

**RULES AND REGULATIONS OF
ST. JOSEPH'S CEMETERY & MAUSOLEUMS
TOMS RIVER, NJ
DIOCESE OF TRENTON
STATE OF NEW JERSEY**

(Revised and Amended: July 2007)

PREAMBLE

Ever since the sacred body of our crucified Savior was reverently laid in the tomb, there to await the hour of its glorious resurrection, the church has been most solicitous to surround the burial of those who hope to rise with Christ with an atmosphere to deep Christian faith and profound reverence. In the mass and burial prayers, the church gives voice to her belief in the Christian doctrines of the resurrection of the body, the communion of saints and life everlasting. But as a further seal and symbol of faith, she sets apart and solemnly blesses the place in which the bodies of her faithful departed are entombed until the day of the resurrection.

In the very earliest days, Mother Church found it necessary to make rules and regulations which would protect these sacred places and the relics laid therein. She could not and would not allow anything within the holy precincts which would desecrate them, lessen their beauty or bring dishonor on the dead.

To insure the sacred character of the cemetery operated by St. Joseph's Church and the Diocese of Trenton in accord with the mind and traditional practice of the church and to establish and maintain good order, the following rules and regulations are in effect.

**RULES AND REGULATIONS OF
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For the mutual protection and benefit of lot/crypt/niche holders of St. Joseph's Cemetery & Mausoleums, the Pastor of St. Joseph's Church and the Administrator/Manager of St. Joseph's Cemetery, under the presidency of The Most Reverend Bishop of the Diocese of Trenton, hereby adopts the following rules and regulations. All lot/crypt/niche holders and persons within the cemetery, and all lots/crypts/niches, shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Pastor of St. Joseph's Church and the Administrator of St. Joseph's Cemetery and Mausoleums or by the Bishop of the Catholic Diocese of Trenton, from time to time. The reference to these rules and regulations in the document conveying the right of interment/entombment shall have the same force and effect as if set forth in full therein.

**ARTICLE I
*Definitions***

- A. The term "management" shall mean the person or persons duly appointed by the Ordinary of the Diocese of Trenton for the purpose of conducting and administering the cemetery owned and operated by St. Joseph's Church of the Diocese of Trenton.
- B. The term "care" shall mean that general care of the cemetery as herein defined.
- C. The term "cemetery" as used herein shall mean all the property for earth burials and any mausoleum for crypt entombments.
- D. "Crypt" shall mean a space in a mausoleum of sufficient size to be used to entomb human remains.

- E. “Niche” shall mean a space in ground, in a wall space or in a columbarium to hold one or more cremated remains.
- F. “Entombment” shall herein mean burial above ground in a mausoleum crypt.
- G. “Grave” shall mean a space of ground in a cemetery used, or intended to be used, for the burial of human remains.
- H. By the term “interment” is meant either earth burial or entombment.
- I. The term “lot holder” shall include person or persons who have purchased interment or entombment rights or who hold same by right of inheritance or transfer.
- J. The term “memorial” shall include monument, tombstone, headstone, gravemarker, tablet or inscription on crypt front or fronts for one or more deceased persons.

ARTICLE II

Purpose of Cemetery

- A. The cemetery is intended for the interment of Catholic and Christians who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any questions of the burial of a non-Catholic or of any person not entitled to Christian burial according to the rules and discipline of the Roman Catholic Church shall be decided exclusively by the management appointed by the Pastor or St. Joseph’s Church and such decision shall be final and binding on the parties.

ARTICLE III

Admission to Cemetery

- A. The management reserves the right to refuse admission to the cemetery and to refuse the use of any cemetery equipment or facilities at any time

to any person or persons, as the rules, judgment and tradition may dictate.

ARTICLE IV

Arrangement for Interments

- A. The management shall have the right to request those wishing to make a selection of a lot or arrange for an interment, to call at the cemetery office in ample time to complete arrangements made before closing time of such cemetery office. If a funeral director or other agent is representing the lot holder, the arrangements by the agent or funeral director with management are binding on said lot holder.
- B. No organizations, except those approved by the Ordinary of the Diocese and patriotic organizations, will be permitted to conduct services in the cemetery.
- C. The management shall not be liable for any order given by telephone or any error occurring from the want of proper instructions as to the size of the casket or as to the particular grave or crypt location where interment is to be made. The management reserves the right to make an equitable charge whenever additional labor costs result from such errors.
- D. The management shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations have not been complied with or where said rules and regulations shall forbid such interment. Management reserves the right, under such circumstances, to place the body in a crypt until full rights have been determined. Any protest may be required to be in writing and filed in the cemetery office.

ARTICLE V
Interment Procedures

- A. All funerals on entering the cemetery shall be under the exclusive charge and sole direction of the management.
- B. A Board of Health permit for each funeral from the city, borough, or township authority having jurisdiction of the matter must be presented to the management before interment is completed.
- C. The management shall not be liable for the Board of Health permit or responsible for the accuracy of the data contained in said permit or for the identify of the person to be interred.
- D. The casket may not be opened at any time within the cemetery without the express permission (and in the presence) of the management. The management reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a court order from the duly-constituted civil authority having jurisdiction. In the event necessity requires, the management may take appropriate steps to correct any obnoxious or improper condition.
- E. The interment of cremated remains will be permitted only in accordance with the provisions of canon law and diocesan statues.
- F. No disinterment or removal shall be allowed except with the permission of the management and with written authorization of lot holder and nearest of kin and with proper legal procedure. In certain cases, at the discretion of the management, permission from the Chancery of the Diocese of Trenton may be required.
- G. The management shall exercise due care in making a disinterment and removal, but it shall assume no liability for the damage to any casket, burial case or memorial incurred in making the disinterment and removal.

- H. The management shall have the right to designate the hour and manner in which interments, disinterments and removals will or will not be permitted. All interments, disinterments, and removals shall be subject to the payment of such charges as may be fixed by the management.
- I. Besides being subject to the rules and regulations, all interments and removals shall be subject to the orders and laws of the properly constituted authorities of the city, county and state including the regulations of the Department of Health.
- J. Only persons employed by St. Joseph's Cemetery & Mausoleums and only equipment owned by said association, shall be used in making interments or removals, unless the management makes other arrangements.
- K. Cemetery personnel will not be held responsible for damages or injuries from defects in burial vaults, concrete cases and lids thereof when they set or seal vaults, cases or lids or maintain the same.

ARTICLE VI
Correction of Errors

- A. The management reserves, and shall have, the right to correct any errors that may be made by either in making interments, disinterments, or in the description, transfer or conveyance of any rights or lot. Corrections shall be made by canceling such conveyance and substituting and conveying in lieu thereof other interment rights or lot 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, the management reserves, and shall have, the right to remove and re-inter the remains in such other lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

ARTICLE VII

Instruction to Lot Holders and Lot Holders Rights

- A. Persons arranging for interments should visit the cemetery where management will aid them in effecting the necessary arrangements.
- B. The management reserves the right to specify the terms of purchase of all interment rights in lots and the manner in which said right shall be held or exercised.
- C. Should the lot holder fail to carry out the terms of the purchase agreement, the management may declare said agreement canceled and all rights of the purchaser in and to the lot forfeited. In the event of such default the management reserves, and shall have, the right immediately or at any time thereafter, at its discretion without notice, to remove to single graves to be chosen by the management, each of the remains then interred in such lot. The management shall further have the right to remove any memorial that may have been placed on said lot.
- D. No coping, curbing, fencing, hedging, borders or enclosures of any kind shall be allowed around the lot or around any grave other than the permanent borders installed by cemetery staff. The management reserves the right to remove same, without notice, if so erected, planted or placed.
- E. All grave interments shall be made with concrete outside liner or burial vault constructed in accordance with specifications determined by the management, except in interments requiring an outside case of less than fifty-four (54) inches in length. Variations of the aforementioned must be deemed appropriate and approved by the management of St. Joseph's Cemetery & Mausoleums.
- F. Digging around perimeter of memorials is prohibited and management is not responsible for damage to memorials when there is evidence of such digging.

- G. The management reserves the right to permit or authorize the interment of more than one human remains in one grave, crypt or niche. The management may exercise this right with reference to single graves, single crypts, single niches or any section of graves.
- H. Human remains of more than one in a casket must be made known to the management at the time of entombment arrangements.
- I. Interment of non-Catholics will be permitted in the cemetery under the conditions required by the regulations of the Diocese of Trenton.
- J. The use of lot is for the lot holder or lot holder's relatives for interment only and not for resale or profit. The rights of interment in the unoccupied portion of a lot may be sold only to St. Joseph's Cemetery & Mausoleums of the Diocese of Trenton.
- K. In the event of death of a lot holder any and all privileges of the lot holder shall pass to the lot holder's family in the following manner:
1. The spouse of the owner of any lot containing more than one interment space has a vested right of interment of his/her remains in the lot, which right may terminate upon divorce or remarriage.
 2. If the lot 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, said instructions will be recognized by the management and will be followed if, in the judgement of said management, such instructions are definite, reasonable and practical subject, however, to a vested right of interment of the surviving spouse.
 3. If no valid or sufficient written instructions have been filed, or if valid and sufficient instructions are in conflict with a later will and the lot 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 the cemetery rules and

regulations and provided the cemetery is furnished with proof of the same.

4. In the absence of valid and sufficient instructions filed by the lot holder or a duly probated will, the rights of interment shall devolve upon those entitled to succeed thereto under the interstate laws of the State of New Jersey.
5. In a conveyance to two or more persons as joint tenants, each tenant has a vested right of interment in the lot conveyed. Upon the death of a joint tenant, the title of the lot 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.
6. 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 is complete authorization to the management to permit the use of the unoccupied portion of the lot by the person entitled to the use of it.

ARTICLE VIII

Service Charges and Payments

- A. The management shall have a right to fix a charge and time of payment for each interment, disinterment, lot transferred or released and for the performance of any other service rendered by the management. All work in connection with such service shall be subject to the determination and supervision of said management.
- B. Any indebtedness due for work performed on a lot must be paid before an interment in the lot may be made or before any memorial may be erected.

ARTICLE IX
Right to Replat

- A. 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.
1. To re-survey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part or portion of the cemetery.
 2. 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 is preserved or is allocated to the cemetery.
- B. The following rights and privileges are hereby expressly reserved to the management to be exercised at any time or from time to time:
1. 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 X
No Easements Granted

- A. No easement or right of interment is granted to any lot holder in any road, drive, alleyways or walks within the cemetery; but such road, drive, alleyways or walk may be used as a means of access to the cemetery and its buildings as long as the management devotes such road, drive, alleyways or walk to the purpose.

ARTICLE XI
Basic Rules

- A. Visitors: Visitors within the cemetery shall use only the avenues, roads and walks, unless it be necessary to walk on the grass to gain access to one's lot. The management expressly disclaims liability for any injuries sustained by anyone violating this rule.
- B. Strangers: Strangers are not permitted to sit or lounge on any of the grounds, graves or monuments in the cemetery or in any of the buildings.
- C. Trespassers: Only the lot holder and his/her relatives or friends shall be permitted on a lot in the cemetery. Any other person thereon shall be considered a trespasser and the management shall owe no duty to said trespasser to keep the property or the memorial thereon in a reasonable safe condition.
- D. Children: Children under fifteen years of age are not permitted within the cemetery unless accompanied by proper persons to take care of them.
- E. Animals: Animals are not allowed within the cemetery or its buildings.
- F. Lawns: Lawns shall not be disturbed for any purpose except under the supervision of the management.
- G. Gravesites: The right is reserved to regulate the method of decorations of lots so that uniform beauty may be maintained. All plantings are not to exceed 16" in front of stone. No plantings or shrubs allowed on sides or above stone. All plantings or shrubs in front of low or slant stones are not to exceed 12". No statues over 1' or glass containers are allowed on gravesites. No small stones or chips are allowed on any gravesite unless they are placed within a permanent border. All holiday decorations must be removed within 30 days of holiday date. Christmas blankets are removed week of February 1st (weather permitting). Seasonal decorations must be removed at the end of each season. Cemetery personnel will be the final authority on

removal of all damaged or inappropriate items or plantings. St. Joseph's Cemetery & Mausoleums is not responsible for personal items or plantings.

- H. Motor Vehicles: Automobiles, funeral cars and trucks must be kept under control at all times and must observe posted speed limits. At no time shall such vehicles drive through the gates or within the cemetery at a speed in excess of 10 miles per hour. Automobiles may not park or come to a full stop before an open grave unless such automobiles are in attendance at the funeral.
- I. Bicycles and Motorcycles: The management reserves the right to refuse admission to the cemetery of bicycles or motorcycles.

ARTICLE XII

Conduct in the Cemetery

- A. Idling, loafing, loitering, playing or any boisterous demonstrations within the cemetery are prohibited.
- B. Rubbish: Throwing of rubbish on roads, driveways, paths, walks or any part of the grounds of the cemetery or in its buildings is prohibited. Receptacles for waste materials are located at convenient intervals.
- C. Picnicking: Picnicking or partaking of any refreshments by visitors within the cemetery is prohibited.
- D. Flowers and Shrubs: No one shall pluck any flower, break any branches or remove, injure or cut any tree, plant or shrub without specific permission of the management.
- E. Peddling or Soliciting: No one will be permitted to peddle flowers, plants or any other article or items or to solicit the sale of any commodity whatsoever within the cemetery.
- F. Signs and Advertising: No signs, notices or advertising of any kind shall be allowed within the cemetery except those placed by the management.

- G. Improper Assemblages: The management reserves the right to forbid and prevent assemblages which it deems improper.

ARTICLE XIII
Grading and Improvements

- A. The management reserves the exclusive right to do all grading, landscape work, improvements of any kind and all care of lots; likewise to plant, trim, cut or remove all trees, shrubs and herbage within the cemetery. This does not include plantings done by lot owners in conjunction with cemetery rules.
- B. All improvements or alterations of lots in the cemetery shall be under the direction of and subject to the approval of the management; and should they be made without its written consent, said management reserves the right to remove, alter or change such improvements or alterations at the expense of the lot holder.
- C. The management reserves the right to use legally approved chemical applications to beautify the cemetery properties.

ARTICLE XIV
Cemetery Hours

- A. The management shall have the right to fix the opening and closing hours of the cemetery, cemetery office and all buildings.

ARTICLE XV
Outside Workers

- A. The management reserves, and shall have, the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in the cemetery. Lot holders may have certain work done in accordance with these rules and regulations at their own

expense upon application to the management; prices to be agreed upon and paid before said work is done.

ARTICLE XVI

Employees

- A. Employees of St. Joseph's Cemetery & Mausoleums are not permitted to do any work for lot holders except upon the order of the management, but are required to be civil and courteous to all visitors.
- B. The management shall have the right to maintain guards if in its discretion it deems it necessary, but is under no legal obligation to do so.

ARTICLE XVIII

Loss or Damage

- A. 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, including graves, crypts or niches or any portion or portions thereof in the cemetery, which has been damaged by such causes, the management shall give a 10-day written notice of the necessity for such repair to the lot 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 holder of record at his or her address stated on the books of the management. In the event the lot 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 and the lot holder of record.

ARTICLE XVIII

Lot Holder's Change of Address

- A. It shall be the duty of the lot holder to notify the management of any change in his post office address. Notice sent to a lot holder at the last address in the management's records shall be considered sufficient and proper legal notification.

ARTICLE XIX

Care

- A. The cemetery operated by St. Joseph's Cemetery & Mausoleums, a non-profit corporation, is a "Perpetual Care" cemetery. "Perpetual Care" is to be understood as that care and maintenance necessitated by natural growth and ordinary wear and includes cutting of lawns and the cleaning and maintenance of roadways, walks and buildings, provided there are sufficient funds for these purposes.
- B. The term "Perpetual Care" shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any lot; nor the planting, cutting, watering or care of any privately planted tree or shrub; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any granite, bronze or concrete work on any section of the lot or any portion or portions thereof in any cemetery, injured or damaged by any cause beyond the management's reasonable control.
- C. "Special Care" shall include only those specific services set forth in special care agreements with the lot holders, provided said services are not inconsistent with the purpose for which the cemetery has been established

and is being maintained. Fees may be charged for any “Special Care” requests.

ARTICLE XX

Memorials and Rules for Memorial Work

- A. Memorial dealers shall abide by all the rules and regulations of St. Joseph’s Cemetery & Mausoleums.
- B. The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments or markers placed or to be placed in the cemetery. All memorials are subject to the approval of the management prior to the placement; acceptance or rejection shall be based upon such approval.
- C. The management also reserves the right to issue under separate cover detailed regulations and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments or markers to be placed in the cemetery. Said detailed regulations and instructions, and all amendments thereto, are hereby made a part of these rules and regulations.
- D. The management reserves the right to fix the days and hours when any memorial may be delivered to the cemetery.
- E. All memorial work or placement or removal of any memorial shall be on the written order of the lot holder.
- F. All foundation work will be done by the cemetery. All foundation orders must comply with the specifications and directions established by management.
- G. A detailed plan and design of all memorials must be submitted to the management for approval on the form furnished before a permit will be issued. If the memorial does not conform to the approved plan and

design, it will be the sole responsibility of the dealer to correct any errors or deficiencies in workmanship and material.

- H. The location and position in which a memorial is to be placed or erected on a lot shall be entirely subject to the approval of and shall be under the supervision of the management.
- I. No memorial extending above the surface of the grounds shall be erected on lots designated as “Non-Monuments Plots”.
- J. Non-cemetery workers, in placing or erecting monuments, building foundations and other structures, are prohibited from scattering their material over adjoining lots or from blocking roads or walks or from leaving their materials on the grounds longer than is absolutely necessary or from attaching ropes to trees or shrubs. When any heavy material is to be moved over lawns, planks must be laid to prevent injury.
- K. Damage done to lots, walks, drives, trees, shrubs or other property by non-cemetery workers, dealers, contractors or their agents, may be repaired by the management and cost of such repairs shall be charged to the dealer, contractor or his principal.
- L. The management reserves the right to stop all work of any nature when, in its opinion, proper preparations therefore have not been made or when work is being done in such a manner as to endanger life or property or when work is not being executed according to specifications or when any reasonable request on the part of management is disregarded or when any person employed on the work violates any rules of the management.
- M. While the management will exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure on any lots, it disclaims responsibility for damage or injury thereto.
- N. The management reserves, and shall have, the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial in any cemetery.

- O. Should any memorial, mausoleum or tomb become unsightly, dilapidated or a menace to the safety of persons within the cemetery, the management shall have the right, after 30-days notice to the lot holder of record, either to correct the condition or to remove the same, in either case at the expense of the lot holder.
- P. Soliciting memorial sales or memorial work within any cemetery is not permitted.

ARTICLE XXI
Mausoleum Chapels

- A. Entombment must be made in an approved casket which complies with the regulations of the controlling Department of Health and the management of St. Joseph's Cemetery & Mausoleums.
- B. The management reserves the right to issue, under separate cover, detailed regulations concerning the use of mausoleum chapels. Such regulations may include, but not be limited to: the decorations of crypts; the size, quantity, type and placement of lettering on crypts and the use of flowers, vigil lights, etc. or the non-use of flowers, vigil lights, etc.
 - 1. St., Joseph's Chapel Mausoleum: All holiday decorations must be removed within 30 days of holiday date. Seasonal decorations must be removed at the end of each season.
 - 2. Risen Christ Chapel Mausoleum: No personal remembrances or plantings are allowed at the Risen Christ Chapel Mausoleum. Silk flower baskets (basket type only) with appropriate florist card are allowed to be placed on tables spaced throughout the mausoleum. No personal cards, balloons, decorations are allowed to be attached to flower arrangement. No personal items are to be attached to the crypt fronts nor placed on the tables. No fresh flowers are allowed in this mausoleum. Management has the right to remove all silk baskets on the 30th of each month.

C. All engraving on crypt/niche fronts must comply with said regulations and completed by an authorized engraver under the auspices of cemetery management.

ARTICLE XXII

In General

A. The statement of any employee of St. Joseph's Cemetery & Mausoleums shall not be binding upon the management, except as such statement coincides with the document conveying the right of interment and with these rules and regulations.

B. The rules and regulations shall apply to any mausoleum now in existence or which may hereafter be erected in St. Joseph's Cemetery & Mausoleums.

C. St. Joseph's Cemetery & Mausoleums, through its management, reserves the right without notice to make temporary exceptions, suspensions or modifications of any of these rules and regulations when, in its judgment, the same appears advisable and such temporary exception, suspension or modification shall in no way be considered as affecting the general application of such rules and regulations.

D. In all matters not specifically covered by these rules and regulations, the management reserves the right to do anything which in its judgment is deemed reasonable within the premises and such determination shall be binding upon the lot holder and all parties concerned.

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

The above Rules and Regulations were approved by the Pastor of St. Joseph's Church and the Administrator of St. Joseph's Cemetery & Mausoleums of the Diocese of Trenton at Toms River, New Jersey.

Revised and Amended July 2007