

HOLY
SEPULCHRE
CEMETERY

ASCENSION
GARDEN

Celebrate Life Everlasting

CEMETERY RULES & REGULATIONS



Gates Open

Summer
8:00 am – 7:00 pm daily
(April – mid October)

Winter
8:00 am – 5:00 pm daily
(mid October – April)

Office Hours

Monday – Friday: 9:00 am – 4:30 pm
Saturday: 9:00 am – 12:00 pm

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The complete Rules and Regulations of Holy Sepulchre Cemetery include this booklet and specific brochures referred to in this booklet that are entitled:

- A Guide to Memorialization for Holy Sepulchre Cemetery (Monuments and Headstones)
- Regulations for Lot and Grave Plantings & Decorations
- Regulations for Mausoleum Flowers & Decorations
- Whose Lot Is It?
- A Guide to Green Burial

PREFACE

Why do we have rules and regulations?

New York State has some of the most comprehensive laws in the nation regulating cemeteries. Holy Sepulchre fully adheres to those laws that govern us. Our right and our obligation to govern also stems from two premises.

1. Once land is dedicated for cemetery purposes or has been used as a burial space, a trust is imposed upon the owner to maintain the land for these purposes.
2. When cemetery property is purchased, the purchaser acquires a burial right of interment or entombment, which constitutes a limited interest or easement on the property. The cemetery retains title to the property. Therefore, a continuing relationship is established between the cemetery and the purchaser of burial rights and their heirs.

Documenting our rules and regulations is to insure the uniform protection of all who hold the rights and to allow management to efficiently maintain the facilities and administer the affairs of the Cemetery.

We ask your understanding in that rules are necessary for the Cemeteries to be maintained and preserved according to an orderly plan for the common good. They are instituted to avoid misunderstanding and possible litigation among holders of burial rights, their heirs, funeral directors, monument dealers and all persons who visit the Cemeteries.

The rules and regulations are made for the collective good of all lot, crypt and niche holders. With an understanding of the purpose of these rules and regulations, lot and crypt holders and visitors are requested to respect their enforcement.

Holy Sepulchre Cemeteries are Catholic Cemeteries.

A Bishop has blessed the burial space at Holy Sepulchre Cemetery and Ascension Garden. They are designated as sacred places. Only Catholic churches and Catholic cemeteries have that designation. Therefore we adhere to all of the precepts of the Catholic Church regarding Catholic burial practices. We believe in resurrection and eternal life because Christ has redeemed us through His death and resurrection.

Features, artwork, memorials and personal conduct must be appropriate to the setting of a sacred place. Holy Sepulchre Cemetery and Ascension Garden are to serve as places of beauty and peace where members of the faith community can be buried in the rich traditions of the Catholic Church and where those who mourn them can gather together in prayer and remembrance. Our cemeteries are designed to be places of dignity and repose where methods of remembrance are respectful to both the deceased and their families.

Rules and Regulations can change.

We recognize that conditions, laws and cultural practices can change and that our rules and regulations need to be periodically reviewed in light of these factors. Furthermore, any Rules and Regulations that existed prior to the publication of this booklet and which may be in conflict with these rules and Regulations are rescinded.

DEFINITIONS

Cemetery or **Cemeteries** will mean Holy Sepulchre Cemetery located at 2461 Lake Avenue in Rochester, New York and/or Ascension Garden located at 1900 Pinnacle Road in Henrietta, New York including all the property for in-ground burials, mausoleums for crypt and niche entombments and columbaria for niche entombments.

Management will mean the person(s) duly appointed by the Board of Trustees of Holy Sepulchre Cemetery for the purpose of conducting and administering the Cemeteries.

Interment is meant to include either in-ground burial or the entombment of the human body or cremated remains of a deceased person.

Entombment is a term frequently used to describe the interment of the deceased remains of a human body in a mausoleum crypt.

Inurnment is a term sometimes used to describe the interment of cremated remains of a human body in a mausoleum niche or columbarium.

Grave will mean a plot of ground in the Cemetery used or intended to be used for the burial of a human body or cremated remains.

Lot will apply to one or more adjoining graves belonging to the same holder(s) of the burial rights.

Mausoleum will mean a permanent building that serves as a burial place for caskets and cremated remains.

Columbarium will mean a free standing, outdoor structure for the burial of cremated remains.

Crypt will mean the above ground chamber in which a casket is placed within a mausoleum.

Niche will be defined as a small chamber, in a mausoleum or columbarium, in which cremated remains are placed.

Lot Holder or **Crypt Holder** will include the person(s) who have purchased burial rights in the Cemetery.

Contractor will mean any person, firm or corporation engaged in performing work in the Cemetery, other than an employee of the Cemetery.

The term **Memorial** will include any monument, tombstone, headstone, grave marker, tablet or inscription on a crypt or niche front for one or more deceased persons.

The term **Decoration** will mean anything added to enhance the appearance of a lot, grave, memorial or mausoleum such as flowers, wreaths or other objects permitted by the Cemetery rules.

Care will mean the general care of the Cemetery.

The term **Permanent Maintenance** will mean a fund derived primarily from a portion of the sale price of burial rights that is set aside in a permanent fund, the income of which is used for the maintenance and care of the Cemetery.

Green or **Natural Burial** is a burial process that allows the body to return to nature uninhibited by artificial materials or processes that may contaminate the earth. It utilizes only biodegradable materials, minimizes fossil fuel usage, and allows only native natural plants to grow in order to return the site to its natural appearance.

ACQUIRING BURIAL RIGHTS IN THE CEMETERIES

Selection and Purchase of Burial Rights

1. Purchase of a burial site is for the right of burial and not for the land, mausoleum or columbarium space itself. Upon full payment, a certificate is issued, which grants the purchaser perpetual right of burial, subject to the rules and regulations of the Cemetery, the discipline of the Roman Catholic Church and New York State Cemetery Law with respect to burials and funerals. The certificate does not confer the right to speculate for financial gain or to sell, assign or transfer the rights to others except with the approval of Cemetery management.
2. Lots and mausoleum locations may be selected and arranged at the Cemeteries offices with the assistance of Family Services Counselors who will assist the purchasers by explaining the many options available as to location, financing, memorialization, decorations, and other cemetery services. It is strongly recommended that the purchaser, the family or responsible person visit the location on the Cemetery property to make the selection.
3. Cash, check, credit card or electronic funds transfer may be used to pay for burial space. Full payment is required if a burial is to be made at the time of purchase. Various payment plans are available for pre-need purchases at zero percent (0%) interest. Cash discounts are usually available for full payment at the time of purchase for certain high value purchases. Family Services Counselors are available to assist purchasers with arranging financing and payment options to suit individual needs.
4. Burial space rights may not be subdivided and cannot be sold to others by the purchaser. However, multiple purchasers may jointly hold multiple space rights. The original purchaser(s) may return entire lots or mausoleum spaces to the Cemetery for the original purchase price less a relinquishment fee and cost of memorial plaque (if applicable), providing all spaces are vacant and any existing memorials are removed.

Inheritance or Transfer of Burial Rights

1. Rights of burial are regulated by section 1512 of New York State Cemetery Law and by section 8 of Religious Corporations Law. Under those laws, the purchaser and the purchaser's spouse have first rights. The rights then pass to the purchaser's descendants. Spouses of descendants do not have automatic burial rights. Furthermore burial rights do not pass under residual inheritance rights in a will as is common with material goods. Burial rights however may be bequeathed to specific persons in a will.

If there are questions as to the person(s) that have burial rights, you should consult the Cemetery or an attorney.

2. Rights of burial may be transferred to persons other than the lot and crypt holder or heirs by obtaining a transfer that must have the approval of the Cemetery and all persons who have purchased or inherited the burial rights. Family Service Counselors are available to assist in preparation of transfers of burial rights. If there is a change to the rites of burial, please notify the Cemetery immediately.

RESPONSIBILITIES OF OWNERS OF BURIAL RIGHTS AND OF MANAGEMENT

Memorials and Grave Markers

1. Lots and Graves – Grave markers and upright monuments which are placed on individual graves or on multiple grave lots must be provided by the person(s) who own the burial rights. These memorials remain the property of the lot holder(s) or their heir(s) who is responsible for maintaining them in a safe and proper condition.

Lots must be fully paid for prior to placing a memorial. Markers and memorials must comply with Cemetery rules as to dimensions, location on the lot and inscriptions and must be purchased from a monument dealer approved by Holy Sepulchre Cemetery. Online purchases of memorialization is prohibited.

A foundation to support and protect the memorial must be constructed. Holy Sepulchre Cemeteries reserve the right to construct the foundation in order to insure the foundation is of high quality, appropriate for site conditions, memorial size and weight.

A brochure entitled Monuments and Headstones, a Guide to Memorialization for Holy Sepulchre Cemetery and Ascension Garden is provided at the time of sale to person(s) who purchase in-ground lots or graves. The brochure is also available to anyone at the Cemetery offices or at Rochester area monument dealers. Please refer to that brochure if you are contemplating purchase of in-ground burial rights or a monument or headstone.

2. Mausoleums & Columbaria – Holy Sepulchre Cemetery and Ascension Garden provide memorialization that includes the name(s), years of birth and death in various forms depending on the mausoleum and location within. They include bronze plaques, bronze plaques with a granite insert or bronze lettering and an eternal light in selected mausoleums. These memorials are included in the price of the burial rights. In addition to the memorials provided by the Cemeteries, owners of the burial rights may purchase from the Cemeteries various additional adornments to the crypt or niche fronts including bronze emblems, custom photo ceramic pictures of the deceased, and flower decoration programs.

Care and Beautification of the Cemeteries

1. The Cemeteries grounds, mausoleums and other structures are the property of Holy Sepulchre Cemeteries, which are solely responsible for their design, maintenance and upkeep. The Cemeteries reserve the right to make improvements to the grounds and to maintain the lawns, trees, shrubs, flower beds, fences, roads and walks. This care will be controlled exclusively by the Cemeteries either by workers employed by the Cemeteries or by contractors under the direction of the Cemeteries management.

In order to provide funds to maintain the Cemeteries, a portion of the purchase price of burial rights is set-aside in a Permanent Maintenance Fund. The income from this fund will be used for the perpetual care and upkeep of the Cemeteries. The responsibility for the fund and the portion of sales set aside is under the authority of the Board of Trustees of Holy Sepulchre Cemetery and in accordance with applicable New York State laws relevant to religious cemeteries.

2. We encourage lot holders and visitors to provide this personal care to the grave(s) of their loved one(s). Winter decorations are also allowed in the form of wreaths. Because of the size and very large number of burials in the Cemetery and the need to maintain the grounds in a reasonably efficient manner, there are rules in regards to planting and decorations that need to be followed. The Cemetery has specific brochures that govern decorations for graves, mausoleums and columbaria. Please refer to these brochures when planning decorations and if you have questions contact the Cemeteries' offices.

Management Rights and Responsibilities

Holy Sepulchre Cemetery, through its Management, reserves the right at anytime to change, amend, alter, repeal, rescind or add to these rules and regulations and any part thereof, or to adopt any new rule or regulation with respect to the Cemeteries or anything pertaining thereto.

Management will also have the right to correct any errors that may be made by the Cemeteries. If an error is made in the location of an interment, the Management will have the right to remove and inter the remains in another lot or grave of equal value and similar location. If an error is made in the description, transfer or conveyance of burial rights or lot(s), the Management will have to right to substitute other interment rights or lot(s) of equal value and similar location or to refund the full cost of the burial rights.

For further information or interpretation regarding the Rules and Regulations of the Cemetery, contact the Cemeteries' offices.

Loss or Damage

Cemetery 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, an order of a military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond the control of the Management.

In the event it becomes necessary to reconstruct or repair any section of the Cemeteries, including burial space, which has been damaged by such causes, management will make the necessary repairs to the burial lots and grave space. If memorials that are the property of the lot holders are damaged, management will attempt to notify the lot holder(s) of record by telephone or mail. In the event the lot holder fails to repair the damage to a memorial, management will direct that the repairs are made and may charge the expense against the lot and to the lot holder of record. In any case management will make any necessary repairs that are necessary to correct a condition that constitutes a hazard to the public.

The Cemetery also reserves the right to take necessary steps that, in its sole discretion, it deems appropriate and necessary to maintain any individual crypt and the mausoleums generally in a respectful, safe and dignified condition.

We urge all burial rights holder(s) to notify Holy Sepulchre of any change of address in order to be able to contact them if necessary. We recommend that you provide an email address, telephone and fax number, as they can speed the process of contacting lot and crypt holders.

BURIAL ARRANGEMENTS

General Rules

1. Selection of burial location and arrangements for burial must be made directly with the Cemeteries' offices. Ample time must be provided for completion of arrangements and preparation of the burial space, by 11:00am the day preceding the burial. Burials will not be made on Sundays or holidays that are observed by the Cemeteries.
2. If a funeral director or other agent is representing the person who has burial rights to the space, the arrangements made by the funeral director or agent with the Cemeteries will be binding on the person holding the burial rights.
3. Payment for the interment, entombment or inurnment (grave/ crypt/ niche opening) must be made or arranged prior to the burial.
3. A proper burial permit, issued by a duly accredited public official, must be presented to the Cemetery before burial can be made. If the burial is of cremated remains, a cremation certificate issued by the crematory must be presented. In addition, New York State law requires that the cemetery prepare a Body Delivery Receipt that the attending funeral director must sign verifying the identity of the deceased person.
5. Adult burials in traditional burial spaces (excludes natural or "green" burial sections) and mausoleum crypts must be made with a casket. Caskets must be firm enough to be properly carried to the gravesite and rigid enough to be handled on a standard lowering device.
6. At Holy Sepulchre Cemetery, funerals may enter at either the main entrance on Lake Avenue or the Dewey Avenue gate. At Ascension Garden, funerals may enter at either the main entrance on Pinnacle Road or the Williams Road gate.
7. All funerals will be subject to and comply with the directions of management while they are within the Cemetery.
8. Due to the large quantities of flowers brought to the Cemeteries, the Cemeteries will remove funeral flowers on the day of the funeral. Should members of the family wish to retain some of these flowers, the Cemeteries respectfully requests that this be done at the time of the burial service.
9. Management will not be liable for errors occurring as a result of improper information as to the size of a casket, vault or urn as to the particular grave, crypt or niche locations. Management will also not be liable for any delay in interment where rules and regulations have not been followed, or where proper burial rights have not been determined. Management further reserves the right under such circumstances to place the body in a receiving vault until errors have been corrected or rights have been determined.
10. The casket may not be opened at any time within the Cemeteries without the express permission and in the presence of the Management and funeral directors. The Management reserves the right to refuse permission to anyone to open the casket or to touch the body without the written consent or physical presence of the legal representative of the deceased, or a Court order.
11. Only persons employed by Holy Sepulchre Cemetery and only equipment owned by the Cemeteries will be used in making burials or removals unless the Management makes other arrangements.
12. Besides being subject to these Rules and Regulations, all burials will be subject to the laws of the State of New York, the County of Monroe, and the City of Rochester or the Town of Henrietta.

In-Ground Burials – Traditional Sections

1. The person who has the burial rights to the grave space or their representative must approve the location for the interment on multiple grave lots.
2. Concrete or metal outer cases must be used for in-ground interments in traditional sections of the Cemeteries. The dimensions of the outer cases must comply with the Cemeteries' standard grave dimensions and of sufficient strength to protect the casket from the natural forces placed upon it when in the grave.
3. Embalming is not required for in-ground burial. Cremated remains for in-ground burial must be placed in a rigid outer container of concrete or other material, approved by the Cemetery, which will withstand the natural forces of in-ground burial.
4. Only one adult full casket burial is allowed in a full size grave. Double depth lawn crypts will accommodate two full size caskets. Human cremated remains are interred in smaller graves specifically intended for this purpose. However, up to two cremated human remains are permitted in a full size grave. Memorialization on a grave with more than one burial must be on a common marker and in keeping with the style, type and location of other markers in the section.

In-Ground Burials – Natural or Green Burial Sections

All of the above rules for In-Ground Burials – Traditional Sections apply to Natural or “Green” Sections with the following exceptions and differences.

Concrete or metal outer cases are not allowed.

1. The body must be contained in a fully biodegradable enclosure such as a plain box or coffin made of unfinished wood, wicker, sea grass or other natural material or in a cloth shroud that is made of natural materials that will completely decompose.
2. Disinterments are not allowed from natural burial sections.
3. Embalming is not required and may be allowed if performed with natural biodegradable material approved by the Cemeteries.
4. Cremated remains must be similarly placed in fully biodegradable containers.
5. Memorials at Holy Sepulchre are limited to small granite ground level cut stones. At Ascension Garden native stones gathered from the cemetery site are used for memorials. Inscriptions are limited to names and year of birth and death. Because of these limitations, memorial stones are provided by the Cemeteries as part of the purchase price of the burial right. Refer to the booklet “Holy Sepulchre Cemetery Ascension Garden – A Guide to Natural Burial” for further information.

Entombments in a Mausoleum (Full Body)

1. Caskets are placed directly in crypts without a rigid outer container. The size of the casket must be such that it will fit the interior dimensions of the crypt. The Cemeteries, at its option, may place the casket in a flexible outer container as a casket protector.

2. A body must be embalmed for entombment in a mausoleum crypt.
3. Because of the need to handle caskets with mechanical lifting devices during the entombment, visitors are not allowed to view the entombment. However the funeral director can be present as your representative to view and possibly assist with the entombment

Inurnments in a Mausoleum or Columbarium (Cremated Remains)

1. Cremated remains to be placed in a niche must be in containers that conform to the sizes as specified in the sales contract.
2. Glass front niches are allowed two (2) personal mementos that must be pre-approved by management. Photos are not allowed in glass front niches except those purchased through Holy Sepulchre Cemetery.

Disinterments

1. Application for disinterment of a body will be made at the Cemeteries' offices. Permission for disinterment must be based upon application of the spouse, child or children, parent or parents or next of kin of the deceased person or an order by a Court of Law. All disinterments require approval of Cemetery management.
2. The Cemetery will determine the person(s) who must agree, in writing, to permit the disinterment, according to New York State law and the rules of Holy Sepulchre Cemeteries. The Cemetery will prepare the documents for signature by the person(s) who must agree to the disinterment. The signature(s) will require notarization.
3. Arrangements for removal from an in-ground location to a mausoleum must be reviewed and approved by Cemetery management. A funeral director must be involved in order to remove the casket from the grave and enclose the casket in a protective cover before placing in a mausoleum crypt.
4. Upon proper application, the Cemetery will schedule the removal, either for movement from one part of the Cemetery to another or removal to another Cemetery.
5. During a disinterment, the casket will not be opened for the purpose of viewing the remains. Family members or representatives are not allowed to be present at the disinterment. Natural causes deteriorate human remains and the appearance of the deteriorated body could be traumatic to persons unaccustomed to viewing such conditions.
6. At the time of disinterment, any and all monuments and headstones pertaining to the body removed from the Cemetery must be taken from the Cemetery. If the disinterment is within the Cemetery, and the memorial meets the monument regulations of the new location, the family must make arrangements to have the monument reset at the time the disinterment arrangements are made.

CONDUCT WITHIN THE CEMETERY

Holy Sepulchre Cemeteries are places of burial for our deceased loved ones and is to remain a place of beauty and peace for all who come to remember them. We thank you for your conscientious observance of these rules regarding conduct while visiting the Cemeteries.

1. Gates are open daily 8:00 am – 7:00 pm (April – mid October) and 8:00 am – 5:00 pm (mid October – April). Gates may be closed to traffic under extreme weather conditions. The offices are open Monday through Friday 9:00 am – 4:30 pm and on Saturday 9:00 am – 12:00 pm.
2. Motor vehicles should enter and exit at the public gates and should remain on designated roads and parking lots at all times. Please do not drive on grass or planted areas. Since there are many miles of roads and at times considerable traffic, please observe normal traffic rules of public highways. Please drive cautiously and be aware of pedestrians and other visitors at all times. Only licensed vehicles are allowed on Cemetery property.
3. Children should be accompanied by an adult and should not play on lots or lawns. Do not allow children to climb upon or handle headstones or monuments. Persons visiting the Cemeteries do so at their own risk as to damage or injury from falling monuments and headstones.
4. Visitors are welcome to walk on Cemetery roads for relaxation and reflection. Please refrain from jogging and bicycle riding on Cemetery grounds.
5. Pets are prohibited from cemetery grounds unless they remain in a motor vehicle.
6. Shrubs, trees and plants are there to enhance the beauty of the Cemeteries. Please do not pick flowers, remove plants, trim or injure trees or shrubs. Approved plants, flowers and winter decorations are welcome. Please refer to the brochure Regulations for Lot and Grave Plantings & Decorations. The brochure is available at the Family Services Center at Lake Avenue and at Pinnacle Road or online.
7. The Cemeteries are private property for the benefit of the lot and crypt holders and their loved ones. Any defacing of monuments, landmarks or the grounds may be considered a criminal act.
8. Management will refuse admittance to persons known to have caused disturbances or to persons not willing to abide by the rules and regulations of the Cemeteries.
9. Please dispose of rubbish in the receptacles conveniently located throughout the Cemeteries.
10. Picnicking, gatherings and other assemblages deemed improper by Management are prohibited.
11. The use of any mood altering substances are strictly prohibited.
12. Excessive noise and disruptive actions on Cemetery grounds is strictly prohibited. Disruption or disturbance of a religious service, funeral, burial or memorial service is a class A misdemeanor.
13. Peddling or sale of flowers, plants, other articles or commodities, solicitation of services, posting signs or advertising are not allowed within the Cemetery. Flower vendors located outside the gates of the Cemeteries are independent vendors, who have no relationship to the Cemetery and are allowed to be there under permits granted by local municipal authorities.

OUR MISSION

Holy Sepulchre Cemetery will assist the Church in fulfilling its ministry to bury the deceased of the faith community in consecrated ground. Its Cemeteries will serve as a sacred and peaceful site of beauty where family and friends can gather in prayer and remembrance. As places of Christian burial, Holy Sepulchre Cemeteries reflects respect for the human person, belief in the resurrection of the body, and the hope of Eternal Life. We are dedicated to the Christian burial of all members of the Catholic Faith Community, and to comfort all those who mourn them.

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Holy Sepulchre Cemetery | 2461 Lake Avenue | Rochester NY 14612 | 585 458 4110

Ascension Garden | 1900 Pinnacle Road | Henrietta NY 14467 | 585 697 1122

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