

CEMETERY REGULATIONS FOR

THE DIOCESE OF LA CROSSE

TABLE OF CONTENTS

Cemetery Regulations for the Diocese of La Crosse

DEFINITIONS	3
I. Purpose of Catholic Cemeteries	4
II. Cemetery Funds	4
III. Sales of Lots and Transfer of Lots	5
IV. Interment and Disinterment	6
V. Memorials	6
VI. Cemetery Regulations and Policies	7
VII. Conclusion	8
VIII. References	8

DEFINITIONS

LOCAL ORDINARY - shall mean the Roman Catholic Bishop of the Diocese of La Crosse or the Vicar General (Canon 134, §§1-2).

LOCAL MANAGEMENT - as used herein means the pastor and any other officially delegated individual or groups of individuals for the purpose of conducting and administering the cemetery association/corporation owned and operated as a local Catholic cemetery.

CEMETERY - all property for earth burials and mausoleums for crypt entombment.

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

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

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

INTERMENT - shall mean either earth burial or entombment.

ENTOMBMENT - shall mean burial in a mausoleum crypt.

LOT HOLDER - shall mean a person who has been granted interment rights.

RIGHT OF BURIAL - shall mean only the privilege of interment or entombment in the cemetery.

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

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

CARE - shall mean that care of the cemeteries as herein defined.

I. PURPOSE OF CATHOLIC CEMETERIES

The Catholic cemetery, like a church is a religious place and should be considered a sacred spot wherein the mortal remains of the faithful departed dwell while awaiting the glorious resurrection of the body. The Catholic cemetery should be identifiable as a sacred place and care should be given to the cemetery both in external signs that are used and in the care of the grounds. The superintendent of the cemetery shall see to it that the monuments, the inscriptions, and ornamentation of the monuments are in keeping with the teachings of the Catholic faith, and the all Church and civil laws concerning the administration of the cemeteries are observed.

1. All Catholic cemeteries of the Diocese of La Crosse are under the jurisdiction of the diocesan Bishop.
2. In parochial cemeteries, the pastor is the superintendent of the cemetery.
3. In cities and some communities where there is a joint cemetery, the superintendent of the cemetery is appointed by the local Dean with the approval of the diocesan Bishop.

II. CEMETERY FUNDS

Two separate funds are to be established for each Catholic cemetery: 1) a cemetery operating fund; and 2) a perpetual care fund.

1. **Cemetery Operating Fund** – Gifts to the cemetery fund that are not designated for perpetual care, annual interest from perpetual care fund, and monies from the sale of lots of excess of that designated for perpetual care and/or monies for the opening and closing of graves comprise this fund. This fund is for the everyday operations of the cemetery.
2. **Perpetual Care Fund**- Gifts designated for the perpetual care of the cemetery and at least 15% of monies from the sale of lots comprise this fund. This fund is to be invested in the All Saints Perpetual Care Fund Management, Inc. and is treated like an endowment fund from which only the interest earned may be spent to ensure that cemetery property shall remain and be reasonable cared for as cemetery grounds forever.
3. Where lots were placed under annual care in the past, every effort should be made by those in charge of cemeteries to have the holders of burial rights to these lots place them under perpetual care. This can be done at the time of death through the circuit judge, if there is an estate.
4. At the end of the year the required report on the perpetual care fund of the cemetery, including both the investment and the income, must be made to the local circuit judge as required by state law.
5. Cemetery funds may not be commingled with parish funds; therefore, completely separate accounts must be maintained wherever parochial cemeteries exist.
6. Monies received through the sale of burial rights shall be used for cemetery purposes only.
7. A financial report of each cemetery must be made to the diocesan Bishop at the end of the fiscal year.

III. SALES OF LOTS AND TRANSFER OF LOTS

1. Subject to the limitations set forth below, local management has the full and exclusive power to determine the price of lots, including the percentage amount for permanent care (if over 15%) and the charges for special services to lot holders, so far as such decisions are in accord with Diocesan Cemetery Regulations, the *Code of Canon Law* and the laws of the State of Wisconsin.
2. Local management has the full and exclusive power to issue certificates of the right of burial and the charges for special services to the lot holder, so far as such decisions are in accord with the Diocesan Cemetery Regulations, the *Code of Canon Law* and the laws of the State of Wisconsin.
3. Local management has the full and exclusive power to issue certificates of right of burial and perpetual care records for cemetery lots; such certificates are to be signed by the pastor or people officially designated by him. Right of burial is obtained by the purchaser of a certificate which shall entitle the purchaser to the perpetual use of the lot for the purpose of burial only. If a holder of burial rights wishes to resell the rights, it should be done through the cemetery office.
4. No burial rights shall be sold in common or joint ownership. Title shall be vested one name only.
5. No monument or marker shall be placed upon a lot or grave until the burial rights have been fully paid and certificate issued, and only with the written permission of the competent cemetery authority.
6. Upon the death of the owner of a certificate the right to such certificate passes to the heirs or next of kin.
7. Care shall not include the care of monuments or markers placed on the lot by the holder of burial rights.
8. Should a holder of burial rights refuse to pay the required charges, the competent cemetery authorities have the right to declare the burial rights abandoned and remove all improvements, if for five years the care charges remain unpaid. The requirements of civil law must be carried out before repossessing such lots.
9. If approved by local management, lots may be purchased with deferred payments executed in contract form with local management. When a lot is purchased on deferred payments, one burial may be made on said lot, provided the purchaser has paid an amount equal to the cost of one grave as well as interment fees. Memorials may not be installed on the lots purchased on the installment plan until full purchase price has been paid.
10. It remains the right and Christian duty of the cemetery board to make special arrangements and adjust prices to accommodate the poor and destitute, unknown people, or multiple victims of a disaster to ensure the dignity and care of all human remains.
11. The Church recommends that the custom of burial(inhumation) be retained, but it does not forbid cremation unless it is chosen for reasons which are contrary to Catholic teaching. Cemeteries should provide places for interment of cremated remains.

IV. INTERMENT AND DISINTERMENT

1. A burial permit as required by Wisconsin law must be presented before interment can take place in the cemetery.
2. The permission of the lot holder is required for interment to take place. Where there is a question, such permission should be in writing.
3. The consent of all the next of kin of the deceased person whose body is to be disinterred is required; also permission must be obtained from the local dean. The permission of the local health officer is also required, if the remains are to be moved out of the cemetery where they are buried.

V. MEMORIALS

1. The express permission of local management is required before a memorial of any nature may be erected or set in the cemetery.
2. The responsibility of keeping any memorials, monuments, markers, etc., in a safe and proper state of repair shall be that of the lot holder, the heirs or assigns, subject to the regulations and rules of the local cemetery.
3. If no heir or assign can be located when a memorial is in need of repair, it becomes the responsibility of the local management to return the memorial to a safe and proper state, using cemetery operating funds.

VI. CEMETERY REGULATIONS AND POLICIES

1. It shall be the responsibility of local management to formulate local cemetery regulations and policies pertaining to the sale of lots, placement of memorials, planting of trees, flowers, and whatever else pertains to the functioning and orderly management of a Catholic cemetery in keeping with the Roman Catholic Church, and the laws of the State of Wisconsin.
2. A copy of each Catholic cemetery's regulations and policies are to be sent to and kept on file with the Diocesan Office of Cemeteries.

VII. CONCLUSION

The prayer which we offer as we commit the body to the grave or tomb at the conclusion of the rites of Christian burial expresses our faith in the resurrection of Our Lord and in the resurrection of the body, by which we share fully in His Resurrection:

**Lord Jesus Christ,
By your own three days in the tomb,
You hallowed the graves of all who believe in you
And so made the grave a sign of hope
That promises resurrection
Even as it claims our mortal bodies.**

(Order of Christian Funerals, 1998 ed., No 218)

The bodies of the dead must be treated with respect and charity, in faith and hope of the resurrection. The burial of the dead is a corporal work of mercy; it honors the children of God, who are temples of the Holy Spirit.

Questions regarding Catholic cemeteries, their administration and their care are to be referred to the Diocesan Director of Catholic Cemeteries. Also recommended are two excellent publications of the Catholic Cemetery Conference: *Guidelines for Christian Burial in the Catholic Church* (1992) and *The Catholic Cemetery: A Vision for the Millennium* (1997). They may be obtained from:

Catholic Cemetery Conference
1400 South Wolf Road, #3
Hillside, IL 60162-2197
(888) 850-8131

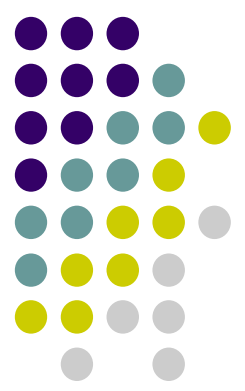
The Catholic cemetery should be a familiar place, in which we visit the graves or tombs of the deceased to pray for their eternal rest and find in their burial places a sign of faith and hope.

Diocesan Director of Catholic Cemeteries:

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RULES AND REGULATIONS

For Grave Owners

1.0 INTRODUCTION:

For the mutual protection and benefit of grave owners, the following RULES AND REGULATIONS have been adopted by _____ Church Cemetery located at _____. All grave owners and visitors within the Cemetery and all graves sold shall be subject to said RULES AND REGULATIONS, and subject further to such other RULES AND REGULATIONS, amendments or alterations as shall be adopted from time to time.

2.0 DEFINITIONS:

The terms **“Lot”, “Plot”** or **“Burial place”** shall be used interchangeably and shall apply with like effect to one or more adjoining graves.

The term **“interment”** shall mean the permanent disposition of the remains of a deceased person by burial.

The term **“memorial”** shall include a monument or marker.

A monument is above the ground and is placed at the head of the grave.

A marker is level with the ground and is placed at the foot of the grave.

The term **“management”** shall comprise the person constituting _____ Cemetery Association duly appointed by the Parish Pastoral Council in conjunction with the Pastor.

The term **“care”** shall apply to the entire Cemetery provided by either a permanent care fund or by _____ Church.

The term **“inurnment”** shall mean the permanent disposition of the cremated remains of a deceased person by burial.

3.0 GENERAL RULES AND REGULATIONS:

_____ Church Cemetery is owned and operated in accordance with the laws of the State of _____ and the rules and discipline of the Roman Catholic Church. It reserves the right to refuse admission to the Cemetery and to refuse the use of any of the Cemetery’s facilities at any time, to any person or persons whom the Management may deem objectionable to the best interests of the Cemetery.

The Cemetery is intended for the burial of Catholics and members of their families who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any question of the burial of a non-Catholic member of a lot owner’s family or of any person not entitled to Christian burial, shall be decided by the Pastor.

Religious ceremonies other than those of the Roman Catholic Church are not permitted in the Cemetery unless the consent of the Pastor has been obtained.

4.0 LOT AND LOT OWNERS:

No grave will be sold in common ownership or joint ownership. Title must stand in one name.

No grave shall be used for any other purpose than for the burial of the human dead.

The Cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, explosions, insurrections, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Grave owners are granted only the right of interment in their graves. The Cemetery reserves the right to refuse to permit the interment of anyone who was not at the time of death the owner of the grave or a relative of the owner by blood or marriage.

5.0 CORRECTION OF ERRORS:

The Cemetery reserves and shall have, the right to correct any errors that maybe made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property.

6.0 CARE OF GRAVES:

The Cemetery will give such care as it can, the care to consist of cutting the grass and general preservation of the grounds.

The general care assumed by the Cemetery shall in no case mean maintenance, repair or replacement of any vase, basket, memorial, flowers, or other objects placed upon a grave.

BURIALS

7.0 INTERMENTS:

No *"Interment"* of a body will be made in a grave which is not fully paid.

The Funeral Director, upon arrival at the Cemetery, must present a burial permit from the local Health Office.

Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee or agent shall be permitted to open the casket, or to touch the body without the consent of the next of kin or of the legal representative or the deceased, or of an order signed by a court of competent jurisdiction.

No interment of two or more bodies shall be made in one grave except in the case of a parent and infant or two infants buried in one casket. Special care must be taken to properly mark the grave with the individuals names when 2 bodies such as a parent and infant or 2 infants are interred in the same grave.

No interment of a body may be made unless the remains are contained in a casket and vault.

8.0 INURNMENTS:

The inurnment or burial of a set of cremated remains must be contained in a suitable container and is allowed under certain conditions which must be approved by the Pastor.

No inurnment will be made in a grave not fully paid for.

The person bringing the cremated remains to the cemetery must give a *"Certificate of Cremation"* to the cemetery representative who is present.

Once a container containing the cremated remains of a body is within the confines of the Cemetery, the Cemetery, the container shall not be opened without the consent of the next of kin or of the legal representative of the deceased, or of an order signed by a court of competent jurisdiction.

Inurnment of a set of cremated remains into a grave where a body has been buried or of two sets of cremated remains in one grave is permitted. When this occurs special care must be taken to properly mark the graves with the individuals names.

9.0 CEMETERY DECORATIONS:

Natural decorations such as potted plants in an approved plant stand, cut flowers and evergreen wreaths are/are not permitted, however artificial decorations such as silk flowers are/are not permitted. It is not permissible to plant anything on the lot, nor to use any other forms of artificial decorations without permission of the management. The Cemetery management has the right to remove any or all decorations when deemed necessary.

10.0 PLANTING ON GRAVES:

The Cemetery reserves the right to remove all floral designs, flowers, shrubs or trees from the Cemetery as soon as they become unsightly, dangerous and/or diseased.

11.0 MEMORAIL WORK:

No memorials may be placed on any grave that is not fully paid.

Lot owners may erect proper memorial work on their respective lots subject to the approval of the Management. All monuments shall be set on foundations built of concrete and of the size and depth prescribed by the management in paragraph 12.0 and 13.0.

All memorials shall be constructed of natural stone. No artificial stone of any kind is permitted.

At least two (2) side-by-side adjoining graves are necessary for erecting a monument. Only one central or family monument shall be allowed on a two-grave or a three-grave combination which permits the construction of a monument.

Memorials may be placed only in the designated areas.

No coping, curbing, fencing, hedging, borders or enclosures of any kind shall be allowed around any grave (s) and no walks of brick, cinders, tile, terra cotta, sand, cement, gravel or wood shall be allowed on any grave (s). _____ Cemetery reserves the right to remove the same if so erected, planted or placed.

The most suitable ornament on a memorial in a Catholic cemetery is the cross, which accordingly, should be found on every memorial. Epitaphs and symbols on memorials should be in the spirit of the Catholic Christian Church. Hence no memorial work of any kind will be allowed unless there is represented or engraved thereon a cross, or other Christian symbol in keeping with the design and size of the memorial, except that, when a monument bears such symbol, it may be omitted from corresponding markers if desired.

Workmen employed in placing or erecting memorials and other structures or materials shall operate as independent contractors, but must do so under permission from the pastor.

The right is reserved to the pastor to refuse to permit such work, unless the grounds are thoroughly settled and in good condition.

No memorials may be delivered or installed between November 1 and April 15 without permission from the pastor.

_____ Church Cemetery reserves the right to stop all work of any nature, whenever, in its opinion,

- proper preparations have not been made;
- or when tools and machinery are insufficient or defective;
- or when work is being executed in such a manner as to threaten life or property;
- or when the monument dealer has been guilty of misrepresentation;
- or when any reasonable request on the part of the pastor is disregarded;
- or when work is not being executed according to specifications;
- or when any person employed on the work violates any rule of the Cemetery.

Crosses, statues or other grave markers of wood, iron, cement or any like material are strictly prohibited except the standard bronze insignia provided for the graves of veterans.

When any memorial work has been set in place, it shall not be removed without due process of law or written permission of the management.

12.0 MARKERS

At each grave one single wide marker is permitted or on two adjacent graves a double wide marker is permitted.

–Single wide makers shall be 24 inches long, 12 inches wide and not less than 4 inches in thickness.

–Double wide markers shall be 42 inches long, 12 inches wide and not less that 6 inches in thickness.

The bottom of the marker (at the foot end of the grave), shall be 9 feet from the top to the grave. The marker may not extend into the grave of another owner.

A marker shall be readable from the foot of the grave.

13.0 MONUMENTS

The monument shall rest on a base. The overall size of the monument and base shall be defined as follows:

–Large monuments: 24” to 42” long and 8” to 12” wide and 13” to 36” high

–Small monuments: 24” to 42” long and 8” to 12” wide and Up to 12” high

The monument and base shall rest on a concrete foundation. The foundation shall extend 4 inches beyond the perimeter of the base. A large monument will have a foundation which is 48 inches deep; a small monument will have a foundation which is 24 inches deep. The foundation may not extend into the grave of another owner.

A monument shall be readable from the foot of the grave.

14.0 TRANSFER OF TITLE

Written consent from the Church of _____ is required for any sale, transfer or assignment of lots.

The Church of _____ will buy back unused lots at the original cost of those lots.

Title to graves descends by Will, Trust Agreement or Statutes of the State of Minnesota.

15.0 CEMETERY COMMITTEE ANNUAL MEETING

_____ Catholic Church Cemetery committee shall hold it's annual meeting during the month of _____.