



**Rule and Regulations**  
For  
**Saint James the Greater Cemetery**  
**Cincinnati, Ohio**

## **PREAMBLE**

*“The Church through its funeral rites commends the dead to God’s merciful love and pleads for the forgiveness of their sins. At the funeral rites, especially at the celebration of the Eucharistic sacrifice, the Christian community affirms and expresses the union of the Church in heaven in the one great communion of saints. Though separated from the living, the dead are still at one with the community of believers on earth and benefit from their prayers and intercessions. At the rite of final commendation and farewell, the community acknowledges the reality of separation and commends the deceased to God.”*

The above paragraph from the General Introduction of the Order of Christian Funerals expresses our confident belief in the resurrection of the body and the communion of saints. As a further seal and symbol of our faith, the Church regards its cemeteries to be sacred, holy places and raises a cross in each as a sign of hope to all Christians in the resurrection.

In the very earliest days, Christians have respected and honored the bodies of the dead and the places where they rest. To insure the dignity and reverence and sacred character of its cemeteries, rules and regulations were created to maintain good order. The following are the rules and regulations of St. James Cemetery, which are established to ensure the sacred character of St. James Cemetery, in accord with the mind and traditional practice of the Roman Catholic Church, and to maintain good order for the use of the cemetery.

All lot owners and visitors, and all rights of interment, or entombment are subject to the rules and regulations of the cemetery which are now in force or which may hereafter be adopted without prior notice by the Cemetery Board of St. James Cemetery (the “Board”). All determinations as to the interpretation of these rules and regulations shall be made by the Board or Pastor of St. James the Greater Church.

## DEFINITIONS

“**Board**” shall mean the Board of St. James Cemetery, the members of which shall be appointed by the Pastor.

“**Care**” shall mean the general care of the cemetery.

“**Cemetery**” shall mean all properties held and being used or to be used for interment as well as all properties used for related purposes such as roadways, walks, and buildings.

“**Entombment**” shall mean the burial above ground in a columbarium.

“**Grave**” shall mean a space of ground in the Cemetery of sufficient size to bury the remains of one (1) deceased person.

“**Interment**” is the permanent disposition of the remains of a deceased person by burial.

“**Lot**” shall include and apply to one grave or more than one grave when the graves are adjoining.

“**Lot Owners**” are those persons who have purchased interment rights in the Cemetery.

“**Management**” shall mean the person or persons duly appointed by the Pastor for the purpose of conducting and administering the day to day operations of the parish cemetery.

“**Memorial**” shall mean a monument or grave marker for one or more deceased persons.

“**Parish**” shall mean the congregation of St. James the Greater Church, White Oak, Hamilton County, Ohio.

“**Pastor**” shall mean the Pastor of the Parish appointed from time to time by the Archdiocese of Cincinnati.

“**Vase, Permanent type**” is defined as a lawn-level vase cast in concrete that will be upright when in use but reversed and closed flush with the ground when not in use.

“**Vault**” shall mean an outer container of reinforced concrete or steel used for the protection of the casket and to eliminate settlement of the ground after a grave is closed.

## **ARTICLE I- ADMISSION TO CEMETERY**

**Admission:** The Pastor or Management reserves the right to refuse admission to the Cemetery to any person who is not there for the sole purpose of burying the dead or visiting a grave; or whom the Pastor or Management deems detrimental to the best interest of the Cemetery.

**Hours:** The Cemetery shall be open from dawn to dusk, unless weather conditions make it unsafe to travel on the roads in the Cemetery.

**Safety:** Persons with the Cemetery should exercise caution while walking over the grounds because of irregularities in grading.

**Personal Conduct:** Idling, loitering, or any boisterous demonstrations within the Cemetery or any of its buildings are prohibited. No bicycles, in-line skates, skateboards, roller skates, scooters, tricycles or similar items may be brought into or used in the Cemetery.

**Drugs and Alcoholic Beverages:** Non-prescription drugs and alcoholic beverages are not permitted in the Cemetery.

**Signs and Advertising:** No signs, notices, or advertising of any kind shall be allowed within the Cemetery except those placed by the Management or those for which the Management has given express written approval.

**Animals and Pets:** Except for seeing-eye dogs, animals and pets are not allowed in the Cemetery at any time.

## **ARTICLE II – INTERMENT PROCEDURES SUBJECT TO LAWS**

In addition to being subject to these Rules and Regulations, all burials within the cemetery are expressly made subject to the laws and regulations of any governmental authority having appropriate jurisdiction.

**Time and Charges:** All burials within the Cemetery must be made at the time, in the manner, and upon receipt of such charges as are fixed by the Management from time to time.

**Notice:** The management reserves the right to insist upon at least twenty-four (24) hour notice prior to any burial. The Management shall not be responsible for the failure of the funeral home or the family to notify the Management that a burial is to take place.

**Grave Fully Paid For:** Except by special prior written consent of the Management, no burial shall be permitted within the Cemetery and no rights shall be acquired by the purchaser or purchasers of a right of burial until the price of the grave is fully paid as provided in the contract between the purchaser and the Cemetery.

**Errors in Instructions:** The Management shall not be responsible for any interment or

instructions concerning an interment given by telephone, or any mistake occurring due to lack of proper instructions as to the particular grave location where an interment is to be made. The Management reserves the right to make an equitable charge whenever additional labor costs result from such a mistake.

**Funerals:** All funeral processions on reaching the Cemetery entrance shall be under the supervision of the Management and its employees. All burials shall be made only by the Cemetery personnel. Only equipment owned by or under the control of the Management shall be used in making a burial.

**Open Caskets:** The casket may not be opened at any time within the Cemetery without the expressed permission and presence of the Management. The Management reserves the right to refuse permission to anyone to open the casket without the consent of the legal representative of the deceased or without a Court Order.

**Vault:** No burial shall be permitted in a grave unless the grave contains a vault into which the casket is placed and which is sealed prior to the grave being closed.

### **ARTICLE III – REMOVAL OF REMAINS OF DECEASED**

**General:** When the removal of the remains of a deceased from a grave (“disinterment”) within the Cemetery is requested, the next of kin must consult the Management to be properly advised of disinterment procedures. The cause for disinterment must be reasonable. Permission of the spouse (18 years of age or older) or a court order must be obtained before the disinterment process can be started (Ohio Revised Code, Sec. 517.24). All disinterments shall be subject to charges set by the Management.

**Subject to Laws:** In addition to being subject to these Rules and Regulations, all disinterments from the Cemetery are expressly made subject to the laws and regulations of any governmental authority having appropriate jurisdiction. No disinterment shall be made if the deceased died of a contagious or infectious disease, until a permit has been issued by the Board of Health of a general district, township, or city health district.

**Time and Charges:** All disinterments must be made at the time, in the manner and upon receipt of such charges as described within these Rules and Regulations or otherwise fixed by the Management.

**Notice:** The Management reserves the right to perform any disinterments at the convenience of the Management.

**Applications:** An application for disinterment under Section 517.23 of the Ohio Revised Code shall be in writing and shall follow the stipulations of that section of the law.

Cemetery personnel will not be held responsible for damages or injuries resulting from defects in burial vaults, concrete cases and lids thereof, or caskets during a disinterment.

#### **ARTICLE IV – LOT OWNER’S RIGHTS**

**Right of Burial Only:** The lot owner does not purchase property in fee, only a right of burial therein. Not more than one (1) body, or the remains of more than one (1) body shall be buried in one grave or crypt unless that grave is fitted with a double depth “lawn crypt” or a companion crypt.

**Individual Rights:** All lots purchased shall be presumed to be the sole property of the person or persons named in the Certificate of Burial Rights; provided, that a spouse of a lot owner shall have a vested right of burial of his or her remains in any unused grave, which shall continue as long as he or she shall remain the spouse of the lot owner or shall be his or her spouse at the time of such lot owner’s demise.

If the lot owner files with the Management written instructions that are legally sufficient to name who will be interred in individual graves, the instructions will be recognized by the Management and will be followed if such instructions are definite, reasonable, and practical, subject however to a vested right of interment of the surviving spouse.

In the absence of valid and legally sufficient written instructions, filed with the Management by the lot owner, or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto by the laws of interstate succession of the State of Ohio. A vested right of burial is herein provided may be waived and shall terminate upon interment elsewhere of the remains of the person entitled thereto.

#### **ARTICLE V – PURCHASE OF LOTS**

**Selection:** Persons desiring to purchase a grave or lot should contact the Parish Office. All price and methods of payment are fixed by the Parish.

**Graves and Lots:** Shall be sold only to individuals who are active parishioners of St. James Parish at the time the grave or lot is purchased.

**Certification of Burial Rights:** A certificate of Burial Rights shall be issued to each grave or lot purchaser upon full payment of the purchase price except in the case of a single grave or crypt being purchased for immediate need. In this case, all records on file in the Parish Office will be in the name of the deceased.

The presentation of the Certificate may be required at the time the arrangements are made for burial or whenever any other rights are to be exercised. When such Certificate is not presented, or when presented by someone other than the original lot owner, the Management will be governed by the property rights of the original lot owner and the sequence of inheritance expressed in these Rules and Regulations in allowing the burial of the remains of any deceased person.

**Change of Address:** It shall be the duty of the lot owner to notify the Management of any changes of his/her address. Notice sent by the Management to said owner's last address of record shall be proper and legal notification.

**Resale of Lot (plot):** The use of 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 an unoccupied portion of a lot (plot) maybe sold only to the Saint James Cemetery of the Archdiocese of Cincinnati.

**No Profit:** State law prohibits a grave or lot within the Cemetery from being resold at a profit.

**Indebtedness:** The Management reserves the right to refuse to consent to a transfer or to an assignment of the grave or lot as long as there is any indebtedness due the Cemetery from the lot owner.

#### **ARTICLE VI – TRANSFER OF OWNERSHIP**

In the event of 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 vested right of interment of his/her remains in the lot (plot), which right may terminate upon remarriage.

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 will 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 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 intestate laws of the State of Ohio.

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.

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.

## **ARTICLE VII – DECORATIONS AND MEMORIALS**

**Planting:** All planting and work of any nature shall be under the exclusive control of the Cemetery. The planting of any tree, shrub, bush, plant or flower, or any other vegetation of any kind, whether an annual or a perennial, is expressly prohibited. No coping, curbing, fencing, hedging, border or enclosure, stones, gravel or aggregates, or any other material of any kind, whether natural or artificial, shall be installed, erected, planted, placed or allowed around a lot or grave. Turf shall not be disturbed for any purpose except under written authorization of the Management. Planting or other work accomplished in violation of these rules and regulations shall be removed by the Management and the owner of the burial area charged for the reconditioning of the affected area.

**Flowers:** The Cemetery has no alternative but to remove artificial flowers in order to mow the grass. Therefore, the following procedures will prevail pertaining to flowers:

Potted plants and containers made of glass, pottery and other breakable materials are prohibited and, if placed, will be immediately collected and discarded. Power mowers hitting such objects endanger the lives of workmen and visitors alike.

Permanent type vases only will be permitted in the Cemetery.

Fresh cut flowers only will be permitted to be placed in the permanent type vases between March 15 and November 15. Wilted flowers will be removed.

Five days after Easter, Mother's Day, Memorial Day and Father's Day, all fresh cut flowers will be gathered and discarded at the discretion of the Management.

Artificial flowers and wreaths of artificial flowers, in good condition, will be permitted to be placed and remain on graves.

**Flags:** The placement of flags shall be permitted on graves of Veterans of the Armed Forces; however, these flags shall be removed when, in the opinion of the Management, it is desirable to do so. Further, the flags must be stuck in the ground as the placement of flag holders or emblems shall be prohibited, and any holders or emblems shall be removed by the Management and discarded.

**Permanent Memorials:** In the interest of helping and protecting people in the

selection of memorial markers and vases, the Cemetery requires that all workmanship on, and materials in, memorials and vases be of high quality. Accordingly, acceptance of any and all memorials and vases for placement in the Cemetery must meet the standards set forth in these Rules and Regulations.

A memorial application and detailed designs must be submitted to the Cemetery prior to any work being started by the memorial dealer on the memorial, and the designs will be accepted or rejected, depending on size, structural stability, location, lettering, etc., all shall be in compliance with these Rules and Regulations.

The following dimensions and specifications for memorials shall be observed in the Cemetery:

Standard Double.....12"x36"x30"  
Maximum Double.....16"x48"x30"  
Single.....12"x24"x30"

If the memorial does not conform in every detail to the approved designs, it shall be the sole responsibility of the memorial dealer to return the memorial to its place of business and to correct any errors or deficiencies in workmanship and material.

To expedite handling of the memorial application and placement of the memorial or vase, payment of installation charges shall accompany the application.

All memorials and vases shall be installed under the direction of the Cemetery personnel in the manner prescribed by the Cemetery. Any memorial installed by an independent memorial dealer shall conform to all of the regulations contained in these Rules and Regulations and the following:

Memorial companies or dealers shall complete the Memorial Application and receive Cemetery approval of the design plans prior to the production and delivery of any memorial to the Cemetery.

The Cemetery shall reserve the right of site location, selection, conduct of installation of the memorial and protection of site. Therefore, a location and layout design must be submitted with the application.

Application for installation of an approved Cemetery memorial shall be submitted at least two (2) working days in advance.

Installations shall be made during normal Cemetery working hours and only during favorable weather and ground conditions.

Any memorial dealer doing work in the Cemetery shall present to the Cemetery its Certificate of Workmen's Compensation for its employees and liability insurance insuring against any damage that may occur to the Cemetery grounds or persons or property in the Cemetery. The Cemetery shall be held harmless from and against any injury caused by the

memorial dealer or its employees or agents. Likewise, memorial dealers shall protect the cemetery grounds and cause no damage to turf by ingress or egress to the work site.

Should any memorial or monument become unsightly, in need of repair, or a menace to the safety of persons with the Cemetery, the Management shall have the right to correct the condition or to remove the same without prior notice to the lot owner if the Management deems necessary.

Lot owners are advised that memorials are not Cemetery property but remain the personal property of the lot owner. Therefore, memorials should be insured under the lot owner's homeowners' insurance policy.

**Renovation:** The Management reserves the right to upgrade or make improvements in any area of the Cemetery. Renovation is periodically necessary and is a benefit to all lot owners. Renovation can include but is not limited to realigning and resetting grave markers at lawn level, eliminating evergreens and shrubbery that had been planted prior to the issuances of these Rules and Regulations, and any other item invading other lots or obstructing other memorials.

#### **ARTICLE VIII – GENERAL LIABILITY OF MANAGEMENT**

The Management shall take reasonable precautions to protect each grave and the remains therein from loss or damage; but the Management hereby disclaims all responsibility for loss or damage from causes beyond Management's reasonable control, including, but not limited to, damage to vaults, vases, memorials or monuments caused by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar to the foregoing that is beyond the reasonable control of the Management, whether the damage be direct or collateral. The Management shall be held only to the exercise of reasonable care and diligence in the management and maintenance of the Cemetery, and shall not be held liable for any obligation not expressly set forth within these Rules and Regulations.

#### **ARTICLE IX – EXCEPTIONS AND MODIFICATIONS**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Management, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.

The Management may, and it hereby expressly reserves the right, at any time and from time to time, to adopt new rules and regulations or to amend, alter and repeal any rule, regulation or article, section, paragraph, or sentence in these Rules and Regulations.

#### **ARTICLE X – RIGHT TO REPLAT**

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 or interment of, human dead bodies, or other cemetery purpose:

To re-survey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part, portion of the cemetery.

To lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, or drives, provided ingress and egress to and from any lot (plot) is preserved or is allocated to the lot (plot) holder.

The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time or from time to time:

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.

#### **ARTICLE XI – 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, 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 control of the Management, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section of lot (plot), including graves or crypts, or any portion of portions thereof in any cemetery, which has been damaged by such causes, the Management shall give 10-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 records.

#### **ARTICLE XII CORRECTION OF ERRORS**

The Management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any rights of lot (plot), either by canceling such conveyance and substituting and conveying in lieu thereof other interment rights or lot (plot) of equal value and similar location as far as possible, as may be selected by the Management, or in the sole discretion of the Management, by refunding money paid on account of said purchase. In the event any such error shall involve the interment of the remains of any person in any lot (plot), the Management reserves, and shall have, the right to remove and reinter the remains in such other lot (plot) of equal value and similar location as may be substituted and conveyed in lieu thereof.

### **ARTICLE XIII – COMMUNITY COLUMBARIA**

The Management reserves the right to issue under separate cover detailed regulations concerning the use of Community columbaria. Such regulations may include, but not be limited to: The decoration of crypts; the size, quantity, type, and placement of lettering on crypts; and the use or non-use of flowers, etc.

### **ARTICLE XIV – MISCELLANEOUS**

Section 1721.19 for the State of Ohio Revised Code regarding violations of rules of a cemetery association provides as follows:

“No person shall violate a bylaw, rule, or regulation adopted by the trustees, directors, or other officers of a cemetery company or association or by a board of township trustees have charge of township cemeteries, with reference to the protection, good order, and preservation of cemeteries, and the trees, shrubbery, structures, and adornments therein. Watchmen, superintendents, gardeners, or agents of a cemetery company or association may arrest on view, a person found violating this section and bring him before a judge of a county court or judge of a municipal court having jurisdiction within the township for trial.”

All persons are encouraged to visit the Cemetery; however, the Cemetery is a sacred place especially to those persons whose family and friends are buried therein; therefore, all visitors must conduct themselves in an acceptable fashion with due regard to the feelings of others. To this end, the Management shall have the right to eject from the grounds, any person or person whose actions they deem objectionable.

The Management, its agents and employees, other grave and lot owners and those reasonably entitled thereto, shall have a perpetual right of way over graves and lots to pass to and from other graves and lots.

The Management may at any time or from time to time in order to erect buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the interment of dead human bodies or other Cemetery purposes re-survey, enlarge, diminish, replant, alter in shape or size, or otherwise change all or any part or portion of the Cemetery area.

The Management shall have, to be exercised at any time and from time to time, easements and rights of way over and through the Cemetery grounds for the purpose of installing, maintaining and operating pipe-lines, conduits or drains for sprinklers, drainage, electric or communication lines or for any Cemetery purpose.

These revised Rules and Regulations were approved by the Board of Trustees of St. James Cemetery, Cincinnati, OH, at the meeting held on February 18, 2014.