

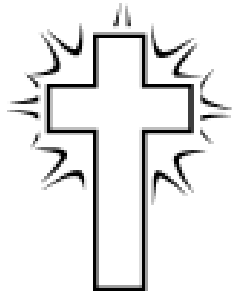
St. Mary's Cemetery

375 Park Ave., Corning, New York

Visiting Hours

April through October - 8:00 A.M. to 8:00 P.M.
November through March - 8:00 A.M. to 5:00 P.M.

RULES AND REGULATIONS



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Monday through Thursday - 9 A.M. to 4 P.M.

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The complete Rules and Regulations of St. Mary's Cemetery include this booklet and the three brochures entitled:

- Regulations for Cemetery Lot Decorations SMC-2
- Regulations for Mausoleum Decorations SMC-3
- Monuments and Headstones SMC-4

I. PREFACE

WHY DO WE HAVE RULES AND REGULATIONS?

All of civil society is subject to some degree of regulations mandated by legal authority or by sound and proven practices learned by experience and judgment. New York State has some of the most comprehensive laws in the nation regulating cemeteries. St. Mary's Cemetery fully adheres to those laws that govern us. Our right and our obligation to govern also stems from two premises:

1. Once land is dedicated for cemetery purposes or has been used as a burial space, a trust is imposed upon the owner to maintain the land for these purposes.
2. When cemetery property is purchased, the purchaser acquires a burial right of interment or entombment, which constitutes a limited interest or easement on the property. **The cemetery retains title to the property.** Therefore, a continuing relationship is established between the cemetery and the purchaser(s) of burial rights and their heirs.

Rules and regulations are made to foster cooperation between the cemetery and person(s) who hold the various interment rights. The intent is to insure the uniform protection of all who hold the rights and to allow management to efficiently maintain the facilities and administer the affairs of the cemetery.

Some of the rules and regulations may appear restrictive but we ask your understanding in that rules are necessary for the cemetery to be maintained and preserved according to an orderly plan for the common good. They are instituted to avoid misunderstanding and possible litigation among holders of burial rights, their heirs, funeral directors, monument dealers and all persons who visit the cemetery.

Reasonable rules and regulations, fairly enforced, may prevent certain acts by those who could be inconsiderate to the rights of others. The rules and regulations are made for the collective good of all lot, crypt and niche holders. With an understanding of the purpose of these rules and regulations, lot and crypt holders and visitors are requested to respect their enforcement.

ST. MARY'S CEMETERY IS A CATHOLIC CEMETERY

A Bishop has blessed the burial space at St. Mary's Cemetery. It is designated as a **sacred place**. Only Catholic churches and Catholic cemeteries have that designation. Therefore, we adhere to all the precepts of the Catholic Church regarding Catholic burial practices. We believe in resurrection and eternal life because Christ has redeemed us through His death and resurrection.

Features, artwork, memorials and personal conduct must be appropriate to the setting of a **sacred place**. St. Mary's Cemetery is to serve as a place of beauty and peace where members of the faith community can be buried in the rich traditions of the Catholic Church and where those who mourn them can gather together in prayer and remembrance.

St. Mary's Cemetery accepts for burial human remains of all persons regardless of religious belief or practice. However, all burials will adhere to the restrictions of the Catholic Church regarding burial practices.

RULES AND REGULATIONS CAN CHANGE

We recognize that conditions, laws and cultural practices can change and that our rules and regulations need to be periodically reviewed in light of these factors. Furthermore, any rules and regulations that existed prior to the publication of this booklet and which may be in conflict with these Rules and Regulations are rescinded.

II. DEFINITIONS

1. **Cemetery** as used in these Rules and Regulations will mean St. Mary's Cemetery located on Park Avenue in Corning, New York including all the property for in-ground burials and the mausoleum for crypt and niche entombments.
2. **Management** will mean the person(s) duly appointed by the Pastor or Administrator of All Saints Parish for the purpose of conducting and administering the Cemetery. In addition, the **St. Mary's Cemetery Association** consists of 8 appointed and registered members of All Saints Parish who make and oversee rules and regulations for the operation of Cemetery grounds.
3. **Interment** is meant to include either in-ground burial or the entombment of the human body or cremated remains of a deceased person.
4. **Entombment** will mean the burial of the human body or cremated remains of a deceased person above ground in a mausoleum.
5. **Grave** will mean a plot of ground in the Cemetery used or intended to be used for the burial of a human body or cremated remains of a deceased person.
6. **Lot** will apply to one or more adjoining graves belonging to the same holder(s) of the burial rights.
7. **Lot Marker** is any means used by the Cemetery to locate corners of the lot or plot.
8. **Mausoleum** will mean a permanent building or structure for the burial of human bodies or cremated remains of deceased persons.
9. **Crypt** will mean the above ground chamber for the burial of a deceased person in the mausoleum.

10. **Niche** will be defined as a small chamber in a mausoleum for the repose of the cremated remains of a person.
11. **Lot Holder or Crypt Holder** will include the person(s) who have purchased burial rights in the Cemetery.
12. **Contractor** will mean any person, firm or corporation engaged in performing any work in the Cemetery, other than an employee of the Cemetery.
13. The term **Memorial** will include any monument, tombstone, headstone, grave marker, tablet or inscription on a crypt front for one or more deceased persons. (**Marker** means a memorial flush with the ground.)
14. The term **Decoration** will mean anything added to enhance the appearance of a lot, grave, memorial or mausoleum such as flowers, wreaths or other objects permitted by the Cemetery rules.
15. **Care** will mean the general care of the Cemetery.
16. The term **Permanent Maintenance** will mean a fund derived primarily from a portion of the sale price of burial rights that is set aside in a permanent trust, the income of which is used exclusively for the maintenance and care of the Cemetery.

III. ACQUIRING BURIALS RIGHTS IN THE CEMETERY

A. SELECTION AND PURCHASE OF BURIAL RIGHTS

1. Purchase of a burial site is for the right of burial and not for the land or mausoleum space itself. Upon full payment, a certificate is issued, which grants the purchaser perpetual right of burial, subject to the rules and regulations of the Cemetery, the discipline of the Roman Catholic Church, New York State Cemetery Law, and the rules of the Diocese of Rochester with respect to burials and funerals. The certificate does not confer the right to speculate for financial gain or to sell, assign or transfer the rights to others except with the approval of Cemetery management.
2. Lots and mausoleum locations may be selected and arranged with the assistance of Cemetery personnel who will explain the many options available as to location, financing, memorialization, decorations, and other cemetery services. It is strongly recommended that the purchaser, the family or responsible person visit the location on the Cemetery property to make the selection.
3. Cash, check or credit card may be used to pay for burial space. Full payment is required if a burial is to be made at the time of purchase. Various time payment plans are available for certain multiple space purchases prior to need at zero (0%) interest. A cash discount of three percent (3%) is available for full payment at the time of purchase for mausoleum crypts. Cemetery personnel are available to assist purchasers with arranging financing and payment options to suit individual needs.
4. Burial space rights may not be subdivided and cannot be sold to others by the purchaser. However, multiple purchasers may jointly hold multiple space rights. The purchaser(s) may return entire lots to the Cemetery for the original purchase price, if all spaces are vacant and any existing memorials are removed.

Mausoleum crypts will be accepted for surrender by St. Mary's Cemetery only when a sale for said crypt is immediate.

B. INHERITANCE OR TRANSFER OF BURIAL RIGHTS

1. Rights of burial are regulated by Section 1512 of New York State Not-for-Profit Corporation Law. Under that law, the purchaser and the purchaser's spouse have first rights. The rights then pass to the purchaser's descendants. Spouses of descendants do not have Automatic burial rights. Furthermore, burial rights do not pass under residual inheritance rights in a will as is common with material goods. Burial rights, however, may be bequeathed to specific persons in a will. If there are questions as to the person(s) that have burial rights, you should consult the Cemetery personnel or an attorney.
2. Rights of burial may be transferred to persons other than the lot and crypt holder or heirs by obtaining a transfer that must have the approval of the Cemetery and all persons who have purchased or inherited the burial rights.

IV. Responsibilities

A. MEMORIALS AND GRAVE MARKERS

1. **Lots and Graves** - Grave markers and upright monuments which are placed on individual graves or on multiple grave lots must be provided by the person(s) who own the burial rights. These memorials remain the property of the lot holder(s) or their heir(s) who is responsible for maintaining them in a safe and proper condition.

Lots must be fully paid for prior to placing a memorial. Markers and memorials must comply with Cemetery rules as to dimensions, location on the lot and inscriptions and must be purchased from a monument dealer approved by St. Mary's Cemetery.

A foundation to support and protect the memorial must be constructed which may or may not be included in the price of the memorial. Ask your memorial dealer if the foundation cost is included in the price. Only Cemetery personnel or their hire will construct the foundation in order to insure the foundation is of high quality, appropriate for site conditions, memorial size and weight.

2. **Mausoleum** - Memorialization in a mausoleum is provided by the Cemetery and is included in the price of the crypt or niche. Memorialization includes the names(s), years of birth and death.

B. CARE AND BEAUTIFICATION OF THE CEMETERY

1. The Cemetery grounds, mausoleum and other structures are the property of St. Mary's Cemetery, which is solely responsible for its design, maintenance and upkeep. The Cemetery reserves the right to make improvements to the grounds and to maintain the lawns, trees, shrubs, flower beds, fences, roads and walks. This care will be controlled exclusively by the Cemetery either by workers employed by the Cemetery or by contractors under the direction of Cemetery management.

In order to provide funds to maintain the Cemetery, a portion of the purchase price of burial rights is set aside in a Permanent Maintenance Trust. The income from the Trust will be used exclusively for the perpetual care and upkeep of the Cemetery. The principal of the Permanent Maintenance Trust can be used for no other purpose than to generate income to maintain the Cemetery. The responsibility for the Trust and the portion of sales set aside is under the authority of the Pastor and/or Administrator of All Saints Parish and St. Mary's Cemetery Association and the guidelines of the New York State Cemetery Law.

2. Individual graves may be decorated by the lot holders with flowers and plants within limited areas around the grave markers. We encourage lot holders and visitors to provide this personal care to the grave(s) of their loved one(s). Winter decorations are also allowed in the form of wreaths. Because of the need to maintain the grounds in a reasonable efficient manner, there are rules in regards to planting decorations that need to be followed. The Cemetery has brochures entitled **Regulations for Cemetery Lot Decorations** (SMC-2) and **Regulations for Mausoleum Decorations** (SMC-3). Please refer to the brochures when planning decorations and if you have questions contact the Cemetery office.

C. MANAGEMENT RIGHTS AND RESPONSIBILITIES

St. Mary's Cemetery through its management reserves the right at anytime to change, amend, alter, repeal, rescind or add to these rules and regulations and any part thereof, or to adopt any new rule or regulation with respect to the Cemetery or anything pertaining thereto.

Management will also have the right to correct any errors that may be made by the Cemetery. If an error is made in the location of an interment, the management will have the right to remove and inter the remains in another lot or grave of equal value and similar location. If an error is made in the description, transfer or conveyance of burial rights or lot(s), the management will have the right to substitute other interment rights or lot(s) of equal value and similar location or to refund the full cost of the burial rights.

For further information or interpretation regarding the Rules and Regulations of the Cemetery, contact the Cemetery office.

D. LOSS OR DAMAGE

Cemetery 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, an order of a military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond their control.

In the event it becomes necessary to reconstruct or repair any section of the Cemetery, including burial space, which has been damaged by such causes, management will make the necessary repairs to the burial lots and grave space. If memorials that are the property of the lot holders are damaged, management will attempt to notify the lot holder(s) of record by telephone or mail. In the event the lot holder fails to repair the damage to a memorial, management will direct that the repairs be made and may charge the expense against the lot and to the lot holder of record. In any case, management will make any repairs that are necessary to correct a condition that constitutes a hazard to the public.

The Cemetery reserves the right to take steps that, in its sole discretion, deems appropriate and necessary to maintain any individual crypt and the mausoleum in a respectful, safe and dignified condition.

We urge all burial rights holder(s) to notify St. Mary's Cemetery of any change of address in order to be able to contact them if necessary.

E-mail addresses, telephone and fax numbers are also appreciated and can speed the process of contacting lot and crypt holders.

V. BURIAL ARRANGEMENTS

A. GENERAL RULES

1. Selection of burial location and arrangements for burial must be made directly with the Cemetery office. Ample time must be provided for completion of arrangements and preparation of burial space, before the close of the business day preceding the burial. Burials will not be made on Sundays or holidays that are observed by the Cemetery.
2. If a Funeral Director or other agent is representing the person who has burial rights to the space, the arrangements made by the agent with the Cemetery will be binding on the person holding the burial rights.
3. Payment for the interment or entombment (grave opening/crypt preparation) must be made or arranged prior to the burial.
4. A proper burial permit, issued by a duly accredited public official, must be presented to the Cemetery before burial can be made. If the burial is of cremated remains, a cremation certificate issued by the crematory must be presented.
5. Adult burials must be made with a casket. Caskets must be firm enough to be properly carried to the gravesite and rigid enough to be handled on a standard lowering device.
6. All funerals will be subject to and comply with the directions of management while they are within the Cemetery.
7. Due to the large quantities of flowers brought to the Cemetery, all flowers will be removed the day after the funeral. Should members of the family wish to retain some of these flowers, the Cemetery respectfully requests that this be done at the time of the burial service.

8. Management will not be liable for errors occurring as a result of improper information as to the size of a casket or as to particular grave or crypt locations. Management will also not be liable for any delay in interment where rules and regulations have not been followed, or where proper burial rights have not been determined. Management further reserves the right under such circumstances to place the body in a receiving vault until errors have been corrected or rights have been determined.
9. The casket may not be opened at any time within the Cemetery without the express permission and in the presence of the management. The management reserves the right to refuse permission to anyone to open the casket or to touch the body without the written consent or physical presence of the legal representative of the deceased, or a Court Order.
10. It is the responsibility of the Funeral Director to make the necessary arrangements with a vault company for the burial. The vault company must meet with management's approval and have a certificate of insurance and a signed Hold Harmless Agreement on file with the Cemetery office.
11. Besides being subject to these Rules and Regulations, all burials will be subject to the laws of the State of New York, the County of Steuben and the Town of Corning.

B. IN-GROUND BURIALS

1. The person who has the burial rights to the grave space or their representative must approve the location for the interment on multiple grave lots.
2. Concrete or metal outer cases must be used for in-ground interments in the Cemetery. The dimensions of the outer cases must comply with the Cemetery's standard grave dimensions and of sufficient strength to protect the casket from the natural forces placed upon it when in the grave.
3. Embalming is not required for in-ground burials
4. Cremated remains for in-ground burial must be placed in a rigid outer container of concrete or other material, approved by the Cemetery, which will withstand the natural forces of in-ground burial.
5. Only one adult full casket burial is allowed in a full size grave. However, if space allows, it is permitted that an infant burial or one cremated remains be buried at the foot of an adult full casket burial. Up to two cremated human remains are permitted in a full size grave. Memorialization on a grave with more than one burial must be on a common marker or memorialization for the second burial on a flat round marker and keeping with the location of other markers in the section.

C. ENTOMBMENTS IN A MAUSOLEUM

1. Caskets are placed directly in mausoleum crypts without an outer container. The size of the casket must be such that it will fit the interior dimensions of the crypt.
2. Cremated remains to be placed in a mausoleum niche must be placed in a container such that it will fit the interior dimensions of the niche.
3. A body must be embalmed for entombment in a mausoleum crypt.
4. Because of the need to handle caskets with mechanical lifting devices during the entombment, visitors are not allowed to view the entombment. However, the funeral director can be present as your representative to view and possibly assist with the entombment.

D. DISINTERMENTS

1. Application for disinterment of a body will be made at the Cemetery office. Permission for disinterment must be based upon application of the spouse, child or children, parent or parents or next of kin of the deceased person or an order by a Court of Law. All disinterments require approval of Cemetery management.
2. The Cemetery will determine the person(s) who must agree, in writing, to permit the disinterment, according to New York State law and the rules of St. Mary's Cemetery. The Cemetery will prepare the documents for signature by the person(s) who must agree to the disinterment. The signature(s) will require notarization.

3. Arrangements for removal from an in-ground location to a mausoleum must be reviewed and approved by Cemetery management. A Funeral Director must be involved in order to remove the casket from the grave and enclose the casket in a protective liner before placing it in a mausoleum crypt.
4. Upon proper application, the Cemetery will schedule the removal, either for movement from one part of the Cemetery to another or removal to another cemetery.
5. During the disinterment, the casket will not be opened for the purpose of viewing the remains. Family members or representatives are not allowed to be present at the disinterment. Natural causes deteriorate human remains and the appearance of the deteriorated body could be traumatic to persons unaccustomed to viewing such conditions.
6. At the time of disinterment, any and all monuments and headstones pertaining to the body must be removed from the Cemetery. If the disinterment is within the Cemetery, and the memorials meet the monument regulations of the new location, the family must make arrangements to have the monument reset at the time the disinterment arrangements are made.

VI. CONDUCT WITHIN THE CEMETERY

St. Mary's Cemetery is the place of burial for our deceased loved ones and is to remain a place of beauty and peace for all who come here to remember them. We thank you for your conscientious observance of these rules regarding conduct while visiting the Cemetery.

1. The Cemetery is open daily, including Sundays, Holy Days and Holidays from 8:00 A.M. to 8:00 P.M. during daylight-saving time and from 8:00 A.M. to 5:00 P.M. during standard time. The Cemetery may be closed during winter months due to extreme weather conditions.

The Cemetery office is open Monday through Thursday from 8:00 A.M. until 4:00 P.M. On Friday from 8:00 A.M until 12:00 Noon.

2. Motor vehicles should enter the main gate and should remain on designated roads and parking lot at all times. Please do not drive on grass or planted areas. Please drive cautiously and be aware of pedestrians and other visitors at all times.
3. Children should be accompanied by an adult and should not play on lots or lawns. Do not allow children to climb upon or handle headstones or monuments. Persons visiting the Cemetery do so at their own risk as to damage or injury from falling monuments and headstones.
4. Visitors are welcome to walk on Cemetery roads for relaxation and reflection. Please refrain from jogging, bicycle riding and skateboarding.
5. Dogs and pets are permitted if they remain quiet and they must remain in vehicles at all times.

6. Shrubs, trees and plants are there to enhance the beauty of the Cemetery. Please do not pick flowers, remove plants, trim or injure trees or shrubs. Approved plants, flowers and winter decorations are welcome. Please refer to the brochure: **Regulations for Cemetery Lot Decorations** (SMC-2) and **Regulations for Mausoleum Decorations** (SMC-3). The brochure is available at the Cemetery office or in brochure holders located near the Mausoleum.
7. The Cemetery is private property for the benefit of its lot and crypt holders and their loved ones. Any defacing of monuments, landmarks or the grounds may be considered a criminal act.
8. Cemetery management will refuse admittance to persons known to have caused disturbances or to persons not willing to abide by the rules and regulations of the Cemetery.
9. Picnicking and other assemblages deemed improper by management are prohibited.
10. Peddling or sale of flowers, plants, other articles or commodities, solicitation of services, posting signs or advertising are not allowed within the Cemetery.

