

RULES AND REGULATIONS  
MT. CALVARY CATHOLIC CEMETERY, ST. MARYS, KANSAS &  
HOLY CROSS CATHOLIC CEMETERY, EMMETT, KANSAS

PREAMBLE

Like Catholic churches, Catholic cemeteries are considered "sacred places" in Canon Law (cf. Canon 1205). They are dedicated by the local ordinary (or his representative) to be used for a religious purpose. The designation as a "sacred place" then defines what is acceptable in that place.

These Rules and Regulations are founded solely upon the premise that those who select and purchase burial rights (i.e., traditional ground burial, lawn crypt burial, or mausoleum entombment) in Mt. Calvary Cemetery or Holy Cross Cemetery ("the Cemeteries") as the final resting place for their revered dead, will wish to see the preservation of the religious and dignified atmosphere that presently prevails. These Rules and Regulations are not designed to unduly restrict, restrain or regiment the rights of anyone in the full utilization of any said Cemetery or mausoleums. Accordingly, these uniform Rules and Regulations have been adopted, will be carefully observed and enforced, and will be changed or repealed only if and when the necessity should arise; and such changes (or repeals) will be done only when the Pastor of Immaculate Conception Church ("Pastor") in consultation with the Mt. Calvary Cemetery Board or Holy Cross Cemetery Board ("the Boards") deem such action necessary or desirable, in order to preserve and continue the values above enumerated.

Therefore, the following Rules and Regulations are adopted and shall apply, not only to all of the owners of the rights of burial or entombment within said Cemeteries or mausoleums, but also to all visitors, employees and any others who may enter the sacred grounds or corridors of the foregoing premises.

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**I. COMPLIANCE**

The Cemeteries reserve the right to require all persons entering any of its Cemeteries or mausoleums, and all persons within the same, at any time to comply with each and every one and all of these Rules and Regulations.

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#### II. DEFINITIONS

- a. The term “Cemetery” shall mean all of the foregoing Cemeteries and mausoleums and other Cemeteries or mausoleums hereafter developed, acquired or erected by Immaculate Conception Church, St. Marys, Kansas including the developed, as well as the undeveloped, areas, walkways and roadways, all within the periphery of the properties.
- b. The term “burial” will refer to all types of burial of the remains of a deceased person: “interment” – burial of deceased in ground; “entombment” – burial of deceased above ground in mausoleum crypt; “inurnment” – burial of a deceased’s cremated remains above or below ground.
- c. The term “Cemeteries” shall mean MT. CALVARY CEMETERY, St. Marys, Kansas and HOLY CROSS CEMETERY, Emmett, Kansas, with the principal office being located at Immaculate Conception Church, 208 W. Bertrand Avenue, St. Marys, Kansas 66536.
- d. The term “cemetery property” shall mean:
  1. Any lot(s) or grave space(s), with or without memorialization, marker(s) or monument(s), grave liner(s)/vault(s), or private mausoleum(s).
  2. Any lawn crypt space(s) including pre-constructed crypt(s) and memorials(s).
  3. Any crypt(s) or private room(s), including crypt front with memorialization lettering, within any community mausoleum in Mt. Calvary Cemetery or Holy Cross Cemetery.
  4. Any cremation niche in the Cemeteries or mausoleums.
  5. Any other place of burial within the Cemeteries.
- e. The term “owner” shall mean the owner of any right of burial within the Cemeteries.
- f. The term “right of burial” shall refer to the right to inter, entomb or inurn the remains of a deceased person.

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#### III. USE OF CEMETERY

- a. Persons, while within the Cemeteries, shall use only the roadways and walkways, as provided by the Cemeteries, all of which said roadways and walkways are and shall remain private roadways and walkways, but all such roadways and walkways shall be subject to change by the Cemeteries at any time.
- b. Automobiles and other vehicles shall be driven solely on the roadways and at no greater speed than fifteen (15) miles per hour. Drivers of automobiles and other vehicles must obey directional signs established by the Cemeteries from time to time. Automobiles and other vehicles shall not turn around on the roadways and shall not park or come to a full stop in front of any open grave, lawn crypt, or private or community mausoleum, unless such vehicles are involved in or connected with a funeral. Any driver who drives an automobile or other vehicle upon a lawn area, across drainage gutters, or on any area within the Cemeteries other than the roadways shall be liable to the Cemeteries for such damage as may result there from. Roadways and such parking areas as may be provided by the Cemeteries from time to time shall be used only for visitation, while conducting business with the Cemeteries, attendance at funerals, and by any other persons authorized by the Cemeteries, and not as public parking areas; and such parking areas as are reserved for automobiles and other vehicles involved or participating in a funeral shall be reserved for such purpose and shall not be utilized by any other persons within the Cemeteries, when such parking areas are being so used. All "No Parking" signs must be obeyed. The Cemeteries may make such reasonable traffic rules from time to time as they see fit.
- c. Busses or vehicles of cumbersome description will not be allowed to enter any of the Cemeteries except by special permission of the Pastor or the Boards thereof.
- d. The Cemeteries reserve the right, from time to time: (1) to enlarge, reduce, replat or change the boundaries and/or grading of the Cemeteries, as well as any portion or portions thereof; (2) to modify or change the locations of, or remove or regrade, any of the walkways and/or roadways within the Cemeteries; (3) to enlarge, including enlargement by increasing the height by the addition of one or more floors or stories, of any community mausoleum within the Cemeteries; (4) to lay, maintain and operate or alter or change any pipes, including drainage pipes, and/or electrical lines, within the Cemeteries; (5) to use any portion or portions of Cemeteries' property that has not theretofore been sold to individual property owners for Cemeteries' own purposes in connection with the operation of the Cemeteries, including without limitation the interring and preparing for the interment of dead human bodies, or for anything considered necessary, incidental or convenient in relation thereto; and (6) to allow to exercise, and to grant to others, the right of access of any Cemeteries' property in connection with the repair, maintenance, improvement or operation of the Cemeteries.

- e. Minor children will not be permitted within the Cemeteries unless accompanied by an adult.
- f. NO dogs, except legally allowed assistance dogs for handicapped persons, or other pets will be permitted in the Cemeteries at any time.
- g. Smoking in any enclosure within the Cemeteries will not be permitted. No use of illegal narcotics or drugs or controlled substances will be permitted under any circumstances.
- h. Receptacles for waste material will be placed and maintained by the Cemeteries at convenient places selected by them throughout the Cemeteries. No one shall move, destroy or damage such receptacles; and the disposition of rubbish within the Cemeteries shall be solely through the use of such receptacles.
- i. The peddling or offering for sale or selling of flowers, plants, commodities, services, trinkets, souvenirs, pictures, etc., shall not be permitted within the Cemeteries; no solicitation of any kind may be done within the Cemeteries except with approval of the Pastor or the Boards.
- j. No bicycles or motorcycles shall be admitted into or operated within the Cemeteries, except such as may be in actual attendance at a funeral or on a legitimate visitation or business mission.
- k. No signs, notices or advertisements of any kind shall be placed within the Cemeteries, unless the same are placed by the Cemeteries or with their express written permission.
- l. No one shall bring into the Cemeteries food items or beverages, including beer or intoxicating liquors, except as authorized by the Pastor or the Boards.
- m. No articles (glassware, toys, containers, etc.) not specifically approved by the Pastor or the Boards shall be brought into or placed within the Cemeteries.
- n. All persons entering and exiting the Cemeteries shall do so by use of the private entrances furnished by the Cemeteries for the use of the public.
- o. Any unauthorized person who is found within the Cemeteries after visiting hours will be considered a trespasser; and it will be the policy of the Cemeteries, in an effort to prevent theft and vandalism and the possible desecration of Cemeteries' property, to keep the Cemeteries closed for a reasonable time period each twenty-four hours. These closing times will be posted within the Cemeteries.
- p. Profane, obscene, or boisterous language or any other behavior which may disturb the quiet and good order or sacredness of the Cemeteries will not be permitted.
- q. Sports activities of any kind will not be permitted on Cemeteries grounds.
- r. The Cemeteries' policy is to adequately pay for the services of all of its employees; consequently, these employees seek no extra compensation for their services and are trained

to render prompt, courteous and efficient service to all persons having occasion to do business with the Cemeteries. Moreover, any employees of the Cemeteries have agreed to give all of their working time to the maintenance, upkeep and all facets of Cemeteries operations. Therefore, no one may engage the services of said employees while they are working for the Cemeteries within the Cemeteries, and no tips or rewards shall be given to such employees.

- s. Should anyone wish to make an inquiry, comment or complaint in connection with any matter pertaining to the Cemeteries or their operations, he/she shall place the inquiry, comment or complaint in writing at the Immaculate Conception Church office.
- t. As stated in the preamble hereto, all are reminded that the Cemeteries in their entirety are sacredly dedicated to the burial or entombment of the human dead, and that all applicable and prevailing provisions and penalties of the law may be strictly enforced for all violations.
- u. The Cemeteries consider that it is of the utmost importance that there should be strict observance of all due proprieties, whether embraced in these Rules and Regulations or not; and no improprieties will be tolerated.
- v. The Cemeteries will consider it to be an act of interested cooperation and respect for the dead if any person calls to its attention any type of improper decorum that may come to his/her notice.
- w. Only persons authorized by the Cemeteries, including a military guard of honor, will be permitted to bring into or carry firearms within the Cemeteries. Moreover, a military guard will not be admitted into the Cemeteries, unless it is under the direction and control of a military officer.
- x. The Cemeteries shall open to the public one-half hour before sunrise and will remain open until one-half hour after sunset. Burials (see II(b)) shall not be permitted on Sundays, all National Holidays and all Holy Days of Obligation including no burials after 12:00 noon on Good Friday, Christmas Eve, and New Year's Eve. Special hours will be in effect to accommodate Memorial Day visitors.
- y. The Pastor and the Boards, and such other employees as the Cemeteries may authorize and designate, shall have the authority of peace officers and shall be expected to enforce all of these Rules and Regulations; and such officers may exclude and expel from the Cemeteries any persons violating the same.
- z. The Pastor and the Boards and their duly designated assistants shall have the right of supervision of and control over all persons within the Cemeteries including, without limitation, the conduct of funerals, traffic, owners, visitors and all others.
- aa. In addition to the above peace officers and their duly delegated assistants, the Cemeteries shall have the right, from time to time, to maintain their own or independent security guards within the Cemeteries but they shall be under no legal obligation to do so.

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#### IV. RIGHTS OF BURIAL

- a. The Right of Burial does not grant any privileges other than those therein specified. The right to use any burial space shall be limited to the Christian burial of the remains of the human dead, regardless of the nature, right or extent of ownership of the burial space.
- b. The remains of one human being only shall be interred in one grave or crypt, unless such grave or crypt has been purchased with written agreement, or unless permission is granted by written consent of the Cemeteries that more than one human body may be interred, and provided proper identification is made of such interment or interments on one regulation crypt, memorial or marker. The Cemeteries reserve the right to authorize or permit the interment of more than one human remains in one grave or crypt. The Cemeteries may exercise this right with reference to single crypts or single graves or any section of graves. The following burial limits shall apply to each burial plot:
  - i. One human adult casket
  - ii. One human adult casket and/or one human cremation urn
  - iii. Two human cremation urns
  - iv. Two human infant caskets

In no event shall stacking of caskets be allowed or permissible.

- c. In no event whatsoever shall the remains of any animal or pet be buried, interred, scattered or otherwise disposed of or memorialized in any way within the Cemeteries.
- d. The Cemeteries are not an insurer, nor will they be responsible for the loss, theft or damage to anything that may be placed on or in connection with a burial space, whether the same be so placed with or without the Cemeteries' express permission. The Cemeteries will take every reasonable precaution to protect all private property of lot and grave owners properly and lawfully in the cemetery from loss or damage, but they distinctly disclaim all responsibility for loss or damage from causes beyond their reasonable control, and especially from the acts of lot owners, grave owners or visitors or of thieves, vandals, rioters, trespassers and malicious mischief-makers, and from all acts of Providence, including wind, fire, tornado, cyclone, hail, snow, frost or other elements, whether the damage be direct or not.
- e. The Cemeteries will always respect the private property of the owner of a burial space within the Cemeteries; and the Cemeteries will, at all times, refrain, as far as possible, from unnecessarily touching or handling the property of others within the Cemeteries; and all other persons who enter the Cemeteries will be expected to do likewise.

- f. The Right of Burial is non-assignable; and the rights granted thereunder may not be transferred, sold, mortgaged, leased, exchanged, assigned or in any other way disposed of, except by the permission and with the approval of the Cemeteries, in writing.
  
- g. The Right of Burial purchased, and the privileges granted thereunder, shall at all times be subject to the limitations, restrictions and conditions of all canons, rules, regulations, laws and discipline of the Roman Catholic Church and the Archdiocese of Kansas City in Kansas and to all of the Rules and Regulations as herein set forth or as hereafter amended.
  
- h. All Agreements for the purchase of Rights of Burial or of other merchandise, as well as any amendment or supplement thereto, shall be on forms approved by the Cemeteries. All terms and conditions for the purchase of Rights of Burial or merchandise must be set forth in the Purchase Agreement, amendment or supplement thereto; and no oral agreements, representations or warranties shall ever be recognized.



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#### V. FUNERALS AND BURIALS

- a. All funeral corteges, upon entering the Cemeteries, shall be subject to the direction, control and supervision of the Cemetery Board, Pastor, or other authorized employees or vendors of the Cemeteries or Parish.
- b. No funerals are permitted to occur at a time that could extend services or Cemeteries' operations beyond dark. No funerals are permitted on Sundays, Holidays, Holy Days and the afternoons of Good Friday, December 24<sup>th</sup>, and December 31<sup>st</sup>.
- c. Certain minimum advance notice must be provided the Cemeteries of a desired funeral time in order to properly prepare the burial space. The existing notice requirement, as well as the prevailing costs of all services performed by the Cemeteries, is periodically disseminated to funeral directors in the area to set forth prevailing policies and costs and to reflect any changes therefrom. This information is also available at the Church office.
- d. No burial, disinterment, removal or transfer shall be made into, upon or from any Cemeteries' property without receipt of a written application from the property owner, or from the owner's surviving spouse, or by a duly authorized Representative designated by the Heirs of the property owner. Said application must set forth satisfactory evidence of ownership and must designate by the precise location of the requested interment. The Cemeteries will not be responsible for errors, mistakes or delays in following any instructions of burial, disinterment, transfer or removal application furnished to them, particularly with respect to the authority of the person ordering the burial or the correct location of the burial, so long as they act in good faith.
- e. No disinterment, removal or transfer shall be made into, upon or from any Cemeteries' property without receipt of the written application of both the property owner and the next of kin of the deceased.
- f. The Cemeteries must be notified as soon as possible of any delays of a scheduled funeral.
- g. All burials to be made in private mausoleums must be kept back of the front line of the structure on either side, and no burial may be made in front of the mausoleum.
- h. Persons who are not Catholic may be buried in the Cemeteries if burial elsewhere would result in separating members of the family, but in no event will such burial be permitted if it will cause public scandal for the Church or her people, as determined by the Archbishop or by the pastor. When a non-Catholic burial is permitted, the proper clergyman may conduct the cemetery rites.

- i. The use of an outside burial container is required for all burials. An unsealed grave liner or sealed vault is required for underground burial. All containers must be constructed of concrete or steel or of other composition approved by the Cemeteries. The requirement of such a container is not solely for purposes of protection from environment, but also to help ensure against ground settlement and cave in, keeping the ground safe for maintenance crews and visitors. The outer containers for the above-ground mausoleum and below-ground lawn crypts must consist of pre-constructed concrete crypts.

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#### VI. OWNERSHIP

- a. The Cemeteries are of a religious nature and character, and the sale of all Rights of Burial therein shall normally be restricted to practicing communicants of the Roman Catholic Church.
- b. Where the certificate of Right of Burial designates one individual as purchaser, such individual is the sole owner of the certificate of Right of Burial. Upon the death of said purchaser and sole owner, the rights granted under the certificate of Right of Burial shall descend in equal shares, subject to the right to burial in or upon the described cemetery property, to the surviving spouse if there be one, and to the members of his family.
- c. Where the certificate of Right of Burial designates husband and wife as purchasers, in the absence of specific language to the contrary, ownership of the certificate of Right of Burial shall vest equally in said designated individuals in Joint Tenancy, with the Right of Survivorship to the surviving spouse. Upon the death of the survivor, the rights granted under the certificate of Right of Burial shall descend, in equal shares, to the members of the family of the said survivor.
- d. The term "family" as set forth herein and in the certificate of Right of Burial is defined to comprise all relations within the third degree of consanguinity and then to the second degree of affinity.
- e. The transfer or assignment of any certificate of Right of Burial in or upon described Cemetery property may be requested by written application to the Cemeteries, by the owner or owners, to a blood relative of the owner or owners not otherwise possessed of any interest in same.
- f. A reservation as to the future use of a specific burial space for the use of any individual not otherwise entitled to ownership rights by transfer or assignment in or upon described Cemetery property may be requested by written application to the Pastor by the owner(s).
- g. All requests for transfer or assignment or for a burial space reservation must be submitted in writing to the Pastor and are ineffectual unless duly approved and authorized by the Cemeteries and duly recorded in their official records.
- h. The Cemeteries, in their sole discretion, shall determine the need or propriety of any request for transfer, assignment or reservation of grave space, and their consent or refusal to consent to same shall be final.

- i. Ownership descends and may be transferred or assigned only as herein provided. Any attempt at testamentary disposition of any Rights of Burial in or upon any Cemetery property shall be invalid and ineffectual.
- j. All transfers of Rights of Burial shall be subject to the payment of such reasonable fees and charges as may be established from time to time on a uniform basis by the Cemeteries and such fees and charges shall be paid to the Cemeteries before any transfer is approved by them and recorded on their records.
- k. No division or subdivision of ownership of a Right of Burial or memorial shall be permitted without the written consent of the Cemeteries.
- l. In any instance where the Cemeteries make a burial on the authority of any person who presents the official title to the burial space or Cemetery property in which said burial is to be made, the Cemeteries' right to make said burial shall be conclusively presumed; but the Cemeteries shall have the right to refuse with impunity to permit a burial if it receives a written protest from any person who, in the sole judgment of the Cemeteries, has a reasonable basis for objecting.
- m. In dealing with an Owner, the Cemeteries may recognize, for all purposes, the last address of said Owner that is on file in the Church office; and any notice forwarded by the Cemeteries to said address shall be conclusively considered as sufficient and proper legal notification for any and all purposes. If an Owner wishes to change his official address, it shall be his duty to notify the Cemeteries, in writing; and when such a notice is received by the Cemeteries or Church office, the Owner's address shall be promptly changed on the Cemeteries' records and thereafter said new address shall prevail for all purposes.
- n. Purchasers of the Right of Burial do not purchase actual real estate; they do not take title to real property.

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VII. CORRECTION OF ERRORS

The Cemeteries reserve the right to correct any and all errors that may occur in or in connection with the operation of the Cemeteries, including, without limitation, those involving, or in connection with, the making of a burial, entombment, disinterment or removal, or in the description, transfer, granting the right of use or conveyance of Cemetery property; and in this connection, the Cemeteries shall have the right to substitute, grant the right of use, or convey, in order to correct any such errors, other burial rights, approximately equal in value and location, as far as feasible, as selected by the Cemeteries; or, in the sole discretion of the Cemeteries, the correction of an error may be accomplished by the refunding of the amount of money paid on account of the acquisition or use of Cemetery property. In the event an error shall involve a burial or entombment, the Cemeteries shall have the right to remove and transfer the remains that are involved.

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VIII. SERVICE, MAINTENANCE, CONSTRUCTION, REPAIRS AND IMPROVEMENTS

- a. All labor and work performed in conjunction with special services offered by the Cemeteries, specifically including but not limited to work on burial spaces or Cemetery property, the opening and closing of burial spaces, the actual conduct of burials, disinterments and removals, grave liner/vault handling and foundation work, and crypt front identification must be performed exclusively by employees of the Cemeteries or such persons as may otherwise be authorized by them, at the prevailing charges at the time as fixed by the Cemeteries on a uniform basis.
- b. All other labor and work performed in conjunction with maintenance, construction, repairs and improvements within and upon the grounds of the Cemeteries of every kind and nature shall be performed by employees of the Cemeteries or by such persons as may be otherwise authorized by the Cemeteries.
- c. No enclosure or embellishment of any kind, such as a cover, fence, curb, wall, coping, metal, stone or other edging, hedge, planting, ditch, flower bulbs, shrubs, trees, or statuary shall be permitted around or abutting, in whole or in part, on any Cemeteries' property. No gravel, stone, brick, pavers, sand, wood or other mulch, or any kind of pavement or walkway is permitted anywhere in the Cemeteries whatsoever. The established grade of any Cemeteries' property shall not be altered in any way.
- d. No glass, tin, plastic, or metal containers, iron or wire-work, woodwork, arbors, gazebos, trellises, decorative rock, shepherd's hooks (or anything to secure or suspend a planter, basket or pot), birdfeeders or feeders of any kind, fountains, pools, wind chimes, pinwheels, plaques, gnomes, stuffed or other animal representations, seats, benches, stools, settees, statuary, plant urns or containers, planters, solar or other lighting, trinkets, etc., will be allowed upon lots or in any other part of the Cemeteries. Any allowed items which begin to deteriorate shall be removed from the Cemeteries.
- e. Only the Cemeteries, or their agents, employees, or licensees, shall direct and supervise any and all improvements that are made within the Cemeteries, including planting, sodding, surveying and the erection of improvements.
- f. If, in the opinion of the Cemeteries, the Boards or the Pastor, should any tree or shrub situated in any part of the Cemeteries, or on any property therein, means of its roots or branches, or otherwise, become detrimental to the adjacent lots, roads or avenues, or dangerous or inconvenient to patrons of the Cemeteries or detrimental to the general appearance of the grounds, the Cemeteries shall have the right to remove the said tree or shrub, or each part thereof, as may be deemed necessary.

- g. As soon as flowers, wreaths, emblems, etc., used at funerals or placed on graves at other designated times, become unsightly, they will be removed and no responsibility for their preservation, protection or maintenance will be assumed by the Cemeteries.

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IX. DISINTERMENTS, TRANSFERS AND REMOVAL OF REMAINS

- a. No disinterment, transfer and/or removal of remains out of any Cemeteries property in which such remains have previously been buried or entombed, to another cemetery property either within the Cemeteries or in another cemetery, shall be permitted, except with the prior written approval and authorization of all of the following:
  1. The owner of Burial Rights (or all of the successor owners, if such be the case)
  2. The appropriate heirs or next of kin of the deceased; and
  3. Proper civil authority, when necessary.
- b. When the proper approval and authorization for a disinterment, transfer or removal as aforesaid has been received, the actual service shall be performed by the Cemeteries at their convenience without further or prior notice to the owner of Burial Rights or successor owners, heirs or next of kin of the commencement of the work.



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X. FLOWER DECORATIONS

NOTE: SEE ADDENDUM "RULES AND REGULATIONS CONCERNING GRAVES,  
PLANTS, DECORATIONS & FLOWER DISPLAYS", DATED NOVEMBER 1, 2008.

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#### XI. MEMORIALIZATION REGULATIONS.

##### GENERAL

IN MEMORY OF THE DEAD THAT ARE BURIED AT THE CATHOLIC CEMETERIES AND FOR THE PROTECTION OF LOT HOLDERS AND THE PURPOSE OF BEAUTIFICATION, ORDERLY APPEARANCE AND MAINTENANCE OF MT. CALVARY AND HOLY CROSS CEMETERIES.

THE INSTALLATION OF FOUNDATIONS AND PLACEMENT OF MONUMENTS OR MARKERS IN MT. CALVARY CEMETERY AND HOLY CROSS CEMETERY OPERATED BY IMMACULATE CONCEPTION CHURCH, ST. MARYS, KANSAS.

These rules apply to Mt. Calvary Cemetery, St. Marys, Kansas, and Holy Cross Cemetery, Emmett, Kansas (herein collectively referred to as the "Cemeteries"). All references to the Cemeteries refer to the MT. CALVARY CEMETERY of ST. MARYS, KANSAS and HOLY CROSS CEMETERY of EMMETT, KANSAS. All references to contractors, independent contractors or dealers refer to those entities that sell and/or install foundations, monuments or markers in the Cemeteries.

1. THE CEMETERIES reserve the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, inscriptions, and quality and material of monuments or markers (herein memorials) placed or to be placed in the Cemeteries. All memorials are subject to the approval of the Cemeteries prior to placement, and such approval shall not be unreasonably withheld.
2. The Cemeteries maintain regulations and instructions pertaining to monuments and markers placed in the Cemeteries. These detailed regulations and instructions and all amendments thereto are hereby made a part of these General Rules and Regulations.
3. All contractors and dealers must submit a Memorial Dealer Application to the Cemeteries, and the Application must be approved by the Cemeteries prior to any work being performed in any of the Cemeteries. The Memorial Dealer Application form will be provided to all dealers or contractors upon request. The Cemeteries have the right to reject, within a reasonable time, all applications that do not conform to the rules and regulations of the Cemeteries, including those applications which are not made on forms supplied by the Cemeteries. Each application shall contain a detailed description of the proposed memorial, and the description shall include the size of all parts of the memorial, kind of material, inscriptions as they will appear on the

memorial, and a description of the design, emblems, epitaphs, and symbols. Descriptions submitted without complete information will be returned.

4. If the application referenced in paragraph 3 is not rejected, the contractor or dealer must provide the Cemeteries three days' advance notice prior to the installation of the memorial and/or foundation. If the installed memorial does not conform to the approved description on the application or the rules and regulations of the Cemeteries, it shall be the responsibility of the dealer to correct the errors or deficiencies in workmanship or material so as to conform the memorial to the rules and regulations and/or to the description on the Memorial Dealer Application.
5. All memorial work or foundation installation must be done during Cemeteries' hours. All independent contractors must obtain an appointment from the Cemeteries at which time such independent contractor may do its work. The Cemeteries have the right to delay work due to funeral services, ground or weather conditions, and other reasonable factors. Work may not take place on Sundays, Holidays, Holy Days of Obligation, and Good Friday. At no time shall independent contractors perform work in the Cemeteries without prior approval and permission from the Cemeteries.
6. Independent contractors must maintain at least \$500,000 in liability insurance coverage, and must maintain statutory Workers' Compensation insurance coverage on all their officers, partners, directors and employees who are actually involved in the installation of memorials in the Cemeteries before they will be permitted to work in the Cemeteries. If requested by the Cemeteries, written evidence confirming that all such coverage is in force and effect shall be provided to the Cemeteries by the contractor prior to any work being performed in the Cemeteries. Contractors and Dealers agree that they will guarantee all products for a period of at least six (6) months, during which time (or during any longer guarantee period provided by the Dealer to its customer) the Dealer or contractor is obligated to make all repairs and corrections in materials and installation within 30 days, or within 20 days if the repairs or corrections involve defective bronze or granite, after the receipt of written notice from the Cemeteries of the defect or incorrect installation. Unless corrected within such time, the Cemeteries may make the repair and charge the Dealer or contractor a reasonable fee. This guarantee does not extend or apply to defects caused by the Cemeteries or their employees after installation of the memorial.
7. Independent contractors must pay an inspection fee for layout and inspection of the memorials and foundations installed by them. All inspections must be paid to the Church office or to a Board member prior to commencing work within the Cemeteries and must accompany the submission of the Memorial Dealer Application.
8. All fees owing to the Cemeteries, whether owed by the lot owner, independent contractors or others, must be paid in advance of any construction or other work.

9. Damage done to burial sites, walks, drives, trees, shrubs or other property by independent contractors, or others, must be paid in advance of any construction or other work.
10. Independent contractors are prohibited from scattering debris, equipment or tools on roads or walks, and they must remove their material from the grounds as soon as possible. Independent contractors shall reimburse the Cemeteries for all expenses incurred to clean the installation or work site.
11. The Cemeteries reserve the right to stop all work of any nature when, in their opinion, proper preparations for the work have not been made, work is being done in such a manner as to endanger life or property, there is evidence of misrepresentation on the part of the lot owner or contractor, any reasonable request made by the Cemeteries is disregarded or not complied with, or when any person employed for the work being done violates any rules set forth herein or any rule particular to the Catholic cemetery in which the work is being performed.
12. If an independent contractor substantially and unreasonably violates the Cemeteries' rules, or fails to pay any amount due and owing to the Cemeteries, the Cemeteries may refuse to permit that independent contractor to perform any additional or future work in any of the Cemeteries.
13. The location of placement and the positioning of a memorial and foundation on a burial site shall be entirely subject to the approval and supervision of the Cemeteries.
14. When existing memorial work does not comply with these regulations and additional memorials are to be set on the lot, the memorial vendor or contractor may, upon written request to and approval from the Pastor or Boards, receive permission to duplicate existing work as to size, design, finish and material.
15. The Cemeteries are not responsible for damage or breakage to memorials or ornamentations due to flaws caused from a natural existence, quarry or manufacturer.
16. The Cemeteries are not responsible for any loss or damage to memorials or ornamentation, either attached to the memorial or free standing, due to theft, vandalism or other malicious practices beyond its control.
17. Only granite or bronze memorials approved by the Cemeteries will be permitted. Homemade memorials or synthetic granites will not be permitted.
18. Statuary and pictures are not recommended for memorials as they are susceptible to vandalism or other malicious practices. The Cemeteries ARE NOT RESPONSIBLE for damages or breakage of statuary or pictures due to theft, vandalism or other malicious practices beyond their control.

19. Statuary must be permanently attached to and AFFIXED UPON THE GRANITE BASE of the monument. Statues may not be attached to or set upon a concrete base, the ground or any other part of the burial plot. NO statue or statuary of any kind, size, composition or material whatsoever will be permitted or allowed to be placed in the cemetery or installed except as described above.
20. Pictures must be permanently attached to and upon the monument in a manor approved by the cemetery. They may not be affixed to stakes or to the ground.
21. Vesperlites, vigil lights, solar lights, candle holders, candles or lighting of any kind are not permitted unless permanently affixed upon the granite base of the monument.
22. Granite, stone or marble chips, mulch, recycled rubber or wood chips, groundcover or mulch, or chips or ground cover of any kind, are not permitted around memorials or any lot in any of the Cemeteries whatsoever.
23. A tolerance of ½” over or under the specified dimensions will be permitted.
24. Corner lot markers must be ground level or below grade or will be removed.
25. While the Cemeteries will exercise all reasonable care to protect raised lettering, carving or ornaments on any memorial or other structure within the Cemeteries, they disclaim responsibility for damage or injury thereto.
26. The Cemeteries reserve the right to correct any error made by their employees or by independent contractors in the location or placing of a memorial in the Cemeteries after adequate notice to the independent contractor of such defects or errors.
27. Should any memorial, mausoleum or tomb become unsightly, dilapidated or a menace to the safety of persons within the Cemeteries, the Cemeteries shall have the right either to correct the condition or to remove the same, in either case at the expense of the lot holder.

### RULES FOR GRAVE MARKER FOUNDATIONS

The following procedures govern excavation and concrete foundations for monuments:

1. The dimensions of the concrete foundation must be four inches wider and four inches longer than the dimensions of the monument.
2. Excavation for the concrete foundation shall have vertical sides and a firm, level bottom free from loose dirt, mud, stone, frozen earth and other debris.
3. For frost protection, the bottom of the concrete foundation shall be a minimum of 24 inches below the surface of the ground.
4. Ready-mixed concrete shall have a minimum strength of 2,000 pounds per square inch.
5. Concrete mixed at the site shall be proportioned as follows: cement:sand:gravel – 1:2:3. The quantity of water added shall produce a plastic, workable mix, but not excessively wet.
6. Potable water shall be used.
7. Sand and gravel shall be of equal quality and type used in commercially available ready-mixed concrete.
8. Freshly placed concrete shall be well consolidated by spading or tamping.
9. Freshly placed concrete shall be protected against moisture loss and against freezing for a period of 4 days.
10. Concrete shall not be poured on frozen ground.
11. The Cemeteries reserve the right to postpone any work due to unfavorable ground conditions or due to current or anticipated weather conditions.
12. All removal of excavated dirt and cleanup of the site shall be done by the independent contractor installing the foundation/monument. Dirt must be removed from the Catholic cemetery unless prior approval or direction has been given by the Cemeteries to dispose of dirt at a specified location within the Cemeteries. The Cemeteries will notify independent contractors of their deviation from the specifications and regulations. If the independent contractor fails to make the corrections, the Cemeteries will do so at the independent contractor's expense, payable by the independent contractor on demand or out of the independent contractor's liability insurance coverage.

### REGULATIONS FOR MONUMENTS

1. Monuments must be on the west end of the lot line, with the front of the foundation on said line. The main inscription on the monument must be approved by the Cemeteries.
2. Monolith monuments (monuments without bases) and grave ledgers are not permitted unless specifically approved in writing by the Cemetery Boards or the Pastor.
3. Monuments must not be set adjoining each other in any area of the cemetery.
4. The size of monuments must be approved by the Cemetery Board or the Pastor.
5. Monuments must have the following finishes:
  - Base: Top-polished or axed flat surface.  
Ends and sides – rocked (margin or polished ends and sides will be permitted at owner’s option).
  - Die: Front and back – polished or axed.  
Top and ends –owner’s option.
6. **VASES ARE NOT RECOMMENDED FOR MONUMENTS.** Owners are advised that vases are susceptible to **VANDALISM OR OTHER MAILICIOUS PRACTICES**. The loss or damage to vases could result in a continual replacement expense on the part of the monument owner. The loss or damage to vases by vandalism or other malicious practices is not the liability of the Cemeteries, Immaculate Conception Catholic Church or their insurance company.
7. The following regulations pertain to vases:
  - a. Extensions to the monument bases are permitted for the placement of vases only for monuments installed prior to January 1, 2009, and only with express, written approval by the Cemetery Boards or the Pastor. All work performed must be in compliance with all regulations herein.
  - b. Vases are not to be secured to the base with dowel pins or epoxy. Regular setting compound, as is used to set dies to bases, is required.
  - c. **ALL VASES MUST BE PERMANENTLY ATTACHED TO AND AFFIXED UPON THE GRANITE BASE OF THE MONUMENT.** Vases may not be placed upon or in the ground near or around any monument or within any area of the burial plot nor may they be recessed into or encased in concrete anywhere upon or around the burial plot except as specifically allowed in Paragraph “a” above.

RULES AND REGULATIONS  
MT. CALVARY CATHOLIC CEMETERY, ST. MARYS, KANSAS &  
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XII. CARE OF PROPERTY

The Cemeteries ARE NOT perpetual care providers. The Cemeteries provide general care and maintenance that will include the care of turf, trees, and the maintenance of roadways, utilities and other facilities that contribute to the use and enjoyment of the Cemeteries by owners of Burial Rights and visitors. The Cemeteries also provide for the maintenance of full, proper and reliable records.

- a. The Cemeteries will use every reasonable precaution to protect the memorials within the Cemeteries against loss or damage; but the Cemeteries assume no responsibility, direct or indirect, for the loss or damage that might result from causes beyond its reasonable control, such as: the elements, normal deterioration, accidents, criminal acts, etc.
- b. The Cemeteries shall have the authority, but not the obligation, to attempt to recover damages caused to memorials and other property of owners, as a result of negligent or intentional acts of any third party, after first notifying property owner(s) at the address provided to the Cemeteries pursuant to Section VII(m). The Cemeteries shall apply any funds recovered pursuant to this section to the repair or the replacement of the private property that is damaged.



RULES AND REGULATIONS  
MT. CALVARY CATHOLIC CEMETERY, ST. MARYS, KANSAS &  
HOLY CROSS CATHOLIC CEMETERY, EMMETT

XIII. FEES AND OTHER CHARGES

All fees and other charges for interments, disinterments, removals, transfers, entombments, or other services rendered, or to be rendered, by the Cemeteries shall be established on a uniform basis but must be paid, upon request, to the Cemeteries, which will issue a receipt therefore when requested to do so. The Cemeteries reserve the right to make reasonable increases in fees or charges whenever it is deemed necessary by the pastor in consultation with the Cemetery Board.

RULES AND REGULATIONS  
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HOLY CROSS CATHOLIC CEMETERY, EMMETT

XIV. REPEAL, AMENDMENT, MODIFICATION, ADDITION OR OTHER  
CHANGES IN THESE RULES AND REGULATIONS

- a. The Cemeteries may, and they hereby and herein expressly reserve the right, at any time, with or without previous notice to owners, contractors, builders, merchants or to any other persons interested in any of their Cemeteries properties, to repeal, amend, modify, add to or change, any of the above and foregoing Rules and Regulations, in whole or in part, upon the written authorization of the Pastor and a majority of the Cemetery Board members, and upon doing so, such new Rules and Regulations, or amendment or modification or addition or other change, shall be fully binding on a uniform basis upon all said parties.
- b. ANY RULES, REGULATIONS OR PRACTICES PREVIOUSLY ADOPTED OR ALLOWED AND NOW IN CONFLICT WITH THE FOREGOING RULES AND REGULATIONS ARE HEREBY REPEALED.

RULES AND REGULATIONS  
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ADDENDUM

RULES AND REGULATIONS CONCERNING GRAVES, PLANTS,  
DECORATIONS & FLOWER DISPLAYS

In addition to the policies, rules and regulations set forth in the Mt. Calvary and Holy Cross Cemeteries Rules and Regulations (effective date November 1, 2008), the following also apply:

1. Any type of structure, ornamentation, planting, decoration, embellishment or other improvement that is not in harmony with the overall development, appearance, sacredness and dignified purpose of the cemeteries, or that intensifies maintenance efforts or poses safety concerns or hazards is subject to removal by the Pastor, members of the Cemetery Boards or maintenance personnel.
2. Cut flowers and artificial flowers may be attached to the monument (headstone) or placed on the collars around the monument. Cemetery Board members or maintenance personnel shall remove, without notice, all artificial and cut flowers when their appearance becomes unsightly and not in harmony with the overall appearance of the cemeteries.
3. No flowers will be allowed on the ground except as specifically allowed for Memorial Day, Easter, Father's Day and Mother's Day as provided below in Paragraphs 4 & 5 below. Any flowers on the ground except as provided for in Paragraphs 4 & 5 below will be removed and discarded.
4. Flowers may be placed on the ground beginning five (5) days prior to Memorial Day and will be removed and discarded by maintenance personnel on the fourteenth (14<sup>th</sup>) day after Memorial Day.
5. On Easter, Mother's Day and Father's Day flowers may be placed on the ground five (5) days prior to the holiday and will be removed and discarded by cemetery personnel on the eighth (8<sup>th</sup>) day after the holiday.
6. Flowers on fresh graves will be removed after five (5) days or when they become unsightly, whichever is earlier.