

Saint Peter Cemetery

Rules and Regulations



March 6, 2018

Saint peter Cemetery

Hokendauqua Street Whitehall, PA 18052

**Saint Peter Cemetery**

**Hokendauqua Street**

**Whitehall, PA 18052**

**Rules and Regulations**

For the protection and benefit of plot holders in Saint Peter Cemetery, the Cemetery Committee hereby adopts the following rules and regulations. All plot holders and persons within the cemetery, and all plots, shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Cemetery Committee from time to time, and the reference to these rules and regulations in the document conveying the right of interment shall have the same force and effect as is set forth in full therein.

**Definitions**

1. The term “Cemetery Authorities” shall mean the person or persons duly appointed to conduct and administer the cemetery.
2. The term “Cemetery” as used herein shall mean all the property for earth burials.
3. The term “Plot Holder” shall include the person or persons who have purchased interment rights or who hold same by right of inheritance or transfer.
4. The term “Interment” shall herein mean earth burial, burial in an underground vault.
5. “Grave” shall mean a space of ground in the cemetery used or intended to be used, for the burial of human remains.
6. The term “Plot” shall include and apply to one or more than one adjoining grave.
7. The term “Burial Privilege” (once called Deed) shall mean only the grant of the privilege of interment and not a conveyance of any ownership or tenancy. It does convey any ownership or other interests in the grave or graves.
8. The term “Memorial” shall include monument, tombstone, headstone, grave marker or tablet, for one or more deceased persons.
9. The term “Care” shall mean the general care of the cemetery as herein defined.
10. The term “Foundation” shall mean the base on which a memorial is erected.

**Purpose of Cemetery**

The purpose of the cemetery is to provide for the burial of the Faithful according to the rules and discipline of the Catholic Church. Questions regarding the interpretation of canons of the Catholic Church, its rules and discipline as they relate to the burial privileges of a plot holder and members of his or her family, shall be decided exclusively by the Cemetery Committee and such decision shall be final.

**Admission to Cemetery**

1. The body of a deceased person or cremated remains will not be accepted for entombment or interment unless it is encased in a suitable container approved by the Cemetery Authorities.
2. The remains of any person who has died of an infectious or contagious disease shall be permitted to be entombed in a public mausoleum only with the express consent of the Cemetery Authorities and provided that there be no prohibition against such entombment by any public health authority.

**Arrangement for Funerals and Interments**

1. The Cemetery Authorities shall have the right to request those wishing to make a selection of a plot or crypt, or to arrange for an interment to call at the cemetery office in ample time to complete arrangements before closing time of such cemetery office. A minimum of not less than 48 hours is required in placing of an order for a grave opening for an interment. This does not include Sunday or legal holidays. Emergency cases will receive proper consideration.
2. All arrangements for interment or purchase of interment privileges made by a plot holder through a funeral director or other agent shall be binding on said plot holder.
3. Funerals shall not be admitted to the cemeteries when they are escorted or accompanied by regalia or banners of societies, organizations, or lodges which are banned be Ecclesiastical Law.
4. The Cemetery Authorities may accept a request for an interment or opening of a plot for any purpose with proper written authorization from any plot holder or record, unless there are written instructions to the contrary on file in the main office of the cemeteries. To avoid serious inconvenience, the Cemetery Authorities may accept from the plot holder a telegraphed interment authorization.
5. The Cemetery Authorities shall not be responsible for any order given by telephone or any mistake occurring from the lack of proper instructions as to the size of the vault, for as to the particular grave location where interment is to be made.
6. The Cemetery Authorities 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 the rules and regulations have not been complied with, or where said rules and regulations shall forbid such interment and further, said Cemetery Authorities reserve the right under such circumstances to have the body placed in a receiving vault until full rights have been determined. Any protest may be required to be in writing and filed in the main office of the cemetery.
7. Cement vaults are required for all casket interments

**Interment/ Disinterment Procedures**

1. A burial permit for each funeral is required by the local government or public authority having jurisdiction of the matter must be presented to the Cemetery Authorities before interment is completed.
2. The Cemetery Authorities shall not be liable for the burial permit or responsible for the accuracy of the data contained in said permit or for the identity of the person to be interred.
3. The Cemetery Authorities reserve the right to demand written evidence of eligibility for Catholic burial according to the norms of Canon Law.
4. The casket may not be opened at any time within the cemetery without the expressed permission (and in presence) of the Cemetery Authorities. The Cemetery Authorities 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. This representative would be either the next of kin or the executive of the decedent’s estate.
5. If the body is already interred, it may be disinterred only if a permit is issued by the local registrar. Permission is obtained after a funeral director or Cemetery Official gives the registrar the name of the deceased, the date and cause of death and written consent of the legal representative. A court order is required in order to have the casket opened. In the event necessity requires, the Cemetery Authorities may take appropriate steps to correct any improper condition.
6. Disinterment will be permitted after the completion of the Petition for Removal of Remains Form is reviewed by the Diocesan Cemeteries Office.
7. The Cemetery Authorities shall exercise due caution in making a disinterment and removal, but they shall assume no liability for the damage to any casket or burial case incurred in making the disinterment and removal.
8. All interments and removals subject to these rules and regulations shall also be subject to the orders and laws of the properly constituted civil authorities whether of the local, county, state, or federal government.

**Instructions to Plot Holders and Plot Holders’ Rights**

1. The Cemetery Authorities reserve the right to specify the terms of purchase of all interment rights and to fix the number of interments allocated to a plot. A maximum of two caskets interments or two cremated remains are permitted in a grave space.
2. If the purchaser fails to carry out the terms of the purchase agreement, the Cemetery Authorities may declare said agreement cancelled and all rights of the purchaser in and to the plot forfeited.
3. No coping, curbing, fencing, hedging, or enclosures of any kind be allowed around the plot or memorial. The Cemetery Authorities reserve the right without prior notice to remove same if so erected, planted, or placed.
4. The Cemetery Authorities reserve the right to remove without prior notice enclosures previously erected which have become unsightly or dangerous.
5. If the Burial Privilege Form of the plot has been lost or mislaid, an affidavit sworn to before a Notary Public must be presented in which the person claiming rights to said plot and state that no other party has prior or equal rights to said plot.
6. In case of the loss of a Burial Privilege Form to a plot, a duplicate Burial Privilege Form may be issued to the person who has established legal right to it after satisfactory proof of said loss has been presented to the cemetery.
7. Interment of non-Catholic relatives of an interfaith marriage may be buried in Saint Peter Cemetery alongside the Catholic members of the family.
8. The use of a plot is for the plot holder or plot holder’s relatives for interment purposes only and not for resale or profit. By special permission of the Cemetery Committee, a person not a member of the plot holder’s family may be interred in said plot, but in no case, shall a plot holder have any right to sell, transfer, exchange, or in any manner dispose of said plot or any part thereof or any right or interest therein or any use of said plot without written permission of the Cemetery Committee.
9. In the event of the death of a plot holder, any and all privileges of the holder shall pass to the plot holder’s spouse or family. The plot holder shall have filled written instructions at the main office of the cemetery as to which member or members of his (or her) family shall succeed to the right of said plot, if plot contains more than one interment space.

**Service Charges**

The Cemetery Authorities shall have the right to fix a charge and time of payment for each interment, disinterment, removal, plot transferred or returned and for the performance of any such other service rendered by the Cemetery Authorities

**Use of Cemetery**

1. Animals: Animals shall not be allowed in the cemetery.
2. Lawns: Lawns shall not be disturbed for any purpose except under the supervision of the Cemetery Authorities. Planting of any kind including trees or shrubs is prohibited.
3. Ornaments and Flower vases: The right is reserved to regulate the method of decorations of plots so the uniform beauty may be maintained. The use of shells, toys, metal design, ornaments, glass, plastic, crockery jars and containers, metal cases, barriers, above ground edging, pebbles, footstones, iron furniture, concrete urns, pedestals, shall not be permitted at any plot. The Cemetery Authorities will not be responsible to maintain around any such objects that have been placed in front or around the memorial that has been overgrown with weeds or grass. The Cemetery Authorities shall not be responsible for vases, floral pieces, baskets of flowers or any such objects that have been placed on the plot.
4. Floral Pieces or Vases: The Cemetery Authorities shall not liable for vases, floral pieces, baskets of flowers in which or to which such floral pieces are attached.
5. Trees and Shrubbery: The Cemetery Authorities reserve the right to remove or prune any trees or shrubbery previously planted in the cemetery which may mar the beauty of the cemetery or which may encroach upon or interfere with other lots or which have been previously placed without written permission. Placing of trees or shrubs on a plot is prohibited.
6. Plants-Flowers-Wreaths: are permitted on plots at the head of the grave (one foot away from the base of the memorial) but may be removed when unsightly or within the reasonable discretion of the Cemetery Authorities. Any person placing baskets or other flower holders on a grave are cautioned not to use nails or wire to support the holder. Such objects when left in the lawn cause damage to mowers and may cause serious injury. There will a general time for cleanup of the entire cemetery during the year on or about the following date: MARCH 15th. If a plot holder wished to retain their decoration or container, they should be removed before the date.
7. Motor Vehicles: Automobiles and trucks must be kept under control at all times and at no time shall such vehicles drive through the gates or within the cemetery at a speed in excess of fifteen miles per hour. It is prohibited to park or leave any motor vehicles on any road or driveway within the cemetery at such location or in such position as to prevent any other vehicle from passing. All vehicles must stay on roadway or driveway, vehicles are not permitted to drive on the lawn of any part of the cemetery to gain access to the plot.

**Loss or Damage**

The Cemetery Authorities disclaim all responsibility for loss or damage from cause beyond their reasonable control, and especially from damage by an act of God, the elements, earthquakes, flood, war, common enemy, air raids, invasions, insurrection, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond control of the Cemetery Authority whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section or plot, including graves or any portion or portions thereof in the cemetery, which have been damaged by such causes, the Cemetery Authorities shall give a ten-day written notice of the necessity for such repair to the 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 plot holder of record at his or her address stated on the books of the Cemetery Authorities. In the event the plot holder fails to repair the damage within a reasonable time, the Cemetery Authorities may direct that the repairs be made and charge the expense against the plot and to the plot holder of record.

**Plot Holder’s Change of Address**

It shall be the duty of the plot holder to notify the Cemetery Authorities of any change in his or her post office address. Notice sent to a plot holder at the last address in the Cemetery Authorities’ record shall be considered sufficient and proper legal notification.

**Care**

1. Care to be understood as that care and maintenance of plots necessitated by natural growth and ordinary wear, the cleaning and maintenance of roadways, walks, and mausolea, provided there are sufficient care funds for that purpose.
2. The term “care” shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any plot; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in the cemeteries including work caused by improvement nor does it mean the reconstruction of any marker, granite, bronze or concrete work on any section or plot, or any portion or portions thereof in the cemetery injured or damaged by any caused direct or indirect beyond the Cemetery Authorities reasonable control, including work caused impoverishment of the soil or disruption of water supply or facilities; nor does it mean the reconstruction of any marker, granite, bronze or concrete work on any section of plot, or any portion or portions thereof in the cemetery injured or damaged by any cause direct or indirect beyond the Cemetery Authorities reasonable control.

**Memorials and Rules for Memorial Work**

1. Memorial dealers and foundation installers shall abide by all the rules and regulations of the cemetery. A Certificate of Insurance should be on file with the Diocese of Allentown prior to any work being performed in the cemetery.
2. Each monument, or flat marker shall have an acceptable Catholic symbol thereon.
3. The Cemetery Authorities reserve the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in the cemeteries. All memorials are subject to the approval of the Cemetery Authorities prior to placement. Acceptance or rejection shall be based upon such prior approval.
4. The Cemetery Authorities also reserve the right to issue under separate cover detailed regulations and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers to be placed in the cemeteries. Said detailed regulations and instructions and all amendments thereto are hereby made a part of these rules and regulations.
5. The Cemetery Authorities reserve the right to fix the days and hours when a permit may be obtained and when any memorial may be delivered to the cemeteries and when foundations may be installed.
6. All memorial work or placement or removal of any memorial or foundation work shall be on the written orders of the plot holder, and with a permit issued by the Cemetery Authorities. Endowed Care must be paid in full on the plot where the memorial or inscription is to be placed.
7. The Cemetery Authorities reserve the right to approve all foundations installed by authorized foundation installers. A performance bond may also be required at the discretion of the Cemetery Authorities, to insure the satisfactory completion of work to be done by approved monument companies and foundation installers.
8. Inscriptions and art on memorials from Sacred Scriptures and Catholic tradition are appropriate. Inscriptions should not be offensive to the Catholic faith. Personal emblems will be considered by the Cemetery Office. If approved, it is recommended that emblems should be restricted to a four-inch square. Memorials must not offend religious proprieties, church discipline or good taste.
9. The Cemetery Authorities shall charge for memorial permits, foundation permits, placements or removals, and have the right to require that said charge be paid in advance. The Cemetery Authorities also have the right to charge a fee for any memorial left at the cemetery before cemetery permits have been issued.
10. A detailed plan and design of all memorials must be submitted to the Cemetery Authorities for approval before a permit will be issued, and no memorial shall be erected or placed until checked, approved, and accepted by the Cemetery Authorities. A detailed plan, design, and specifications for a foundation must also be submitted to the Cemetery Authorities when such foundation is to be installed by an approved foundation installer. If the foundation does not conform in every detail to the approved design, it shall be the sole responsibility of the dealer to correct any errors or deficiencies in workmanship and material.
11. The location and position in which a memorial or foundation is to be placed or erected on a plot shall be entirely subject to the approval and under the supervision of the Cemetery Authorities.
12. No monument extending above the surface of the ground shall be erected on plots not specifically set apart for such monument privilege.
13. Only one flat marker will be permitted on each grave. The plot must be at least two or more graves and must be in the area of said plots. The stone must be in the center of the plot. The overall size is determined by the size of the plot purchased.
14. Government markers on all plots must be placed at the head of the grave. Government markers on a single grave can only be used if there is no other marker there.
15. Non-cemetery workers engaged in placing or erecting monuments, foundations or other structures are prohibited from scattering their material on the grounds longer than is absolutely necessary.
16. Damage done to plots, walks, drives, trees, shrubs, or other property by non-cemetery workers, dealers or contractors, or their agents shall be repaired by the Cemetery Authorities, and cost for such repair shall be charged to the dealer or contractor or to his principal.
17. The Cemetery Authorities reserve the right to stop all work of any nature whenever, in their 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 any reasonable request on the part of the Cemetery Authorities is disregarded; or when any person employed on the work violates any rules of the Cemetery Authorities.
18. While the Cemetery Authorities will exercise due care to protect raised lettering, carving, or ornaments on any memorial or other structure on any plot, they disclaim responsibility for damage or injury thereto.
19. The Cemetery Authorities reserve the right to correct any error that may be made by their employees or by any other person or persons in the location or placing of a memorial or foundation in the cemetery.
20. Should any memorial, or tomb become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, the Cemetery Authorities shall have the right either to correct the condition or to remove the same without notice in either case at the expense of the plot holder.
21. Soliciting memorial sales, the installation of memorial foundations, or other memorial work within the cemetery is not permitted
22. No foundation work or memorial placement may be performed at times other than during cemetery hours, dawn to dusk.