

# **Diocese of Worcester Diocesan Cemeteries Rules & Regulations**

## **Preamble:**

Since 1850, the Bishop of the Diocese of Worcester and its Diocesan Cemeteries has provided for the safe, efficient and respectful interment of its deceased members through the operation and maintenance of the cemeteries. 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. In order to ensure the character of the cemeteries in accord with the mind and practice of the Church and Bishop, and to establish and maintain good order, the following Rules and Regulations are hereby adopted.

## **Formal Adoption:**

For the mutual protection of the license holders in the Diocesan Cemeteries of the Diocese of Worcester, in accordance with Canon law and the Massachusetts General Laws Chapter 114, do hereby adopt the following rules and regulations. All license holders and persons within the cemetery, and all lots and graves shall be subject to said Rules and Regulations and the governing body and the Roman Catholic Bishop of Worcester, Corporation Sole shall adopt such amendments or alterations thereof or additions thereto as from time to time. Reference to the 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.

## **Definitions:**

**Cemetery** - All property within the Diocesan Cemeteries dedicated for the burial of deceased human remains.

**Columbarium** - A permanent structure, owned by the Bishop on Diocesan Cemeteries, containing niches or other suitable spaces for the permanent memorialization of cremated human remains.

**Community Mausoleum** - A permanent building structure, owned by the Bishop on Diocesan Cemeteries, containing crypts or other suitable spaces for the permanent memorialization of entombed human remains.

**Cremation Niche** – A discrete chamber designed, constructed and intended for use as permanent interment of cremated human remains encased in an urn.

**Entombment** - The permanent placing of remains in a crypt in a mausoleum.

**Governing Body** - The Roman Catholic Bishop of Worcester Corporation Sole

**Grantee** - See License Holder.

**Grave** - A space of ground in a cemetery used, or intended for use, for the burial of deceased human remains

**Interment** - The permanent placement of a dead human body placed in a casket, in a vault, and buried in the ground.

**Lawn Crypt** - A pre-installed, durable, permanent liner, placed in a double depth earth burial grave that allows for two (2) traditional casket burials of the human dead, with one casket being interred above a second casket burial with a partition dividing the two areas

**License Holder** - The original purchaser of the rights of interment (Burial Easement) in a defined lot, mausoleum crypt or cremation niche, located in a Diocesan Cemetery.

**Lot** - A place designated in a cemetery comprised of one or more grave spaces.

**Management** - The person or persons duly appointed by the governing body for the purpose of conducting and administering cemeteries owned and operated by the Diocese of Worcester. Currently the Director of Diocesan Cemeteries, offices at Saint John's Cemetery, 260 Cambridge Street, Worcester, Massachusetts.

**Niche** - A discrete chamber designed, constructed, and intended for use as a permanent repository, for the interment of cremated human remains, encased in an urn.

**Perpetual Care** - An arrangement made by the cemetery whereby a percentage of the lot sale cost is set aside in restricted funds, the income of which is used to maintain the cemetery in perpetuity.

**Rights of Interment** - The rights given to a License Holder for the use of a specific burial grave, crypt or niche

**Tomb** - A structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

**Vault** - A two- piece sealed receptacle for additional protection of the casket.

### **Purpose of Cemetery:**

The cemetery is intended for the interment of those entitled to burial according to Massachusetts General Laws, the Canon Laws of the Roman Catholic Church, Diocese of Worcester and the Rules and Regulations of the Diocesan Cemeteries. No lot, crypt or niche shall be used for any other purpose than the burial of the human dead. Exclusively the management appointed by the governing body shall decide any questions on the burial of others not defined according to the Rules and Regulations, and such will be binding on both parties.

The conveyance of the Rights of Interment shall be exclusively limited to those approved by the management of the Diocesan Cemeteries. The Bishop of the Diocese of Worcester shall have final authority on conveyance of all burial rights.

**Admission to Cemetery:**

The management reserves the rights 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.

**Arrangement for Interments:**

Management shall have the right to require those wishing to make a selection of a lot or grave, or arrange an interment, to call at the cemetery office in ample time to complete the respective arrangements. If a Funeral Director or other authorized agent is representing the license holder, the arrangements made by the agent with management are binding on said holder. No organization, except those approved by the governing body will be permitted to conduct services in the cemetery.

The management shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where rules & regulations have not been complied with, or forbid such interment; and further, said Management reserves the rights under those circumstances to place the body in a receiving tomb or vault until rights have been determined. Any protest may be required to be in writing and filed in the office of the Director of Diocesan Cemeteries.

**Interment Procedures (see also Instructions to License Holders)**

Interments shall be scheduled between the hours of 8:00 A.M. and 2:00 P.M., Monday through Friday and Saturday 8:00 A.M and 12:00 P.M. Interments requested beyond the scheduled hours shall be at the discretion of the management and shall be charged at the Premium Time Fee. The management shall make every effort to be as accommodating as possible in scheduling Premium Time interments. There will be no interments scheduled on Sunday, Holy Days and the following legal holidays; New Years Day, Memorial Day, Thanksgiving Day and Christmas Day, or days determined by the Bishop of the Diocese of Worcester or Diocesan Cemetery management.

A Board of Health Permit, Interment Authorization Form and any and all fees for each funeral must be presented to management before the interment is completed, or other payment arrangements have been agreed upon and accepted. Funerals entering the cemetery shall be under the charge and direction of cemetery management. The casket may not be opened at any time within the Cemetery without the express permission and in the presence of management. Management reserves the right to refuse permission without the consent of a legal representative of the deceased or without a court order or authority of civil authority.

No disinterment or removal shall be allowed without permission of management, written authorization of the lot holder and heirs (reference Massachusetts Cemetery Law Chapter 114: 28 and 114:29.), a Burial Permit from the Board of Health and the payment of all appropriate fees beforehand.

### **Correction of Errors**

The management reserves, and shall have the right to correct any errors that may be made by it either in making an interment, disinterment or removal or in the description, transfer or conveyance of any of the rights, either by canceling such conveyances and substituting and conveying in lieu thereof other interment rights or plot of equal value and similar location as best possible selected by management.

### **Instructions to License Holders**

Persons arranging for interments should visit the cemetery where the management will aid them in effecting the necessary arrangements. A minimum of thirty hours (30) hours is required to request arrangements for interment.

All grave interments shall be made with a concrete or a durable outside container in accordance with specifications determined by the management.

Digging for planting of flowers and bulbs in front of the memorial is permitted, however management is not responsible for damage to the memorial when there is evidence of such digging. .

License Holders may, at their own expense, install planting beds in front of their respective upright memorials. Beds may not exceed 12" in depth and no longer than the memorial in length. The planting bed shall be maintained in a neat appearance at all times. Unsightly plantings may be removed at the discretion of the management. Schedule clean up maintenance of the entire cemetery will be posted. Planting beds are allowed at flush memorials only when no upright memorial is present.

The use of lot or grave is for the license holder and their designee only, and not for resale or profit, the rights of interment in an unoccupied designated lot or graves, may only be relinquished to the cemetery.

The management reserves the rights to permit or authorize more than one human remains in one grave or niche.

In the event of the death of the license holder any and all privileges remaining shall pass to the family legal heirs. Management will follow the Commonwealth of Massachusetts laws (Chapter 190, Section 3) pertaining to rights of heirs. All rights of the holder and the heirs will be authorized with the use of an Interment Authorization Form for each interment right granted.

### **Service Charges and Payments**

The management shall have the right to fix a charge and time of payment for each interment, disinterment, and removal, and for the performance of any other service rendered by the management. All work and services in connection with such services shall be subject to and supervised by cemetery management.

Any indebtedness due for work or services performed must be paid before an interment in the grave may be made, or before a memorial is erected, as the case may be.

The current Schedule of Fees is contained in this document as Appendix "A"

### **Right to Replat**

The following rights and privileges are hereby reserved to the management to be exercised at any time for the erection of buildings, or for any purpose or use connected with, incident to or convenient for, the care or preservation of, or preparation for interment of the deceased or other cemetery purpose. To survey, enlarge, diminish, replat, alter in shape or size or otherwise change all or part of portion of any cemetery, including to establish, close or otherwise modify the roadways, walks, or drives.

### **No Easement Granted**

No easement or right is granted to any license holder in any road, drive, walkway within the cemetery, but such roads, drives, walkways, may be used as a means of access to the cemetery and its' buildings as long as management devotes said areas for that purpose.

### **Use of Cemetery**

Persons using the Cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times.

The use of motorized vehicles and bicycles is limited to roadways and are specifically excluded from walkways and grassed areas. Speed shall be limited to ten miles per hour maximum (10 MPH).

Any object or objects placed on a grave or any Cemetery grounds which in the opinion of management is deemed offensive, improper or detrimental to the general appearance of the cemetery, may be removed without notice.

Any and all pets within the confines of the Cemetery shall be leashed and under control at all times. Pet owners and handlers are expected to be courteous to lot holders and visitors and to respect the dignity of those interred there. They are further required to clean up and remove any and all animal waste that their pets may have deposited on Cemetery grounds.

Alcoholic beverages are prohibited from Cemetery grounds at all times.

### **Conduct in the Cemetery**

Idling, loafing, loitering, playing, or other boisterous demonstration within the Cemetery is prohibited. Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are prohibited.

### **Grading & Improvements**

The management reserves the right to do all grading, landscape work, improvements of any kind, and all care of lots and graves: likewise to plant, trim, cut or remove all trees, shrubs and herbage within the cemetery grounds.

Any and all improvements or alteration in the cemetery will be under the direction of and subject to the approval of management.

The management reserves the right to use legally approved chemical applications to beautify and protect the cemetery grounds.

### **Cemetery Hours**

The management shall have the right to fix the opening and closing hours of its cemetery, office and its grounds. The office hours at this time are 8:00 A.M. to 4:00 P.M. Monday through Friday. Saturdays are 8:00 A.M. to 12:00 P. M. (noon). The grounds are open for visitation from 8:00 A.M. to sunset each day.

### **Outside Workers**

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 any of the Diocesan cemeteries.

License Holders may have certain work performed by cemetery employees in accordance with the Rules & Regulations, at their own expense and upon application to the management: prices to be agreed upon and paid before said work is done.

### **Employees**

Employees are required to be civil and courteous to all visitors at all times. Employees of the cemeteries are not permitted to do any work for a license holder or heir, except upon the order of the management.

### **Loss or Damage**

The management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, 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 managements' control, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches or crypts or any portion thereof, management shall give written notice of repairs to its license holders or heirs of record of necessity of repairs.

If it is the responsibility of the license holder or its heirs to repair said damage then said notice be sent to the last known address of the license holder and if the holder does not repair the damages in a reasonable time, the management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

#### **License Holder's Change in Address**

It shall be the duty of the license holder grantee, and their heirs to notify the management of any changes in its post office address. Notice sent to the holder at the last address in the records shall be considered sufficient and proper legal notification.

#### **Perpetual Care**

The cemeteries of the Diocese of Worcester are Perpetual Care cemeteries. All money that is designated for the Cemetery is used for Cemetery purposes: a portion is set aside for investment and the proceeds thereof are used to provide general care. The Care trust fund is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes the management and care of cutting of lawns, cleaning and maintenance of roadways, walks and buildings, provided there is sufficient income funds for these purposes.

The Perpetual Care Fund income in no case means the maintenance, repair or replacement of any memorial placed or erected upon any lot or grave: nor the planting, cutting, watering or care of any privately planted flowers, trees or shrubs: nor does it mean the reconstruction of any granite or special work in the cemetery of a lot or grave.

#### **Memorial & Rules for Memorial Work**

The license holder, its heirs and its authorized agents (memorial dealers) shall abide by all the rules and regulations of the cemeteries operated by the Diocese of Worcester.

The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, quality of the memorials, inscriptions, monuments and markers placed in the cemeteries. All memorials and inscriptions are subject to the approval of the management prior to their placement. Memorials must be in conformity to the teachings and spirit of the Roman Catholic Church. Management reserves the right to fix the days and hours when memorial work may be completed in its cemeteries. All memorial work or placement of a memorial shall be with the approval of the license holder or designate of said lot or grave. Memorial dealers shall submit a detailed drawing and design of the memorial as well as a certificate of insurance to management with the request for foundation placement. The location and position in which the memorial is to be placed or erected shall be entirely subject to approval and under the supervision of management.

Memorial employees, in placing or erecting memorials or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible at all times for their work as well as any damage to other memorials and/or Cemetery grounds (reference Acknowledgment, Agreement and Release form signed by license holder or designate of license holder). All work must conform to the Cemetery Rules and Regulations. Memorializing the name of a person that is not or will not be interred, entombed or inurned in a Diocesan cemetery is not allowed unless the memorialization states "In Memory of" or "In Memoriam" before the name. Scattering cremated remains in a Diocesan cemetery is not allowed. Should any memorial, monument or tomb, becomes unsightly, dilapidated or a menace to safety of persons within the cemetery, the management shall have the right to give written notice to the holder to correct the condition or to remove the same, in either case the expense is to the holder.

Soliciting memorial sales or service work within the Cemetery is not permitted.

Memorials shall be limited to one upright memorial per lot / grave and shall be placed at the head end and centered on the lot unless otherwise agreed upon by Cemetery management. All memorials will be placed on a suitable foundation,

### **Measurements of Memorial Monuments**

See Appendix "B" on memorial sizes.

### **Private Family Estate Mausoleums & Tombs.**

Private family estate Mausoleums are allowed in designated sections of the cemetery. Management has the right to set specification, size and style. Information is available at the cemetery office. Management will have final approval.

### **Mausoleum Crypts**

Refer to Appendix "C" for regulations relating to crypts.

### **Columbarium**

Refer to Appendix "D" for regulations relating to cremation niches.

### **In General**

Persons aggrieved by these Rules and Regulations and/or their interoperation or application by management has the right of appeal when made in writing to the Bishop of the Diocese of Worcester and the cemetery management.

The statement of any employee of the cemetery shall not be binding upon management, except as such statement coincides with the document conveying the right of interment and with the rules and regulations.



The Diocese of Worcester and its cemeteries, through its management, reserves the right, without notice, to make temporary exceptions, suspensions, or modifications of any of the rules and regulations, when in its judgment, the same appears advisable. In no way will it be considered as affecting the general application of such rules and regulations,

The Diocese of Worcester, through its management, reserves the rights at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule and regulation with respect to its cemeteries or anything pertaining thereto.

The above Rules and Regulations were approved by the Bishop of Worcester and the management of the Diocesan Cemeteries, on the 18<sup>th</sup> day of March 2008.

+ Robert J. McManus

**Bishop of Worcester**

**Attest:**

Robert V. Ackerman

**Director of Diocesan Cemeteries**

Edmond P. Pinsky

**Clerk**