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# GUARDIAN ANGELS CEMETERY RULES & REGULATIONS

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## PREAMBLE

The Church, through its funeral rites, commends the dead to God's merciful love and pleads for the forgiveness of their sins. At the funeral rites, especially at the celebration of the Eucharistic sacrifice, the Christian community affirms and expresses the union of the Church on earth with the Church in heaven in the one great communion of saints. Though separated from the living, the dead are still at one with the community of believers on earth and benefit from their prayers and intercession. At the rite of final commendation and farewell, the community acknowledges the reality of separation and commends the deceased to God.

The above paragraph from the General Introduction of the *Order of Christian Funerals* expresses our confident belief in the resurrection of the body and the communion of saints. As a further seal and symbol of our faith, the Church regards its cemeteries to be sacred and holy places and raises a cross in each as a sign of hope to all Christians in the resurrection.

In the very earliest days, Christians have respected and honored the bodies of the dead and the places where they rest. To insure the dignity and reverence and sacred character of its cemeteries, rules and regulations were created to maintain good order. The following are the rules and regulations of Guardian Angels Cemetery, which are established to ensure the sacred character of Guardian Angels Cemetery, in accord with the mind and traditional practice of the Roman Catholic Church, and to maintain good order for the use of the cemetery.

All lot owners and visitors, and all rights of interment, entombment or inurement are subject to the rules and regulations of the cemetery which are now in force or which may here after be adopted without prior notice by the Cemetery Board of Guardian Angels Cemetery (the Board). All determinations as to the interpretation of these rules and regulations shall be made by the Board or Pastor of Guardian Angels Church.

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**ARTICLE I  
DEFINITIONS**

- A. BOARD shall mean the Board of Trustees of Guardian Angels Cemetery, the members of which shall be appointed from time to time by the Pastor.
- B. CEMETERY shall mean all properties held and being used or to be used for interment as well as all properties used for related purposes such as roadways, walks and buildings.
- C. GRAVE shall mean a space of ground in the Cemetery of sufficient size to bury the remains of one (1) deceased person.
- D. LOT shall include and apply to one grave or more than one grave when the graves are adjoining.
- E. INTERMENT is the permanent disposition of the remains of a deceased person by burial.
- F. LOT OWNERS are those persons who have purchased interment rights in the Cemetery.
- G. MEMORIAL shall mean a monument or grave marker for one or more deceased persons.
- H. PERMANENT TYPE VASE is defined as a lawn-level vase cast in concrete that will be upright when in use but reversed and closed flush with the ground after a grave is closed.
- I. VAULT shall mean an outer container of reinforced concrete or steel used for the protection of the casket and to eliminate settlement of the ground after a grave is closed.
- J. MANAGEMENT is hereby defined as the person or persons duly appointed by the Pastor and the Board to conduct and administer the day to day operations of the Cemetery.
- K. PARISH shall mean the congregation of Guardian Angels Roman Catholic Church, Mt. Washington, Hamilton County, Ohio.
- L. PASTOR shall mean the pastor of the Parish appointed from time to time by the Archdiocese of Cincinnati.

**ARTICLE II**  
**ADMISSION TO CEMETERY**

The Pastor of Management reserved the right to refuse admission to the Cemetery to any person (i) who is not there for the sole purpose of burying the dead or visiting a grave; or (ii) whom the Pastor or Management deems detrimental to the best interests of the Cemetery.

- A. **HOURS:** The Cemetery shall be open from dawn to dusk, unless weather conditions make it unsafe to travel on the roads in the Cemetery.
- B. **SAFETY:** Persons within the Cemetery should exercise caution while walking over the grounds because of irregularities in grading.
- C. **PERSONAL CONDUCT:** Idling, loitering or any boisterous demonstrations within the Cemetery or any of its buildings are prohibited. No bicycles, in-line skates, skateboards, roller skates, scooters, tricycles or similar items may be brought into or used in the Cemetery.
- D. **DRUGS AND ALCOHOLIC BEVERAGES:** Non-prescription drugs and alcoholic beverages are not permitted within the Cemetery.
- E. **SIGNS AND ADVERTISING:** No signs, notices, or advertising of any kind shall be allowed within the Cemetery except those placed by the Management or those for which the Management has given express written approval.
- F. **ANIMALS AND PETS:** Except for seeing-eye dogs, animals and pets are not allowed in the Cemetery at any time.

**ARTICLE III  
INTERMENT PROCEDURE**

- A. **SUBJECT TO LAWS:** In addition to being subject to these Rules and Regulations, all burials within the Cemetery are expressly made subject to the laws and regulations of any governmental authority having appropriate jurisdiction.
- B. **TIME AND CHARGES:** All burials within the Cemetery must be made at the time, in the manner, and upon receipt of such charges as are fixed by the Management from time to time.
- C. **NOTICE:** The Management reserves the right to insist upon at least twenty-four (24) hours notice prior to any burial. The Management shall not be responsible for the failure of the funeral home or family to notify the Management that a burial is to take place.
- D. **GRAVE FULLY PAID FOR:** Except by special prior written consent of the Management, no burial shall be permitted within the Cemetery and no rights shall be acquired by the purchaser or purchasers of a right of burial until the price of the grave is fully paid as provided in the contract between the purchaser and the Cemetery.
- E. **ERRORS IN INSTRUCTIONS:** The Management shall not be responsible for any interment or instructions concerning an interment given by telephone, or any mistake occurring due to lack of proper instructions as to the particular grave location where an interment is to be made. The Management reserves the right to make an equitable charge whenever additional labor costs result from such mistake.
- F. **FUNERALS:** All funeral processions on reaching the Cemetery entrance shall be under the supervision of the Management and its employees. All burials shall be made only by the Cemetery personnel. Only equipment owned by or under the control of the Management shall be used in making a burial.
- G. **OPEN CASKETS:** The casket may not be opened at any time within the Cemetery without the express permission and presence of the Management. The Management reserves the right to refuse permission to anyone to open the casket without the consent of the legal representative of the deceased or without a Court Order.
- H. **VAULT:** No burial shall be permitted in a grave unless the grave contains a vault into which the casket is placed and which is sealed prior to the grave being closed.

**ARTICLE IV  
REMOVAL OF REMAINS OF DECEASED**

- A. **GENERAL:** When the removal of the remains of a deceased from a grave (disinterment) within the Cemetery is requested, the next of kin must consult the Management to be properly advised of disinterment procedures. The cause for disinterment must be reasonable. Permission of the spouse (18 years of age or older) or a court order must be obtained before the disinterment process can be started. (Ohio Revised Code, Sec. 517.24). All disinterments shall be subject to charges set by the Management.
- B. **SUBJECT TO LAWS:** In addition to being subject to these Rules and Regulations, all disinterments from the Cemetery are expressly made subject to the laws and regulations of any governmental authority having appropriate jurisdiction. No disinterment shall be made if the deceased died of a contagious disease, until a permit has been issued by the Board of Health of a general district, township or city health district.
- C. **TIME AND CHARGES:** All disinterments must be made at the time, in the manner and upon receipt of such charges as described within these Rules and Regulations or otherwise fixed by the Management.
- D. **NOTICE:** The Management reserves the right to perform any disinterments at the convenience of the Management.
- E. **APPLICATION:** An application for disinterment under Section 517.23 of the Ohio Revised Code shall be in writing and shall follow the stipulations of that section of the law.

**ARTICLE V**  
**LOT OWNER'S RIGHTS**

- A. **RIGHT OF BURIAL ONLY:** The lot owner does not purchase property in fee, only a right of burial therein. Not more than one (1) body, or the remains of more than one (1) body shall be buried in one grave or crypt unless that grave is fitted with a double depth lawn crypt or a companion crypt.
  
- B. **INDIVIDUAL RIGHTS:** All lots purchased shall be presumed to be the sole property of the person or persons named in the Certificate of Burial Rights; provided however, that a spouse of a lot owner shall have a vested right of burial of his or her remains in any unused grave, which shall continue as long as he or she shall remain the spouse of the lot owner or shall be his or her spouse at the time of such lot owner's demise.

If the lot owner files with the Management written instructions that are legally sufficient to name who will be interred in individual graves, the instructions will be recognized by the Management and will be followed if such instructions are definite, reasonable and practicable, subject however to a vested right of interment of the surviving spouse.

In the absence of valid and legally sufficient written instructions, filed with the Management by the lot owner, or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto by the laws of intestate succession of the State of Ohio. A vested right of burial as herein provided may be waived and shall terminate upon interment elsewhere of the remains of the person entitled thereto.

**ARTICLE VI  
PURCHASE OF LOTS**

- A. **SELECTION:** Persons desiring to purchase a grave or lot should contact the Parish Office. All price and methods of payment are fixed by the Parish.
- B. **GRAVES AND LOTS** shall be sold only to individuals who are active parishioners of Guardian Angels Parish at the time the grave or lot is purchased.
- C. **CERTIFICATE OF BURIAL RIGHTS:** A Certificate of Burial Rights shall be issued to each grave or lot purchaser upon full payment of the purchase price except in the case of a single grave or crypt being purchased for immediate need. In this case, all records on file in the Parish Office will be in the name of the deceased.

The presentation of the Certificate may be required at the time the arrangements are made for burial or whenever any other rights are to be exercised. When such Certificate is not presented, or when presented by someone other than the original owner, the Management will be governed by the property rights of the original lot owner and the sequence of inheritance expressed in these Rules and Regulations in allowing the burial of the remains of any deceased person.

- D. **CHANGE OF ADDRESS:** It shall be the duty of the lot owner to notify the Management of any changes of his/her address. Notice sent by the Management to said owner's last address of record shall be proper and legal notification.

**NO TRANSFER WITHOUT CONSENT:** No transfer or assignment of any grave or lot within the Cemetery, or any interest therein, shall be valid without the prior written consent of Management and the written consent of all rightful heirs, duly notarized and affixed to the lot owner's card.

- E. **NO PROFIT:** State law prohibits a grave or lot within the cemetery from being resold at a profit.
- F. **INDEBTEDNESS:** The Management reserves the right to refuse to consent to a transfer or to an assignment of a grave or lot as long as there is any indebtedness due the Cemetery from the lot owner.

**ARTICLE VII  
DECORATIONS AND MEMORIALS**

- A. **PLANTING:** All planting and work of any nature shall be under the exclusive control of the Cemetery. The planting of any tree, shrub, bush, plant or flower, or any other vegetation of any kind, whether an annual or a perennial, is expressly prohibited. No coping, curbing, fencing, hedging, border or enclosure, stones, gravel, or aggregates, or any other material of any kind, whether natural or artificial, shall be installed, erected, planted, placed or allowed around a lot or grave. Turf shall not be disturbed for any purpose except under written authorization of the Management. Planting or other work accomplished in violation of these rules and regulations shall be removed by the Management and the owner of the burial area charged for the reconditioning of the affected area.
- B. **FLOWERS:** In the past the placing of real flowers on graves did not present too great a problem to the Cemetery, even on special occasions such as Easter and Memorial Day. However with the advent of artificial flowers it has become a serious problem for every cemetery including Guardian Angels Cemetery. It is not practical to first move the artificial flowers, mow the grass, and then replace them in their former location. Errors in replacing them are bound to occur and the labor cost is prohibitive. The Cemetery has no alternative but to remove artificial flowers in order to mow the grass. Therefore, the following procedures will prevail pertaining to flowers:
1. Potted plants and containers made of glass, pottery and other breakable materials are prohibited and, if placed, will be immediately collected and discarded. Power mowers hitting such objects endanger the lives of workmen and visitors alike.
  2. Permanent type vases only will be permitted in the Cemetery. No Shepard's Hooks are permitted.
  3. Fresh cut flowers only will be permitted to be placed in permanent type vases between March 15 and November 15. Wilted flowers, artificial flowers, and all other decorations will be removed.
  4. Five days after Easter, Mother's Day, Memorial Day and Father's Day, all fresh cut flowers will be gathered and discarded at the discretion of the Management.
  5. Artificial flowers and wreaths of artificial flowers, in good condition, will be permitted to be placed and remain on graves from November 15 to March 15.

C. **FLAGS:** The placement of flags shall be permitted on graves of Veterans of the Armed Forces; however, these flags shall be removed when, in the opinion of the Management, it is desirable to do so. Further, the flags must be stuck in the ground as the placement of flag holders or emblems shall be prohibited, and any holders or emblems shall be removed by the Management and discarded.

D. **PERMANENT MEMORIALS:** In the interest of helping and protecting people in the selection of memorials and vases, the Cemetery requires that all workmanship on, and materials in, memorials and vases be of high quality. Accordingly, acceptance of any and all memorials and vases for placement in the Cemetery must meet the standards set forth in these Rules and Regulations.

1. A memorial application and detailed designs must be submitted to the Cemetery prior to any work being started by the memorial dealer on the memorial, and the designs will be accepted or rejected, depending on size, structural stability, location, lettering, etc., all shall be in compliance with these Rules and Regulations. New sections of the cemetery and all cremains will be limited to flush markers.

2. The following dimensions and specifications for memorials shall be observed in the Cemetery:

Standard Double.....	12" x 36" x 30"
Maximum Double.....	16" x 48" x 30"
Single.....	12" x 24" x 30"
Cremains.....	12" x 24" flush granite or bronze

3. If the memorial does not conform in every detail to the approved designs, it shall be the sole responsibility of the memorial dealer to return the memorial to its place of business and to correct any errors or deficiencies in workmanship and material.

4. To expedite handling of the memorial application and placement of the memorial or vase, payment of installation charges shall accompany the application.

5. All memorials and vases shall be installed under the direction of the Cemetery personnel in the manner prescribed by the Cemetery. Any memorial installed by an independent memorial dealer shall conform to all of the regulations contained in these Rules and Regulations and the following:

a. Memorial companies or dealers shall complete the Memorial Application and receive Cemetery approval of the design plans prior to the production and delivery of any memorial to the Cemetery.

- b. The Cemetery shall reserve the right of site location selection, conduct of installation of the memorial, and protection of the site. Therefore, a location and layout design must be submitted with the application.
  - c. Application for installations of an approved Cemetery memorial shall be submitted at least two (2) working days in advance.
  - d. Installations shall be made during normal Cemetery working hours and only during favorable weather and ground conditions.
  - e. Any memorial dealer doing work in the Cemetery shall present to the Cemetery its Certificate of Workman's Compensation for its employees and liability insurance insuring against any damage that may occur to the Cemetery grounds or persons or property in the Cemetery. The Cemetery shall be held harmless from and against any injury caused by the memorial dealer or its employees or agents. Likewise, memorial dealers shall protect the Cemetery grounds and cause no damage to turf by ingress or egress to the work site.
  - f. Should any memorial or monument become unsightly, in need of repair, or a menace to the safety of persons within the Cemetery, the Management shall have the right to correct the condition or remove the same without prior notice to the lot owner if the Management deems necessary.
  - g. Lot owners are advised that memorials are not Cemetery property but remain the personal property of the lot owner. Therefore, memorials should be insured under the lot owner's homeowner's insurance policy.
- E. **RENOVATION:** The Management reserves the right to upgrade or make improvements in any area of the Cemetery. Renovation is periodically necessary and is a benefit to all lot owners. Renovation can include but is not limited to realigning and resetting grave markers at lawn level, eliminating evergreens and shrubbery that had been planted prior to the issuances of these rules and regulations, and any other item invading other lots or obstructing other memorials.

**ARTICLE VIII  
GENERAL LIABILITY OF MANAGEMENT**

The Management shall take reasonable precautions to protect each grave and the remains therein from loss or damage; but the Management hereby disclaims all responsibility for loss or damage from causes beyond Management 's reasonable control, including, but not limited to, damage to vaults, vases, memorials or monuments caused by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar to the foregoing that is beyond the reasonable control of the Management, whether the damage be direct or collateral. The Management shall be held only to the exercise of reasonable care and diligence in the management and maintenance of the Cemetery, and shall not be held liable for any obligation not expressly set forth within these Rules and Regulations.

**ARTICLE IX  
EXCEPTIONS AND MODIFICATIONS**

- A. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Management, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.
- B. The Management may, and it hereby expressly reserves the right, at any time and from time to time, to adopt new rules and regulations or to amend, alter are repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations.

**ARTILCE X  
MISCELLANEOUS**

- A. Section 1721.19 for the State of Ohio Revised Code regarding violations of rules of a cemetery association provides as follows:

No person shall violate a bylaw, rule, or regulation adopted by the trustees, directors, or other

Officers of a cemetery company or association, or by a board of township trustees having charge of township cemeteries, with reference to the protection, good order, and preservation of cemeteries, and the trees, shrubbery, structures, and adornments therein. Watchmen, Superintendents, gardeners, or agents of a cemetery company or association may arrest on view, a person found violating this section and bring him before a judge of a county court or judge of a municipal court having jurisdiction within the township for trial.

- B. All persons are encouraged to visit the Cemetery. However, the Cemetery is a sacred place especially to those persons whose family and friends are buried therein; therefore, all visitors must conduct themselves in an acceptable fashion with due respect to the feelings of others. To this end, the Management shall have the right to eject from the grounds any person or persons whose actions they deem objectionable.
- C. The Cemetery reserves and shall have the right to correct any errors made by the Cemetery employees in making interments, disinterments or removals, in planting or grading work, and memorial work or in the description, transfer or conveyance of burial rights either as to the rights in a particular burial area conveyed or as to the person to whom conveyed. In particular, the Cemetery may correct any errors in the description, transfer or conveyance of burial rights by substituting any conveying in lieu thereof burial rights in other burial areas of equal value and similar location as far as possible, or as may be selected by the Management, or at the sole discretion of the Management, by refunding the amount of money paid in such transactions and repossessing the burial rights. In the event such error involves the interment of any person in such a burial area, the Cemetery reserves and shall have the right to disinter and transfer such remains to such other burial area of equal value and similar location as may be substituted and conveyed in lieu thereof.
- D. The Management, its agents and employees, other grave and lot owners and those reasonably entitled thereto, shall have a perpetual right of way over graves and lots to pass to and from other graves and lots.

The Management may at any time or from time to time in order to erect buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the interment of dead human bodies or other cemetery purposes:

Re-survey, enlarge, diminish, replant, alter in shape or size, or otherwise change all or any part or portion of the Cemetery area.

The Management shall have, to be exercised at any time and from time to time, easements and rights of way over and through the Cemetery grounds for the purpose of installing, maintaining and operating pipe-lines, conduits or drains for sprinklers, drainage, electric, or communication lines for any Cemetery purpose.

These revised Rules and Regulations were approved by the Board of Trustees of Guardian Angels Cemetery, Cincinnati, Ohio, at the meeting held on January 3, 2000.