

Holy Cross Cemetery Rules and Burial Rights Policy Handbook



**Holy Cross Congregation
423 South Main Street
Mishicot, Wisconsin
Parish Office
920-755-2550**

Holy Cross Cemetery was created as a final resting place for the faithful departed of our parish and others of the Catholic faith community. It is our sacred duty to preserve this resting place in perpetuity until that time when Jesus comes again to bring all of us home to be with him. Holy Cross Cemetery is part and parcel of the corporate structure of Holy Cross Congregation, Mishicot, WI. The Cemetery Committee, as a subcommittee of the Holy Cross Finance Council, is immediately responsible for the operation and management of the cemetery. Any questions regarding the operation of the cemetery, for arranging burials, or purchasing burial rights shall be directed to the Parish Office 920-755-2550 or the Sexton, Jerilyn Owen 920-973-6035.

PERPTUAL CARE

The term “Perpetual Care” shall mean only the cutting of grass, trimming and keeping the lot even. No care for flowers is included.

MARKERS AND FOUNDATIONS

No marble, sandstone, or man-made stone, except Portland cement concrete, shall be used for foundations. There shall be a minimum 5-inch margin of concrete around the monument. No grave marker shall be permitted at the foot of graves. In case of more than one burial per space, additional names may be on the same stone, using its face or back. No monuments shall be permitted on portions of graves in cemetery.

The maximum height of single, double or triple markers shall not be more than 36 inches above ground.

Grave markers shall be placed at the head of the grave. The maximum length of a single marker shall be 30 inches. The maximum length of a double or triple marker shall be 60 inches. Grave markers shall not be more than 14 inches thick.

Grave markers marking the cremains of a second burial on a plot, shall be placed flush in the ground and will be placed in the middle of the lot. The maximum length of this single marker shall be no more than 30 inches. Placement of flowers or any other type of decorations by this grave marker are not permitted.

Veteran’s markers shall be placed on back of monument.

The cemetery reserves the right to determine placement of monuments and markers, as long as the vault/casket or cremains are not disturbed. The burial and marker just need to be on that specific grave that has been designated for the deceased.

Monuments and markers belong to lot owners, though the cemetery does have an obligation to observe reasonable care while working around the stones. If damage to markers or monuments is due to vandalism or acts of God, the homeowner’s insurance policy of the lot owner should cover repair or replacement costs, subject to the policy deductible. If damage to markers or monuments is due to actions of cemetery employees or contractors working on behalf of the cemetery, the parish insurance policy should cover repair or replacement costs, subject to policy deductible

ADVERTISEMENTS

Dealers and manufacturers' cards or advertisements shall not be permitted on any stone, marker, or monument, or on any place within the cemetery limits.

KEEP CLEAN

All workmen who work on the cemetery, such as stone and monument cutters, haulers and truckers, or any contractor must keep all roads and near lots free from obstruction.

NOISES

No person shall disturb the quiet and good order of the cemetery by noises or any other improper conduct.

BIRDS – ANIMALS

No person shall be allowed to destroy bird nest, shoot or throw stones, catch or kill any birds or wild animals on the cemetery grounds.

Domestic animals are strictly forbidden in the cemetery at any time nor are they allowed to be buried for any reason.

RUBBISH

All persons are strictly forbidden to throw rubbish on walks or any part of the grounds. There will be containers on the grounds to throw in the rubbish.

DAMAGES

All persons are strictly forbidden to damage any flowerbeds, trees, or shrubbery or any of the cemetery grounds.

ROADS

The cemetery roads shall not be used as a public thoroughfare or short cuts; no person in the cemetery should make a "U" turn in the driveway but should drive around the section. Walking, driving, running, or snow activities over lots and graves are prohibited.

SPEED OF AUTOS

No automobile or other motor vehicle shall be operated or driven within cemetery grounds in excess of five (5) mile per hour.

SEASONAL PLANTING AND DECORATION DATES

1. Remove any winter decorations you want to save before April 15th.
2. Summer decorations can be erected after May 1st.
3. Remove any summer decorations you want saved before October 15th.
4. Winter decorations can be erected after November 1st.

FLOWERS, TREES AND ARTIFICIAL FLORAL ARRANGEMENTS

The planting of perennials, bushes and trees on graves or lots *will not be permitted*. Planting can *only be done on the back of the headstone*. Plants must not be more than eighteen (18) inches in back of and not greater than the length and height of any grave markers. All artificial plants must be placed in one container and shall be light enough to be moved by one person. This container must be placed on the same side of grave marker where natural flowers are planted.

PLANT HOLDERS, HANGING BASKETS FLOWER URNS and Other Decorations

All wire basket-type plant holders, shepherds' hooks, wrought-iron heart or plant hangers will be placed only to the right side of the monument foundation. They cannot be placed in front of or in back of the headstone or in any other area of the lot.

Wire basket-type plant holders shall not exceed 31 (thirty-one) inches in height or 18 (eighteen) inches in diameter at top or base and the plants shall be removed during the winter season as stated in the seasonal planting dates. There shall be a limit of one such planter per lot.

Hanging plant baskets shall not exceed the height of 5 (five) feet (any part of the plant or holder) and the plant shall not hang below the pot base.

Urns may be placed only on full size lots and are prohibited on any portion thereof. The maximum height of metal, wood, cement, or stone urns shall not exceed (twenty-six) 26 inches and the base of the urn shall not exceed (eighteen) 18 inches square or (eighteen) 18 inches in diameter. Urn means a vase-like container used only for planting live plants. Only one urn shall be permitted per lot and must be placed on the back of the headstone where other flowers may be planted. Wire basket-type plant holders shall not exceed 31 inches in height or 18 inches in diameter at top or base and shall be removed from the cemetery between Oct. 1st and Apr. 1st. There shall be a limit of one such planter per lot.

Any other type of decorations, such as but not limited to, decorative concrete signs, stuffed animals, statues, etc., are only allowed IF they fit on the concrete base of the headstone. If they are beyond this area, they will be immediately removed. Any item(s) removed due to violations of any of the rules listed in this handbook will be placed in the shed and held for sixty (60) days. After sixty (60) days they will be disposed of.

Beverage containers and food are not allowed to be placed on the gravesite.

PERMITS

Before any marker or monument is constructed or placed on any lot, the owner must have permission from the sexton.

The monument company must contact the sexton prior to placement of any headstone.

FENCES AND CORNER STONES

The placing of boxes, shelves, ornaments, chairs, settees, glass, wooden or iron fences or high corner stones or curbs *will not be permitted*. The placing of any type of edging or borders around planted areas *will not be permitted*. Only natural ground can be used for the planting of any

plants. Decorative stone, glass and other materials *are prohibited*. The sexton will have the right to remove them.

MOUNDS

No grave or lot will be permitted to have a mound. All graves must be even so it can be cut with a lawn mower. All head stones or markers must be even with the top of the ground.

GRAVES

All graves must be dug so that the head of the boxes must head west. All stones, head markers, and monuments must be in a straight row at the head of the grave. (See sexton)

FINES

All persons who do not obey these rules are subject to a fine of Five Hundred (\$500.00) Dollars plus court cost.

ROUGH BOXES

All rough boxes or vaults must be made of concrete, marble, or rustproof material.

INTERMENT REGULATIONS

No person shall enter any body or remains in any lot or part of the cemetery without first notifying the sexton of such intention and furnishing him with the necessary information to enable him to complete his records. No burial will be made without a proper death certificate or burial permit.

The term grave space as used herein shall be construed as the space required for one adult burial. Standard grave space dimensions shall be set at 10 feet by 3 feet 4 inches but may be a reasonable variance from the standard. The term standard lot shall refer to a lot with dimensions of 12 feet by 14 feet. Variations from the standard are permitted with approval of sexton. The interment of two adult bodies in one grave (that is one above the other) will not be allowed, except in case of an adult and an infant child.

The interment of two cremated remains may be allowed in one adult grave, or with other remains in one of the same grave. The minimum container requirement for cremated remains shall be as supplied by a crematorium.

There should be at least (eighteen) 18 inches of ground above the buried vault (or the cremations urn) so proper turf maintenance is enhanced, and surface care is limited.

Cremation urns should be made of unbreakable material that can withstand ground pressure and moisture; bronze is an excellent choice. As an accommodation, urns are readily available from the funeral home. Urns of china, glass, plastic, wood, or household containers are not recommended.

WINTER BURIALS

Cemeteries are required to perform burials in all seasons including winter. The family is not required to choose a winter burial. The family does have the option of a burial at a later date. If a family elects to have the burial at a later date, the “Waiver of Right to Winter Burial” form must be signed by the family and kept in the cemetery records.

When a family chooses a winter burial, they must sign the “Hold Harmless” document. This document will protect the cemetery in case of an error when locating the grave or performing the winter burial. It will also shield the cemetery from any liability for damage which might occur while performing the burial. This form must be signed by the family and kept in the cemetery records.

A burial may be refused if the cemetery authority and the pastor/administrator/pastoral leader agree on the impracticability of the burial. The “Impracticability Agreement” must be signed by the cemetery sexton, the pastor/administrator/pastoral leader. A copy of the signed document will be kept with the cemetery records.

State law requires cemeteries to do burials in all seasons. The law reads as follows:

“Wisconsin Statutes Section 157.114” Duty to provide for burials.

1. In this section “cemetery authority” does not include a municipality that takes control of a cemetery under s.157.155 (1) (b) or a town board that takes charge of acemetery under s.157.115 (1) (c).
2. A cemetery authority shall, insofar as practicable, provide for burials during each season, including winter. Nothing in this subsection may be construed to prohibit a cemetery authority from charging a reasonable fee to recover the costs related to providing for a burial during difficult weather conditions.

PURCHASE AND SALE OF BURIAL LOTS

The sale of all lots will go through the Holy Cross Cemetery sexton. The purchase price includes the right for burial only. You are not purchasing physical property. The purchaser does not take ownership of the land on which the lot(s) are located, but rather the purchaser becomes a holder of burial right(s) to that space.

Pricing below is for the burial rights to the lot only. All opening and closing costs will be billed through the funeral home. Only the approved contractor may open and close grave sites.

	Registered HC Parishioner	Non-Registered Parishioner
One Adult Lot = 1 full casket or 2 cremains*	\$600	\$900
One Child Lot = 1 child-size casket or 1 cremains*	\$300	\$450
One Infant Lot = 1 casket or 1 cremains	\$100	\$150
One Cremation Lot = 1 cremains	\$300	\$450

**Under extenuating circumstances, the Holy Cross Cemetery sexton or committee member has the right to make an exception to the limit of burials on one lot.*

SECOND BURIAL RIGHTS

The second burial right charge is incurred when there is an additional burial after the first burial on one (1) lot. The charge will be 50% of the cost of the burial rights listed in this handbook. Payment for second burial rights will be paid prior to the Holy Cross Cemetery prior to the burial. Second burial rights charges are:

	Registered HC Parishioner	Non-Registered Parishioner
One Adult Lot = 1 full casket or 2 cremains*	\$300	\$450
One Child Lot = 1 child-size casket or 1 cremains	\$150	\$225

RESALE OF BURIAL RIGHTS

Resale of any burial rights is prohibited by and purchaser. The Holy Cross Cemetery Association will buy back any burial rights the purchaser does not want at the price listed below:

- Lot purchased prior to 2010 - \$350 Full-size lot
- Lot purchased between 2001 – December 2013 - \$450 Full-size lot
- Lot purchased between January 2014 – November 30, 2019 - \$600 Full-size lot
- Lot purchased after December 1, 2019 – Per price chart above

Contact the sexton for a Burial Rights Buyback.

TRANSFER AND RELINQUISHMENT OF BURIAL RIGHTS

Upon the death of the holder of burial rights on a given lot, direct legal heirs should assure that the cemetery records show the proof of transfer of burial rights. According to Wisconsin State Statutes 157.10, when the original owner(s) of a burial space(s) or lot die and is/are buried there, any remaining burial spaces (burial rights) pass equally to all direct heirs. No burials or designations/assignments for future use of the remaining burial rights may be made without the written permission of all heirs; or if all heirs have agreed to transfer ownership to a single heir. Please contact the sexton for more information.

The original owner(s) of the burial rights on a given lot, may file a “Transfer of Burial Rights” to another family member prior to their passing. Please contact the sexton for more information.

ALL POLICIES, RULES, REGULATIONS AND PRICING ARE SUBJECT TO CHANGE.

**EFFECTIVE MAY 12, 2021
HOLY CROSS CEMETERY COMMITTEE**

Dan Scheuer – Co-Chairman
Larry Hlinak – Co-Chairman
Ken Beine – Treasurer
Jerilyn Owen – Sexton/Secretary
Lloyd Butler
Fr. Christian Raj – Pastor

Updated May 12, 2021

CANON LAW OF THE ROMAN CATHOLIC CHURCH

Canon 1176

1. Deceased members of the Christian faithful must be given ecclesiastical funerals according to the norm of law.
2. Ecclesiastical funerals, by which the Church seeks spiritual support for the deceased, honors their bodies, and at the same time brings the solace of hope to the living, must be celebrated according to the norm of the liturgical laws.
3. The Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed; nevertheless, the Church does not prohibit cremation unless it was chosen for reasons contrary to Christian doctrine.

Canon 1180

1. If a parish has its own cemetery, the deceased members of the faithful must be buried in it unless the deceased or those competent to take care of the burial of the deceased have chosen another cemetery legitimately.
2. Everyone, however, is permitted to choose the cemetery of burial unless prohibited by law.

Canon 1208

When the blessing of a cemetery has been completed, a document is to be drawn up, one copy of which is to be kept in the diocesan curia and another in the archive of the church.

Canon 1240

1. Where possible, the Church is to have its own cemeteries or at least areas in civil cemeteries that are designated for the deceased members of the faithful and properly blessed.
2. If this cannot be achieved, however, then individual graves are to be properly blessed.

Canon 1241

1. Parishes and religious institutes can have their own cemetery.
2. Other juridic persons or families can also have a special cemetery or tomb, to be blessed according to the judgment of the local ordinary.

Canon 1242

Bodies are not to be buried in churches unless it is a question of burying in their own church the Roman Pontiff, cardinals, or diocesan bishops, including retired ones.

Canon 1243

Particular law is to establish appropriate norms about the discipline to be observed in cemeteries, especially with regard to protecting and fostering their sacred character.