite, marble, or bronze, with a size of no more than 26 (twenty-six) inches in height by 34 (thirty-four) inches wide and 14 (fourteen) inches in depth for a single grave. For a double site 60 (sixty) inches wide and no more than 36 (thirty-six) inches high and 14 (fourteen) inches deep. For a triple site 72 (seventy-two) inches wide and no more than 36 (thirty-six) inches high and 14 (fourteen) inches deep. Only one above-ground monument is allowed per grave site. Small variances may be acceptable subject to management's approval.

#### **Cemetery Section B**

Headstones and/or markers may not exceed six (6) inches in height.

3. THE PREDOMINATE CARVINGS, INSCRIPTIONS and EPITAPHS must be of a religious nature and must be approved by the Cemetery Management

prior to ordering and installation. NAMES placed on monuments and markers must match cemetery records.

4. All workmanship and materials must meet or exceed industry standards

## XXII – COLUMBARIUM

1. Decorations of any kind are prohibited on the Columbarium.

## XXIII - IN GENERAL

1. The statement of any employee of St. Mary Cemetery shall not be binding upon the Management, except as such statement coincides with the document conveying the right of interment, and with these rules and regulations.
2. The rules and regulations shall apply to any mausoleum now in existence or which may hereafter be erected in the cemetery.
3. The Management of St. Mary Cemetery reserves the right without notice to make temporary exceptions, suspensions, or modifications of any of these rules and regulations, when in its judgment, the same appears advisable. Such a temporary exception, suspension, or modification shall in no way be considered as affecting the general application of such rules and regulations.
4. In all matters not specifically covered by these rules and regulations, management reserves the right to exercise judgment as deemed reasonable premises, and such determination shall be binding upon all parties concerned.