

# **St. Stephen the First Martyr Catholic Cemetery**

**Rules & Regulations**

# **Formal Adoption and Subjection**

Rules and Regulations

Of the

**St. Stephen the First Martyr Catholic Cemetery**

**Sanford, North Carolina**

For the mutual protection and benefit of plot holders in the cemetery (St. Stephen the First Martyr Catholic Cemetery), the Pastor of St. Stephen the First Martyr Catholic Church hereby adopts the following rules and regulations. All lot (plot) holders and persons within the Cemetery and all lots (plots) shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Pastor of St. Stephen the First Martyr Catholic Church or by the Bishop of the Roman Catholic Diocese of Raleigh from time to time. The reference to these rules and regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

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December 20, 2004

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## Section 1—Definitions

- 1.01 The term **Base** shall mean the stone (granite, marble etc.) support for a monument. The Management of St. Stephen the First Martyr Catholic Cemetery reserves the rights to regulate the dimensions and types of bases used for memorialization.
- 1.02 The term **Care** is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes cutting of lawns, and the cleaning and maintenance of roadways, walks, and buildings, provided there are sufficient funds for these purposes. The term Care shall in no case mean the maintenance, repair, or replacement of any marker or headstone placed on any lot (plot); nor the planting, cutting, watering or care of any privately planted tree or shrub; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any granite, bronze, stone, or concrete work on any section of the lot (plot), or any portion or portions thereof in the cemetery, injured or damaged by any cause, direct or indirect, beyond the Management's reasonable control.
- 1.03 The term **Cemetery** as used herein shall mean all of the property set aside for burials and entombment and the surrounding grounds.
- 1.04 The term **Entombment** is defined as aboveground committal.
- 1.05 The term **Grave** shall mean a space of ground in a cemetery used, or intended to be used, for the burial of human remains.
- 1.06 The term **Interment** is meant as earth burial.
- 1.07 The term **Lot (Plot)** shall include and apply to one or more than one adjoining grave. The dimensions for a single plot designated for a marker will be 48 inches by 102 inches. The dimensions for a single plot designated for a monument will be 48 inches by 120 inches. The dimensions for an **Urn Plot**, which must be located in the marker section of the cemetery, will be 48 inches by 51 inches.
- 1.08 The term **Lot holder (Plot holder)** shall include the person or persons who have purchased interment or entombment rights or who hold same by right of inheritance or transfer.
- 1.09 The term **Management** shall mean the Pastor of St. Stephen the First Martyr Catholic Church and the Cemetery Board as designated by the Pastor of St. Stephen the First Martyr Catholic Church for the purpose of conducting and administering the cemetery owned and operated by St. Stephen the First Martyr Catholic Church.

- 1.10 The term **Marker** shall mean a ground-level memorial placed on an individual grave to identify the person or persons interred in that grave. The term **Corner Marker** shall mean a Base, with or without a bronze (metallic) crown, used to locate two or more plots of ownership. The term **Foot Marker** shall mean a ground-level memorial placed at the foot of a lot (plot) to identify the persons interred in a grave when the site contains the remains of multiple persons.
- 1.11 The term **Monument** shall mean a memorial extending above the ground placed on an individual grave to identify the person or persons interred in that grave.
- 1.12 The term **Outer Burial Casing** shall mean a burial container to protect the grounds around a given plot. These containers are usually constructed of concrete and do not guarantee or warrant protection of the casket and and/or plot. They are not considered “sealed” units. Outer burial casings may be used in lieu of vaults or in addition to vaults or burial urns. St. Stephen the First Martyr Catholic Cemetery does not warrant outer burial casings provided or placed by others.
- 1.13 The term **Right of Burial** shall mean only the privilege of interment or entombment in the cemetery. It DOES NOT convey ownership of land or other interest in the grave or lot to which it refers.
- 1.14 The term **Urn** shall mean a container used for human ashes resulting from cremation.
- 1.15 The term **Vault** shall mean a burial container to protect the grounds around a given plot. Vaults are constructed with combinations of metals, masonry products, and composites. Vaults are considered “sealed units.” Vaults offer extended protection of the casket and/or plot. Vaults are also used with burial Urns. St. Stephen the First Martyr Catholic Cemetery does not warrant vaults provided or placed by others.

## Section 2—Ownership of Interment Rights

- 2.01 St. Stephen the First Martyr Catholic Cemetery is intended for the interment of Catholics and their spouses who are entitled to Christian Burial according to the rules and discipline of the Roman Catholic Church and the directives for Christian burial as set forth by the Roman Catholic Diocese of Raleigh. Any question of the burial of a non-Catholic member of a lot holder's family who is not a spouse, or of any person not entitled to Christian burial according to the rules and discipline of the Roman Catholic Church and the regulations of the Roman Catholic Diocese of Raleigh, shall be decided by the Pastor of St. Stephen the First Martyr Catholic Church, whose decision is final.
- 2.02 St. Stephen the First Martyr Catholic Cemetery is intended for the burial of human remains only.
- 2.03 The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time or from time to time 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 of crematory ashes, interment of human remains, or other cemetery purpose:
- To re-survey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or part of a portion of the cemetery.
  - To lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, drives, or buildings, provided ingress and egress to and from the lot (plot) is preserved or is allocated to the lot (plot) holder.
  - To establish or modify easements and rights of way over and through all of the premises of the cemetery for the purpose of installing, maintaining and operating pipe lines, conduits of drains for sprinklers, drainage, electric, or communication lines, or for any other cemetery purpose.
- 2.04 No easement or right of interment is granted to any lot (plot) holder in any road, drive, alleyway, or walk within the cemetery, but such road, drive, alleyway, or walk may be used as a means of access to the cemetery and its buildings as long as the Management devotes such road, drive, alleyway, or walk to that purpose.
- 2.05 The use of the lot (plot) is for the lot (plot) holder or lot (plot) holder's relatives for interment only, and not for resale or profit. The rights of interment in the unoccupied portion of a lot (plot) may only be sold to person or persons approved by the Management.
- 2.06 In the event of the death of a lot (plot) holder any and all privileges of the lot (plot) holder shall pass to the lot (plot) holder's family in the following manner:
- The spouse of the owner of any lot (plot) containing more than one interment space has a vested right of interment of his/her remains in the lot (plot).

- If the lot (plot) holder shall have filed written instructions at the Cemetery Office as to which member or members of his/her family shall succeed to the rights of said lot (plot), said instructions shall be recognized by the Management, and will be followed, if in the judgment of said Management such instructions are definite, reasonable, and practical subject however, to a vested right of interment of the surviving spouse.
  - If no valid or sufficient written instructions shall have been filed, or if valid and sufficient instructions are in conflict with a later will, and the lot (plot) holder has left instructions in said will, duly admitted to probate in a court having jurisdiction thereof, (subject, however, to a vested right of interment of a surviving spouse), such instructions shall control, provided they are not in conflict with the Cemetery Rules and Regulations and provided the Cemetery is furnished with proof of the same.
  - In the absence of valid and sufficient instructions filed by the lot (plot) holder or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto under the laws of the State of North Carolina.
  - In a conveyance to two or more persons as joint tenants, each tenant has a vested right of interment in the lot (plot) conveyed. Upon the death of a joint tenant, the title to the lot (plot) held in joint tenancy immediately vests in the surviving joint tenant or tenants, subject to the vested right of interment of the remains of the deceased joint tenant and the surviving spouse of the deceased joint tenant. The cemetery Management will recognize either joint tenant as the owner of the lot/plot and either tenant may use said lot/plot.
  - An affidavit by a person having knowledge of the facts, setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the lot (plot), is complete authorization to the Management to permit the use of the unoccupied portion of the lot (plot) by the person entitled to the use of it.
- 2.07 It shall be the duty of the lot (plot) holder to notify the Management of any change in address in his/her post office address. Notice sent to a lot (plot) holder at the last address in the Management's records shall be considered sufficient and proper legal notification.

## **Section 3—Arrangements for Interment**

- 3.01 The Management shall have the right to request those wishing to make a selection of a lot (plot) or to arrange for an interment to call at the Cemetery Office in ample time to complete arrangements during normal business hours. If a funeral director or other agent is representing the lot (plot) holder, the arrangements made by the agent with Management are binding on said lot (plot) holder.
- 3.02 No organizations except those approved by the Bishop of the Roman Catholic Diocese of Raleigh will be permitted to conduct services in the cemetery.
- 3.03 The Management shall not be liable for any order that is not given in person, in writing and witnessed, or for any error occurring by any means of electronic correspondence. The Management reserves the right to make an equitable charge whenever additional labor costs result from such errors.
- 3.04 The Management shall in no way be liable for any delay in the interment of a body when a protest to the interment has been made, when the rules and regulations have not been complied with, or when said rules and regulations shall forbid such interment. Any protest will be required to be in writing and filed in the Cemetery Office.



## Section 4—Interment Procedures

- 4.01 All funerals shall be subject to and comply with the directions of the Management of St. Stephen the First Martyr Catholic Cemetery.
- 4.02 A Board of Health Permit for each funeral, if required by law, must be presented to the Management before interment is authorized.
- 4.03 The Management shall not be liable for the Board of Health Permit or responsible for the accuracy of the data contained in said permit or for the identity of the person to be interred.
- 4.04 In recognition of the diversity of burial customs, St. Stephen the First Martyr Catholic Cemetery will allow the casket to be opened at the graveside. The casket may only be opened with the express permission (and in the presence) of the Management. The Management does reserve the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a court order or an order from the duly constituted civil authority having jurisdiction. In the event necessity requires, the Management may take appropriate steps to correct any condition.
- 4.05 When digging a grave, there will be a minimum depth of fifty-four (54) inches to the lowest point of the excavation. Any subcontractors not complying with this regulation will be required to make any corrections at their own expense.
- 4.06 The interment of cremated remains will be permitted only in accordance with the provisions of Canon Law and Diocesan Statutes.
- 4.07 No disinterment or removal shall be allowed except with the permission of the Management and with written authorization of the lot (plot) holder and nearest of kin and with proper legal procedure. In certain cases, at the discretion of the Management, permission from the Chancery of the Roman Catholic Diocese of Raleigh may be required. Upon disinterment, the casket may not be opened at any time within the cemetery without the permission (and in the presence) of the Management.
- 4.08 The Management shall exercise due care in authorizing a disinterment and removal, but it shall assume no liability for the damage to any casket, burial case (vault), or marker incurred in the process of performing the disinterment and removal.
- 4.09 The Management shall have the right to designate the hour and manner in which interments, disinterments, and removals will or will not be permitted. All interments, disinterments, and removals shall be subject to the payment of such charges as may be determined by the Management.

- 4.10 Besides being subject to the rules and regulations, all interments, disinterments, and removals shall be subject to the orders and laws of the properly constituted city, county, state, and federal authorities, including the regulations of the Department of Health.
- 4.11 Cemetery personnel will not be held responsible for damages or injuries resulting from defects in vaults, concrete outer burial casings, and lids thereof when they set or seal said vaults, casings, or lids or maintain the same.
- 4.12 Only authorized representatives employed or contracted by an established funeral home licensed in the state of North Carolina are authorized to perform burials, interments, or disinterments.
- 4.13 Under no circumstances shall the stacking of caskets be permitted.

## Section 5—Interment Regulations

- 5.01 Persons arranging for interments should visit the Cemetery Office where the Management will aid them in effecting the necessary arrangements.
- 5.02 The Management reserves the right to specify the terms of purchase of all interment rights in lots (plots) and the manner in which said rights shall be held or exercised.
- 5.03 The Management reserves the right to designate persons responsible for the opening and closing of graves. The judgment to use cemetery employees or subcontractors will be at the sole discretion of the Management.
- 5.04 Should the lot (plot) holder fail to carry out the terms of the purchase agreement, the Management may declare said agreement canceled and all rights of the purchaser in and to the lot (plot) forfeited.
- 5.05 No roping, curbing, fencing, hedging, borders, or enclosures of any kind shall be allowed around the lot (plot) or around any grave. The Management reserves the right to remove same, without notice, if so erected, planted, or placed.
- 5.06 In order to better protect all human remains from natural disaster, vandalism, and all other unpredictable events, it is the policy that all interments in St. Stephen the First Martyr Catholic Cemetery will require that caskets be placed in vaults or outer burial casings. This policy includes the interment of urns used for the burial of human remains following cremation, if the urn is to be buried in a lot (plot) that will, at a later date, also hold a casket.
- 5.07 In general, only one interment per grave is permitted. However, the following exceptions will be considered:
- One casket and up to two urns for cremated remains may be buried in a single plot at different times using a single marker.
  - Two sets of cremated remains may be buried in one plot at different times using a single marker.
- 5.08 Digging around the perimeter of a marker (for any reason) is prohibited and Management is not responsible for damage done to markers when there is evidence of such digging.

## Section 6—Markers and Monuments

- 6.01 St. Stephen the First Martyr Catholic Cemetery will permit marker/monument dealers and subcontractors to place memorials on graves. These dealers/subcontractors shall abide by all the rules and regulations of St. Stephen the First Martyr Catholic Cemetery.
- 6.02 The Management also reserves the right to issue under separate cover, additional detailed regulations (exceptions) and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality, and materials of markers/monuments to be placed in the cemetery. Said detailed regulations and instructions, and all amendments thereto, will be made a part of these rules and regulations.
- 6.03 Only one marker or one monument is permitted per lot (plot). In addition each lot (plot) may be provided with as many foot markers as there are sets of remains interred in the lot (plot). Double (companion) markers or monuments may be placed to span two adjoining lots (plots).
- 6.04 Markers shall not exceed the following dimensions:
- A double (companion) marker shall not have a base exceeding 60 inches by 16 inches.
  - A single (individual) marker shall not have a base exceeding 28 inches by 16 inches.
  - A foot marker shall not exceed 24 inches by 12 inches.
  - Baby marker shall not exceed 24 inches by 12 inches.
- 6.05 Monuments shall not exceed the following dimensions:
- A double (companion) monument shall not have a base exceeding 60 inches by 16 inches.
  - A single (individual) monument shall not have a base exceeding 36 inches by 16 inches.
  - A double (companion) monument shall not have a monument width exceeding 42 inches.
  - A single (individual) monument shall not have a monument width exceeding 24 inches.
  - The height of any monument shall not exceed 36 inches, as measured from the ground. This height limitation applies to upright headstones provided by the Veterans Affairs as well as commercial monuments.
- 6.06 In order to ensure that the appearance of the Cemetery will retain lasting beauty, all markers and monuments must be granite. Management will entertain requests to utilize an alternative stone if it is of comparable quality.
- 6.07 The Management reserves the right to fix the days and hours when any marker/monument may be delivered to and/or installed in the cemetery.

- 6.08 All marker/monument work, or placement or removal of any marker/monument shall be on the written order of the lot (plot) holder.
- 6.09 Independent marker/monument dealers or contractors are required to comply with specifications and directions established by the Management.
- 6.10 If the marker/monument does not conform to the approved plan and design, it will be the sole responsibility of the dealer to correct any errors or deficiencies in workmanship and materials.
- 6.11 All markers/monuments except foot markers shall be placed at the head of the plot(s). Placements shall be subject to the approval and under the supervision of the Management. Foot markers shall be placed at the foot of the plot(s).
- 6.12 No marker extending above the surface of the ground shall be placed on lots (plots) designated as marker-only lots (plots).
- 6.13 Non-cemetery employees, in placing markers, monuments, and other structures, or bringing in materials in regard to such work, shall operate as independent contractors, but such work must be authorized in writing and conform with regulations made by the Management.
- 6.14 Non-cemetery workers engaged in construction or grounds work are prohibited from scattering their materials over adjoining lots (plots), or from blocking roads or walks, or from leaving their material on the grounds longer than is absolutely necessary, or from attaching ropes to trees or shrubs. When any heavy material is to be moved over lawns, planks must be laid to prevent injury to plantings, ornamentals, and grasses.
- 6.15 Damage done to lots (plots), walks, drives, trees, shrubs, or other property by non-cemetery workers, dealers, or contractors, or their agents, may be repaired by the Management; and cost of such repairs shall be charged to the dealer or contractor, or his principal.
- 6.16 The Management reserves the right to stop all work of any nature when, in its opinion, proper preparations therefor have not been made; or when work is being done in such a manner as to endanger life or property; or when work is not being executed according to specifications; or when any reasonable request on the part of the Management is disregarded; or when any person employed on the work violates any rule of the Management.
- 6.17 While the Management will exercise all possible care to protect raised lettering, carving, or ornaments on any marker/monument, on any lots (plots), it disclaims responsibility for damage or injury thereto.
- 6.18 The Management reserves, and shall have the right, to correct any error that may be made by its employees or by any other person or persons in the location or placing of a marker/monument in the cemetery.

- 6.19 Should any marker/monument become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, the Management shall have the right, after thirty days notice to the lot (plot) holder of record, to correct the condition or to remove the same, in either case at the expense of the lot (plot) holder.
- 6.20 Soliciting marker sales or work within the cemetery is not permitted.
- 6.21 All outside contractors are required to provide proof of self-insurance before beginning any marker placement or repair.

## **Section 7—Grading and Improvements**

- 7.01 The Management reserves the exclusive right to do all grading, landscape work, improvements of any kind, and all care of lots (plots). It likewise reserves the exclusive right to plant, trim, cut, or remove all trees, shrubs, and herbage within the cemetery.
- 7.02 All improvements or alterations of lots (plots) in the cemetery shall be under the direction of and subject to the approval of the Management, and should they be made without its written consent, said Management reserves the right to remove, alter, or change such improvements or alterations at the expense of the lot (plot) holder.
- 7.03 The Management reserves the right to use legally approved chemical applications to beautify and maintain the cemetery properties.

## Section 8—Use of the Cemetery

- 8.01 Visitors within the cemetery shall use only the avenues, roads, and walks, unless it is necessary to walk on the grass to gain access to one's lot (plot). The Management expressly disclaims liability for any injuries sustained by anyone violating this rule.
- 8.02 Strangers are not permitted to sit or lounge on any of the grounds, graves, or monuments in the cemetery, or in any of the buildings. St. Stephen the First Martyr Catholic Cemetery Management Committee is not responsible for damage to markers/monuments or property that is caused by acts of vandalism or by trespassers.
- 8.03 Children under fifteen years of age are not permitted within the cemetery, unless accompanied by proper persons to take responsibility for them.
- 8.04 Animals are not permitted within the cemetery or its buildings, except for service animals.
- 8.05 Lawns shall not be disturbed for any purpose except under the supervision of the Management.
- 8.06 Natural flowers or artificial flower arrangements in permanent vases are permitted, but should be removed as they deteriorate in order to maintain the natural beauty of the area. Anything that may present a safety hazard or obstacle to grounds maintenance (fencing, marble or rock chips, wire, toys not part of a flower arrangement, glass, flags and/or poles, photographs, etc) is prohibited and will be removed. Small flags may be displayed on national holidays, but should be removed shortly thereafter. Burial of pets or memorabilia is strictly prohibited.
- 8.07 Automobiles, funeral cars, and trucks must be kept under control at all times. Automobiles may not park or come to a full stop before an open grave unless such automobiles are in attendance at a funeral.
- 8.08 The Management reserves the right to refuse admission to the cemetery of bicycles, motorcycles, and similar vehicles.
- 8.09 Any conduct which interferes with the rights of others or which in the opinion of Management detracts from the operation of the cemetery is prohibited.
- 8.10 Throwing of rubbish on roads, driveways, paths, walks, or any part of the grounds of the cemetery, or in its buildings, is prohibited. Receptacles for waste materials are located at convenient intervals.
- 8.11 Picnicking or partaking of any refreshments by visitors within the cemetery is prohibited.



- 8.12 No one shall pluck any flower, or break any branches, or remove, injure, or cut any tree, plant, or shrub without specific permission of the Management.
- 8.13 No one will be permitted to peddle flowers, plants, or any other articles or items, or to solicit the sale of any commodity whatsoever within the cemetery.
- 8.14 No signs, notices, or advertising of any kind shall be allowed within the cemetery except those placed by the Management.
- 8.15 The Management reserves the right to forbid and prevent assemblages that it deems improper.
- 8.16 No firearms of any type are permitted in the cemetery at any time, except for those carried by law enforcement personnel on duty and for those carried by members of a military honor guard in the performance of their duty.

## Section 9—General Regulations

- 9.01 The Management reserves the right to refuse admission to the Cemetery and to refuse the use of any Cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and traditions may dictate.
- 9.02 The statement of any employee of the St. Stephen the First Martyr Catholic 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.
- 9.03 St. Stephen the First Martyr Catholic Cemetery through its Management 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, and such temporary exception, suspension, or modification shall in no way be considered as affecting the general application of such rules and regulations.
- 9.04 In all matters not specifically covered by these rules and regulations, the Management reserves the right to do anything, which in its judgment is deemed reasonable, and such determination shall be binding upon the lot (plot) holder and all parties concerned.
- 9.05 The St. Stephen the First Martyr Catholic Cemetery through its Management reserves the right at any time and from time to time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its cemetery or anything pertaining thereto.
- 9.06 The Management shall have a right to fix a charge and time payment for each interment, disinterment, removal, lot (plot) transferred or released, and for the performance of any other service rendered by the Management, and all work in connection with such service shall be subject to the determination and supervision of said Management.
- 9.07 Any indebtedness due for interment rights, markers, or work performed on a lot (plot) must be paid before an interment in the lot (plot) may be made or before any marker/monument may be ordered.
- 9.08 The Management shall have the right to fix the opening and closing hours of the cemetery, cemetery office, and all buildings.
- 9.09 The Management reserves and shall have the right to give authorization to any workers, other than employees of the cemetery before they may do work in the cemetery. Lot (plot) holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Management, prices to be agreed upon and paid before said work is done.

- 9.10 Employees of St. Stephen the First Martyr Catholic Cemetery are not permitted to do any work for lot (plot) holders except upon the written order of the Management. Employees are required to be civil and courteous to all visitors.
- 9.11 The Management shall have the right to maintain guards if in its discretion it deems it necessary, but it is under no legal obligation to do so.
- 9.12 The Management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond the control of the Management, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section of a lot (plot), or any portion or portions thereof in the cemetery, which has been damaged by such causes, the Management shall give ten day written notice of the necessity for such repair to the lot (plot) holder of record. The notice shall be given by depositing the same in the United States mail, with postage thereon duly prepaid, addressed to the lot (plot) holder of record, at his or her address stated on the books of the Management. In the event the lot (plot) holder fails to repair the damage within a reasonable time, the Management may direct that the repairs be made and charge the expense against the lot (plot) and to the lot (plot) holder of record.