

**ST. JOSEPH'S AND ST. ADALBERT'S  
CEMETERIES GUIDELINES**

The property known as St. Joseph's Catholic Cemeteries is a part of St. Joseph's Parish, a parish existing under the Bishop of the Catholic Diocese of La Crosse and as such is governed by the By-laws of this Diocese. In addition, for the sake of better mutual understanding, and for the benefit of those who own lots in St. Joseph's Catholic Cemeteries, or contemplate doing so in the future, the following by-laws have been adopted.

These Rules and Regulations are designed for the protection of owners of burial rights as a group and are hereby adopted as Rules and Regulations of St. Joseph's Catholic Cemeteries Association which also includes St. Adalbert Cemetery. All owners, visitors, and contractors performing work within the cemetery shall be subject to said Rules and Regulations, Amendments or Alterations as shall be adopted from time to time by St. Joseph's Catholic Cemetery Association.

**DEFINITIONS**

- RULE 1            The term "St. Joseph's Catholic Cemeteries" shall mean the combined properties of St. Joseph's and St. Adalbert's Cemeteries.
- RULE 2            The term "Association" as used in these Rules and Regulations is hereby defined to mean St. Joseph's Catholic Cemetery Association.
- RULE 3            "Cemeteries" as used herein shall mean all the property for earth burial and mausoleums.

- RULE 4           The term "management" shall mean the person or persons duly appointed by the Association for the purpose of conducting and administrating the cemeteries.
- RULE 5           The term "interment" shall mean the permanent disposition or burial of the remains of a deceased person.
- RULE 6           The term "burial rights" means the right of burial or interment of the remains of a deceased person.
- RULE 7           The term "perpetual care" and/or permanent care as used in these Rules and Regulations shall mean the general care of the cemetery as herein defined.
- RULE 8           The term "owner" shall mean the owner of rights of interment and/or owner of burial rights.
- RULE 9           The term "lot", "plot" or "space" shall be used interchangeably and shall apply with like effect to one or more than one adjoining grave.
- RULE 10          The term "grave" shall mean a space of ground in the cemetery to be used for burial of human remains.
- RULE 11          The term "memorial" and/or "monument" shall mean any marker or monument or structure upon any lot, placed thereon for purpose of identification or in memory of the interred.

- RULE 12           The term "deed" is hereby defined to mean an agreement between the Association and the purchaser, that upon payment of the burial rights and perpetual care charges by the purchaser, the Association reserves the designated spaces for the privilege of burial by way of a certificate or deed, complete with the official seal of the Association. A copy is to be retained for office records. A deed is not a conveyance of any ownership or tenancy.
- RULE 13           The term "contractor" as used herein shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds, other than an employee of the Association.
- RULE 14           The term "employee" as used in these Rules and Regulations shall mean any person hired part time by the Association to maintain and care for the cemetery, to help persons in purchasing lots or any other help needed in the cemetery.
- RULE 15           Ownership: Only persons who have title to interment rights or be possessed of any interest in any lot or space in this cemetery, and same shall be used for no other purposes other than the burial of the human dead.
- RULE 16           A "deed" or "certificate" of ownership shall be issued to each lot holder upon completion of full payment of purchase price, including burial rights and perpetual care of said lot, plot or space.

## **SALE AND PURCHASE OF INTERMENT RIGHTS BY LOT OWNERS**

RULE 17        The sale or transfer of any interment rights by an owner or purchaser shall not be binding upon the Association unless same shall first be duly approved in writing by the properly authorized officer of the Association, and then such interment right must be conveyed to the Association which shall issue a deed to the new owner. The same rule shall apply in all cases of assignment of purchase contract for interment rights.

RULE 18        The Association may exchange interment rights when desired by owners but not for interment rights for lesser value. When such an exchange is made the original deed must be surrendered by proper assignment and a new deed issued for the new burial rights.

## **SUPERVISION OF CEMETERY**

RULE 19        The general care of the entire cemetery grounds and lots is assumed by the Association under the provisions of a perpetual care trust fund.

RULE 20        The president or secretary of the Association, or such persons as shall be so designated by the Association, shall direct generally all improvements within the grounds and upon all lots and graves before as well as after interments have been made herein.

RULE 21        No person other than proper officers of the Cemetery Association or such agents as may be designated by them shall be allowed to perform any work on any grave or lot within the cemetery grounds without a permit.

RULE 22           The management reserves the right to refuse admission to the cemetery and to refuse the use of cemetery equipment to any person or persons, as the rules, judgment and tradition may indicate.

### **MEMORIALS**

RULE 23           Only one grave memorial will be permitted on one grave space. No memorials may be set to embrace two or more grave spaces except a companionate or family memorial, nor shall more than one family name be permitted on any memorial unless approved in writing by the Association at the time of sale of interment rights. All memorials shall be set on uniform lines as prescribed by the Association, and conform with the general plan of the cemetery.

RULE 24           Only such memorials as are permitted by the regulations of the Association shall be permitted in the cemetery. To preserve uniform beauty, all memorials must meet the specifications herein contained.

RULE 25           The type and size of memorials depends on the area of the cemetery in which the lot is located.

RULE 26           No wooden vaults or crosses will be allowed.

RULE 27 Regulations for lot holders in flat marker section in Webertown Cemetery:

- A. Only one flat marker will be permitted on each grave except for military graves which may also have the military marker placed near the headstone. Each Christian grave marker must have a cross incorporated in the design of the memorial.
- B. The marker is to be placed flush with the surrounding grade on a permanent base.
- C. The size of the stone is to be (12" X 24").
- D. Flat military markers are to conform to the rules for the regular marker as to size and setting.
- E. No planting of trees, shrubs or flowers is allowed. Flowers must be kept clean or they will be removed.

RULE 28 Sizes and dimensions of monuments, where permitted, to be decided by lot owner.

RULE 29 The general care of the cemetery is assumed by St. Joseph's Cemetery Association and includes the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, and pruning of shrubs, trees, etc. that may be placed by the management; meaning and intending the general preservation of the lots and grounds, walks, roadways, boundaries and structures, to the end that said grounds shall remain and be reasonably cared for as cemetery grounds forever.

- RULE 30        The general care assumed by the Association shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the cemetery, including work caused by sunken graves or work caused by impoverishment of the soil, nor does it mean the reconstruction of any monument or concrete work on any section or plot, nor any portion thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, unavoidable accidents, whether the damage be direct or collateral, other than as herein provided.
- RULE 31        Lot owners desiring additional care of their lots may arrange for such care with the cemetery office, which will give an estimate for the cost of the work desired, which must be paid for at the completion of the work. Request for this work must be consistent with the cemetery Rules and Regulations.
- RULE 32        All lots will be seeded down one time at no cost to the owner.
- RULE 33        No bottles or cans will be permitted for flowers. Vigil lights will not be allowed. Wreaths, flower boxes, etc. may be installed, but must be removed by July 1. Hanging baskets or wreaths attached to stones may remain.
- RULE 34        The Association will not be responsible for the loss of flowers, vases, trees, or shrubs, or damage to monuments.

- RULE 35            No trees or shrubs shall be planted. Existing trees and shrubs shall be kept trim by owner.
- RULE 36            The Association will take reasonable precautions to protect plot owners and property rights of plot owners, within the cemetery from loss or damage but the Association disclaims all responsibility for loss or damage from causes beyond its reasonable control. (see RULE 30).
- RULE 37            No lot shall be used for any other purpose than for the burial of human dead.
- RULE 38            Description of lots will be in accordance with the cemetery plots which are kept on file at the secretary's office.
- RULE 39            It is the duty of lot owners to notify the Association office of any changes of his post office address. Notices or other correspondence to plot owners at the last address on file in the cemetery office shall be sufficient and proper legal notification.
- RULE 40            The purchase application, deed and these Rules and Regulations and any other amendments thereto, constitute the sole agreement between the Association and the lot owner. The statement of any employee or agent, unless confirmed in writing, shall in no way bind the Association.



## **I. STATEMENT ON CREMATION**

It seems timely to recall again church regulations relative to cremation, for while cremation is permitted (Can. 1176.3), it is governed by certain considerations derived from Christian belief and practices dictated by faith. It is a usage, further, that is secondary to the church's stated preference for the traditional manner of burial or entombment. This preference is based on the inherent respect given to the human body as a member of Christ and because of faith in the resurrection of the body.

Many pastors have been asked about cremation, and in particular, have been put on the spot on occasion by expectations made by families of the deceased, or even by funeral directors who do not understand or appreciate the church's concern about the bodies of its dead members.

The Diocesan Funeral Guidelines of 1981 spelled out the details relative to cremation (no. 48) as these are given in the Vatican Document "On Cremation of Corpses", May 8, 1963. Of immediate concern is the stipulation that cremation is to take place AFTER various elements of the funeral rite have taken place. Specifically, "If the body of the deceased person cannot be brought to the church for the funeral Mass prior to its cremation, the Mass can be celebrated (if there are no other reasons which would prohibit) but without ashes of the deceased person."

Under no circumstances are the cremains to be brought to the church for any of the funeral rights. The church's efforts at preserving reverence for the human body dictate the preservation of these distinctions. Yet, it is helpful to remember that the Mass surely may be celebrated after cremation, even though the cremains may not be present, and this assurance may be helpful to families for whom immediate cremation may have been a necessary choice.

It is the duty of the pastor to instruct his people on these distinctions in the teaching of the church, and to situate respectfully the nuances found in the fundamental faith we hold about our deceased members. Further, it will be necessary to communicate this to the funeral directors.

## **II. CLARIFICATION REGARDING CREMATION**

The following clarification are in answer to questions raised:

1. The church's clearly stated preference is for burial of the body by inhumation or entombment in a mausoleum because of the inherent respect for the human body as a member of Christ and because of the faith in the resurrection of the body;
2. The church does not forbid cremation, unless it is chosen for reasons which are contrary the inherent respect for the human body as a member of Christ or to the faith in the resurrection of the body;

3. If cremation is chosen, the following discipline applies:
  - a. The usual situation is for the Mass of Christian Burial to take place with the body of the deceased present, i.e., before the cremation;
  - b. If the body of the deceased person cannot be brought to the church for the Mass of Christian Burial prior to cremation, the Mass for the Dead can be celebrated after the cremation when no other reasons prohibit it;
  - c. The cremains (the ashes of the deceased who has been cremated) are never to be brought to the church for any of the funeral rites or for the Mass for the Dead;
  - d. The cremains must be interred (buried in the ground or entombed in a mausoleum); the cremains may not be kept in places other than a cemetery or mausoleum;
  - e. The place of burial or crypt in the mausoleum for the cremains should be blessed by the priest to both comfort the family (especially in the case in which the cremation had to take place before the Mass of Christian Burial could be offered) and to insure proper burial;
  - f. No more than two cremation burials are permitted per single space.

### **ST. JOSEPH'S CATHOLIC CEMETERY PERPETUAL CARE**

The term Perpetual Care for a cemetery means care given to a burial plot in an approved cemetery for as long as the cemetery exists. This care includes cutting the grass, keeping the space clean and attractive. It does not include placing and/or adjusting monuments, decorating the space, planting flowers or trees and/or maintaining the same.

The purpose of a Perpetual Care Fund for a cemetery is to guarantee upkeep of burial spaces of holder of deeds in a given cemetery. In compliance with the State Laws of Wisconsin, a cemetery board may set a fee for each space desired, called Burial Rights, plus a set fee for the care of same called Perpetual Care of Trust Fund.

Chapter 157.11 of Wis. Statutes - Improvement and Care of Cemeteries - Section 9 tells how funds for Perpetual Care are to be handled. (b) Funds for perpetual Care monies received by a Cemetery Association shall be invested as provided in Chapter 881 - Trust Fund Investments - Prudent man rule - A fiduciary shall exercise judgment and care which men of prudence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Section 2 of Chapter 881.01 states that investments in common stocks may not exceed 50% of the total

market value of the fund. 881.05 states that this does not mean these investments must be recalled at once and probably at a loss depending on the condition of the stock market. But the trustees of such funds shall have the duty to exercise discretion at reasonable intervals to determine at such time the advisability of retaining or disposing of such investments.

Money collected for Perpetual Care may not be used to pay expenses of a cemetery. Perpetual Care money is to be invested in reasonable reliable concerns. Only the interest or dividend earned from these initial investments shall be used to care for the spaces paid for. This money provides a continuing income for the care and maintenance of the cemetery.

At the present time all space holders of the St. Joseph Catholic Cemeteries must pay for Perpetual Care at the issuance of a deed to a specific space or spaces desired. This guarantees the care and upkeep of the spaces to the holder of the deed and no further charge may be made to the holder thereof.

The Cemetery Association is to keep a record of all Perpetual Care money and enter each payment in a special Perpetual Care account. To help keep records properly, Perpetual Care money should not be entered in the General Cemetery Account. One suggestion is to have a separate savings account in the bank the Association has the General Account. Each time Perpetual Care money is received, the Assistant-Secretary or Treasurer should deposit this amount in the special account. When the account reaches an amount of, say \$1000.00, the Board, at the advise of the Finance Committee, could vote to invest this amount in a higher interest-bearing concern. At the end of each year the interest earned in this Temporary Account should be withdrawn and entered in the General Account to help pay the care costs for the year. Any amount of Perpetual care money left in this Temporary Savings Account may be held over into next year until a given amount is reached as before and invested.

All interest or dividends earned in Perpetual Care investments are to be entered in the General Cemetery Account and used to help pay for the general care of the cemetery. Perpetual Care fund earnings may not be reinvested and called perpetual Care Funds. If, at some time, the checking account balance is larger than needed for a given time, the temporary overage may be put in a General Savings Account until needed but may not be used as Perpetual Care money to be invested and added on to the total Perpetual Care principal. It must be put back in the General Account, including any interest earned, which can be called Other Income. This also applies to Capital Gains on shares of stock.

The printing and postage of these cemetery guidelines has been paid for by the Winona Monument Co., with the authorization of the cemetery committee.

For all of your monument needs contact Chuck Drexler at 687-4597.