

## PREFACE

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

Christian Burial is a religious act, a corporal work of mercy. St. Joseph on the Brandywine Cemetery is charged with the performance of this sacred trust and has the continual responsibility of maintaining our cemetery with a dignity deserving a function of the Roman Catholic Church. Catholic cemeteries have been designated, and rightly so, as "reliquaries of the Saints".

To insure the sacred character of St. Joseph on the Brandywine Cemetery of the Diocese of Wilmington in accord with the traditional practice of the Church and to establish and maintain good order, the following Rules and Regulations are in effect.

ST. JOSEPH ON THE BRANDYWINE CEMETERY 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 AS ANY THEREOF, OR TO ADOPT ANY NEW RULE OR REGULATION WITH RESPECT TO ITS CEMETERY OR ANYTHING PERTAINING THERETO.

**RULES AND REGULATIONS**  
of  
**ST. JOSEPH ON THE BRANDYWINE CEMETERY**  
**DIOCESE OF WILMINGTON**

For the mutual protection and benefit of Certificate holders in the St. Joseph on the Brandywine Cemetery, the Management of said St. Joseph on the Brandywine Cemetery hereby adopts the following Rules and Regulations. All Original certificate holders, heirs and persons visiting St. Joseph on the Brandywine Cemetery shall be subject to said Rules and Regulations and such amendments or alteration thereof or additions thereto as shall be adopted by the Management of St. Joseph on the Brandywine Cemetery from time to time; and the reference to these Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full herein.

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## INTRODUCTION

### WHY DO CATHOLIC CEMETERIES HAVE RULES AND REGULATIONS?

- A) Once land is dedicated for cemetery purposes, or has been used as a burial place, a responsibility is imposed upon the Cemetery Management to maintain the land for these purposes. From this responsibility, comes the right and obligation to govern the cemetery.
- B) Rules and regulations are promulgated for the express purpose of governing the activities in the Catholic Cemetery for the mutual protection and benefit of our Catholic families and the cemetery as a whole.
- C) When burial rights are purchased, the purchaser acquires the right of interment, entombment or inurement. The cemetery retains title to the actual property. The rules and regulations we make are to foster cooperation between the cemetery and those who hold various interment rights.
- D) Rules are intended to define an orderly plan of operation, care and maintenance.
- E) Rules and regulations are designed for the protection of all Original Certificate Holders, heirs, and cemetery visitors.
- F) It is the responsibility of the Cemetery Management to uniformly enforce these rules and regulations.
- G) It is the responsibility of the Original Certificate Holders and their heirs to familiarize themselves with these rules and regulations

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## ARTICLE I

### Definitions

- A) The term "Management" shall mean the person or persons duly appointed by the Board of St. Joseph on the Brandywine Cemetery for the purpose of conducting and administering the cemetery.
- 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) "Entombment" shall herein mean burial above ground in a mausoleum crypt.
- F) "Grave" shall mean a space of ground in a cemetery used, or intended to be used, for the burial of human remains.
- G) By the term "Interment" is meant either earth burial or entombment.
- H) The term "Lot" shall include and apply to one or more than one adjoining graves, or one or more than one adjoining crypts.
- I) The term "Original Certificate Holder" shall include person or persons who have purchased interment or entombment rights.
- J) The term "Memorial" shall include upright monuments, flush memorials or inscriptions on crypt fronts.

## ARTICLE II

### Purpose of Cemetery

The Cemetery is intended for the interment of Catholics who are entitled to Christian burial and of non-Catholic members of Catholic families according to the rules and discipline of the Roman Catholic Church. Any question 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 Ordinary of the Diocese of Wilmington, and such decision shall be final and binding on the parties. ✓

## ARTICLE III

### Admission to Cemetery

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 Catholic Doctrine may dictate.



## ARTICLE IV

### Arrangements for Interments

- A. General Information
1. Cemetery 1-Grave lots are 40 inches wide and 9 to 10 ft. deep.
  2. Most cemetery lots are 2-Grave lots, that is, they are 80 inches wide and 9 to 10 ft. deep - for burial of two bodies side by side, or four bodies if double depth is used. Many of these are monumented lots, where upright memorials (Monuments) may be used. On the others, flush memorials (Markers) may be used.
  3. The Cemetery also has 3-Grave, 4-Grave, 6-Grave, 8-Grave and 10-Grave lots.
  4. Cremation lots are available, with space for two urns underground.
  5. For all graves, a decision must be made at the time of the first burial in each lot whether it will be at single or double depth.
- B) The Management shall have the right to request those wishing to make a selection of a lot, or arranging for an interment, to call at the Cemetery Office in ample time to complete arrangements in accordance with Cemetery guidelines.
- C) No organizations, except those approved by the Cemetery Management and patriotic organizations, will be permitted to conduct services in the cemetery.
- D) The Management shall not be liable for any order given by telephone, or any error occurring from the lack of proper instructions as to the size of the casket, vault, or as to the particular grave or crypt locations where interment is to be made. The Management reserves the right to make an equitable charge whenever additional labor costs result from such errors or omissions.
- E) The Management shall be in no way 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; and further, said Management reserves the right, under such circumstances, to place the body in a Receiving Vault for a maximum period of thirty (30) days until full rights have been determined. Any protest may be required to be in writing and filed in the Cemetery Office.
- F) In the event of an error relating to a burial, Cemetery Management shall have expressed rights to correct such error.

## ARTICLE V

### Interment Procedures

- A) All funerals on entering the Cemetery shall be under the exclusive charge and sole direction of the Cemetery Management.
- B) A Board of Health Burial Permit from the proper authorities having jurisdiction of the deceased must accompany the remains to the Cemetery and be presented to the Management at the time of the burial.
- C) 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 without the consent of the legal representative of the deceased or without a Court Order or an Order from the duly-constituted civil authority having jurisdiction.
- D) Interment Procedures For Cremation
  - 1. All Interments of cremains after Cremation must be handled through a licensed funeral director.
  - 2. Cremains must be in an appropriate sealed container.
  - 3. All cremains are to be properly identified.
  - 4. Appropriate Certificate of Cremation and required permits must be supplied to the Cemetery.
  - 5. A single grave may be purchased for the interment of two (2) cremains.
  - 6. The Cemetery also offers separate Cremation lots.
  - 7. Burial of Cremains on the top of a previous adult interment shall be in accordance to the "Sequence of Burial Rights". The right to bury cremains on top of a previous adult interment is to be questioned, not presumed. An additional right of burial will be charged for cremains placed on top of a previous adult interment.
  - 8. A separate memorial is not allowed for cremains that are placed on top of a previous adult interment.

E) Infant Interments ---- Special considerations are provided for infant interments. Consult the Cemetery Office for more information.

F) Disinterments

1. The Management shall have the right to designate the day, hour and manner in which interments, disinterments, and removals will or will not be permitted. All interments, disinterments, and removals shall be subject of the payment of such charges as may be fixed by the Management.
2. Besides being subject to the Rules and Regulations of St. Joseph on the Brandywine Cemetery, all interments, disinterments and removals shall be subject to the Regulations of the Department of Health, State of Delaware.
3. No disinterment or removal shall be allowed except with the permission of the Management and with written authorization of the Original Certificate Holder or heirs and next of kin and with proper legal procedure.
4. The Management shall exercise due care in making a disinterment and removal, but it shall assume no liability for the damage to any remains, casket, burial case or memorial incurred in making the disinterment and removal.

G) Any work performed in the St. Joseph on the Brandywine Cemetery shall be under the direct supervision of the Cemetery Management.

## ARTICLE VI

### Correction of Errors

The Management reserves, and shall have, the right to correct any errors that may be made by it in making interments, or disinterments.

## ARTICLE VII

### Instructions to Original Certificate Holders and Original Certificate Holders' Rights

- A) Persons arranging for interments should visit the Cemetery office to confirm any arrangements with cemetery staff.
- 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 purchaser fail to carry out the terms of the purchase agreement, the Management may declare said agreement cancelled and all rights of the purchaser in and to the lot forfeited.
- D) The rights of the Original Certificate Holder shall not be assigned or transferred without the consent of The Management of St. Joseph on the Brandywine Cemetery of the the Diocese of Wilmington.
- E) All rules and discipline of the Roman Catholic Church, and all rules and regulations of the Diocese of Wilmington now or hereafter existing in respect to the government of the aforesaid Cemetery as promulgated by The Management shall be kept and observed.
- F) The offices and employees of St. Joseph on the Brandywine Cemetery and other persons reasonably entitled thereto shall have a perpetual and uninterruptable right over said lot and grave to pass to and from other lots to which no other means of access is available.

- G) All in-ground burials shall have a concrete outside liner or burial vault constructed in accordance with specifications determined by the Management. Variations of the aforementioned may be deemed appropriate when approved by the Management. When double depth interment is chosen, the vault for the second burial shall be purchased and installed at the time of the first burial.
- H) The interment of any person not a member of the family of the Original Certificate Holder, shall not be made without the prior consent of the Management.
- I) The Original Certificate Holder or heirs may not charge nor be allowed to receive any monetary consideration for the right of sepulcher.
- J) Interment of non-Catholics will be permitted in the Cemetery under the conditions required by the regulations of the Diocese of Wilmington.
- K) The landscape plans of the Management for the Cemetery in respect to the location and varieties of trees, shrubs any flowers planted, or to be planted shall be adhered to, which plans among other things provide: (1) that planting of any kind is not permitted at any time; and (2) the Management shall have the right to remove any trees, shrubs or plants, which in the opinion of Management, violate any such landscape plans, obstruct any adjacent lot, walk or road, or which in the judgment of Management, are injurious to the general appearance of the cemetery.
- L) No coping, curbing, fencing, hedging, borders, or enclosures of any kind shall be allowed around the lot or around any grave. The Management reserves the right to remove same, without notice, if so erected, planted, or placed.

M) In the event of death of one or the Original Certificate Holders of a jointly held lot, any and all privileges of the lot shall pass to the surviving Original Certificate Holder(s). In the event there are no surviving Original Certificate Holder(s), any and all privileges of the Original Certificate Holder(s) shall pass to the Original Certificate Holder's family in the following manner:

1. The surviving spouse of the Original Certificate Holder whose name does not appear on the Certificate has prior right of one burial space in the lot. This right may be voluntarily forfeited at any time. Otherwise it will terminate upon the death or remarriage of said surviving spouse.
2. If the Original Certificate 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 Management, and will be followed if in the judgment of said Management such instructions are definite, reasonable, and practical, subject however, to a vested right of interment of the surviving spouse.
3. If no valid or sufficient written instructions shall have been filed, all remaining rights and privileges of the lot descend from the intestate Original Certificate Holder in the following order:
  - a) To the children of the Original Certificate Holder.
  - b) If none of the children of the Original Certificate Holder is alive, the grandchildren of the Original Certificate Holder.
  - c) If no children or grandchildren, then the father or mother, or both, of the Original Certificate Holder.
  - d) If no one of the first four classifications is living, then the living brothers and sisters of the Original Certificate Holder.
  - e) If no living brother or sister of the Original Certificate Holder, then to the nephews and nieces of the Original Certificate Holder.
  - f) To the grandparents of the Original Certificate Holder.
  - g) To the uncles and aunts of the Original Certificate Holder.

When there is no longer any living person who could be classified in any of these seven groups, the burial rights in the lot will have been terminated.

Each qualified heir shares equally and jointly in the burial rights while vacant graves remain in the lot. His/her individual rights cannot be determined except at the time of his/her own burial which automatically gives him/her the right if he/she qualifies in the sequence of inheritance.

Any qualified heir may release his/her right at any time. However, he/she cannot assign or transfer this right to any one individual, but to the other qualified heirs jointly.

When all graves are occupied, the surviving heirs lose their rights.

## **ARTICLE VIII**

### **Original Certificate Holder's / Heir's Change of Address**

- A) It shall be the duty of the Original Certificate Holder or heirs to notify the Management of of any change in his/her Post Office address. Notice sent to the Original Certificate Holder or heirs at the last address in the Management's records shall be considered sufficient and proper legal notification.

## **ARTICLE IX**

### **Service Charges and Payments**

- A) The Management shall have a right to fix a charge and time of payment for each interment, disinterment, removal, lot transferred or released, and for the performance of any other service rendered by the Management; and 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 or before any memorial may be erected.



## ARTICLE X

### 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 any 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 lot holder.
- B) The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time:
1. Easements and rights of way over and through all of the premises of the Cemetery for the purpose of operating the Cemetery.

## ARTICLE XI

### Use of Cemetery

- A) VISITORS -- Visitors within the Cemetery shall use only the avenues, roads and walks, unless it is necessary to walk on the grass to gain access to one's lot. The Management expressly disclaims liability for any injuries sustained by anyone visiting the cemetery.
- B) TRESPASSERS -- Only the Certificate Holder and his/her relatives or friends shall be permitted in the Cemetery. Any other person shall be considered a trespasser, and subject to the Rules and Regulations of the Cemetery.
- C) CHILDREN -- Children under fifteen years of age are not permitted within the Cemetery unless accompanied by an adult.
- D) ANIMALS -- Animals are not allowed within the Cemetery.
- E) LAWNS -- Lawns shall not be disturbed for any purpose.
- F) MOTOR VEHICLES -- Automobiles, funeral cars, and trucks must be kept under control at all times, and, at no time shall such vehicles drive through the gates or within the Cemetery at a speed in excess of 15 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.
- H) BICYCLES -- Bicycles are not permitted in the Cemetery.
- I) REGULATIONS ON PLACEMENT OF FLOWERS AND DECORATIONS -- The right is reserved to regulate the method of decorations on lots so that uniform beauty may be maintained.
  - 1. Fresh cut flowers are welcome at any time if they are placed in appropriate, self-supporting containers or vases that can be easily moved. When flowers become unsightly, the Cemetery staff will remove them, along with their container. Sub-surface vases, those that can be inverted in the ground when not in use, are recommended for visitor convenience, general appearance and safety.

2. Potted plants may be placed on five "Special Days" --Christmas, Easter Sunday, Mother's Day, Memorial Day, and Father's Day. Families should pick up potted plants and other decorations within one (1) week after each "Special Day". All winter decorations should be picked up during the first week of February, to enable Spring cemetery preparations.
3. Glass containers and wire pins -- as well as holes in the sod to hold containers, potted plants or vases -- are not permitted because they constitute potential safety hazards to Cemetery visitors and workers.
4. Decorations should be placed close to memorials so that visitors and employees do not trip over them.
5. Flags may be placed Memorial Day through Flag Day. Those left after Flag Day will be removed by the Cemetery staff to allow grass cutting.
6. Families should take responsibility for decorations to avoid removal and loss.
7. Balloons, pictures, votive lights, urns and statues may not be placed or planted on Cemetery grounds.
8. The Cemetery reserves the right to remove decorations that have deteriorated, along with decorations that do not meet these guidelines, to maintain the beauty, dignity, and safety of the Cemetery.
9. The Cemetery cannot be responsible for decorations, plants, vases, etc., left on the grounds. Decorations left after specified times will be removed by the Cemetery staff.
10. Subsurface vases are to be used for placement of fresh cut flowers only. When artificial flowers are placed in subsurface vases, they become permanent decorations. In these instances, the artificial flowers will be removed and the vase placed in the inverted position.
11. Saddles or harnesses used to attach artificial flowers to upright memorials are not permitted.

12. The Cemetery clears all decorations five times a year --within a reasonable time after the five Special Days -- Christmas, Easter Sunday, Mother's Day, Memorial Day and Father's Day. Please inform your family and friends.
13. Management reserves the right to change and alter rules whenever it deems necessary.

J) REGULATIONS FOR DECORATIONS ON MAUSOLEUMS -- To maintain community mausoleums in a manner befitting the memory of loved ones, as well as to ensure safety and efficient maintenance, compliance with these guidelines is required.

1. Families are encouraged to bring fresh cut and/or artificial flowers to the mausoleum, provided they place them in the one (1) vase and vase ring provided by the Cemetery. Replacement Vase cups can be purchased at the cemetery office for a nominal fee. All floral arrangements placed in the vases must not infringe on adjacent crypts.
2. Metal wires or adhesives that affix decorations, pictures or Mass cards to crypt facings or vase rings can cause permanent damage, and present safety hazards to other visitors and are not permitted.
3. Votive lights and candles constitute fire and safety hazards and may not be used.
4. The Cemetery reserves the right to remove decorations that have deteriorated, as well as decorations that do not meet these guidelines, to maintain the beauty, dignity, and safety of the mausoleum.
5. The cemetery cannot be responsible for decorations that are removed. Damage resulting from improper decorations also cannot be covered by the endowed care plan. Thus Certificate Holders or their heirs are responsible for such damage.
6. Decorations may not be placed on the mausoleum floor because they present a safety hazard to other visitors and will be removed.
7. Management reserves the right to change and/or alter these rules whenever it deems necessary.

## ARTICLE XII

### Conduct in the Cemetery

- A) Loitering, playing, exercising, jogging and/or exercise walking, or any boisterous demonstrations within the Cemetery is 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 provided.
- C) Picnicking -- Picnicking or partaking of any refreshments by visitors within the Cemetery is prohibited.
- D) Flowers and Shrubs -- No one shall damage or remove any flowers, trees, plants or shrubs within the Cemetery.
- E) Soliciting -- No one will be permitted 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.

Management shall ask anyone who violates the above referenced Rules of Conduct to refrain from the activity or to leave the Cemetery grounds immediately.

## 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 - and to cut, or remove all plantings, trees and shrubs within the Cemetery as it deems necessary.
- B) All improvements or alterations of lots in the Cemetery shall be under the direction of the Management; and, should alterations be made without consent, Management reserves the right to remove such alterations at the expense of the Certificate Holder.

## 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. Certificate Holders may have certain work done in accordance with these Rules and Regulations at their own expense with Management approval.

## ARTICLE XVI

### Employees

- A) Employees of St. Joseph on the Brandywine Cemetery are not permitted to do any work for Certificate Holders, but are required to be civil and courteous to all visitors. All requests for work on the lot must be made at the Cemetery Office.
- 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 XVII

### Care

- A) St. Joseph on the Brandywine Cemetery is a non-profit corporation, with "Endowed Care". The portion required by law is set aside for investment, and the proceeds thereof are used to provide general care.
- B) "Endowed Care" is strictly defined to mean: "the cutting of the lawn on the lot or grave at reasonable intervals and the general care and maintenance of the Cemetery insofar as net income only, derived from such care fund, will permit". The definition may be interpreted to include trimming around memorials, restoring of settled graves, seeding and sodding and related services, all as may be necessary in the judgment of the Management to render the lot or grave equal in appearance and condition to similar lots and graves, limited always to the extent that income from the care fund is sufficient to meet the cost of such services.
- C) The term "Endowed Care" shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any lot; 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 the Cemetery, injured or damaged by any cause, direct or indirect, beyond the Management's reasonable control.

## 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 beyond control of the Management. In the event it becomes necessary to reconstruct or repair any damage to memorials, crypts or graves, Management may direct that the repairs be made and charge the expense against the lot and to the Certificate Holder of record.

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## ARTICLE XIX

### Rules and Regulations for Memorials

#### A) General Guidelines -- St Joseph on the Brandywine Cemetery

1. When reference is made to memorials, it includes upright monuments, flush memorials, statuary, tombs or mausoleums.
2. All memorials must be made of Cemetery approved materials.
3. All memorials installed in the Cemetery must be approved by the Cemetery Management. Should they be placed without the prior consent of the Cemetery authorities, the Cemetery has the right to remove or alter such installations at the expense of the Certificate Holder. Any memorial which becomes unsightly or a safety hazard will be removed.
4. Memorial dealers shall abide by all Rules and Regulations of St. Joseph on the Brandywine Cemetery, of the Diocese of Wilmington.
5. Only first quality granite memorials made of certified monumental grade granite, free from all flaws and defects and manufactured with high quality workmanship will be accepted. Dealers further agree that should any defects develop within five (5) years of the date of setting, the memorial will be replaced without cost to the Cemetery or Certificate Holder.
6. All memorials shall have a Catholic symbol in a prominent position on the front side of the die or on the face of a flush memorial.
7. When a cross is used it must not be obscured in any other portion of the design. It is preferred that it be in an upright position. Only symbols and inscriptions deemed appropriate to a Catholic Cemetery are acceptable.
8. Since there are certain restrictions concerning the size and type of memorials permitted (See Section B), memorial dealers are advised to inform themselves of the types of memorials permitted on specific lots before commitments are made to a client. The cemetery is not responsible for the failure of a memorial dealer to ascertain restrictions applying to particular lots.

9. An "Application to Erect a Memorial" for St. Joseph on the Brandywine Cemetery, including a detailed sketch drawn to scale with inscription, and the signature of the Original Certificate Holder or qualified Heirs must be submitted to the Cemetery office for approval. This application must be completely filled out including the appropriate location.
10. Upon receiving an Application to Erect a Memorial or Private Mausoleum, the Cemetery shall render its approval. If the application is rejected the monument dealer will be advised so that the appropriate corrections can be made.
11. The Cemetery reserves the right to deny placement of the memorial on a location until the purchase price and/or the cost of endowed care on older lots has been paid in full.
12. All memorial dealers or their representatives must obtain prior permission from the Cemetery Superintendent to place, clean, inscribe, repair or remove any marker, memorial, or private mausoleum within the Cemetery. When performing any such work on Cemetery grounds, personnel must comply with all Rules and Regulations of St. Joseph on the Brandywine Cemetery and any reasonable direction given by Cemetery authorities.
13. All work of any description must be stopped when the continuation of work will interfere with any interment service being conducted on Cemetery grounds.
14. The Cemetery reserves the right to stop all work of any nature in the following instances:
  - a. Proper preparations have not been made to safely complete the setting or repair operation.
  - b. Continuation of such work threatens life or property.
  - c. Tools and vehicles used are insufficient or defective.
  - d. The work completed is not in accordance to the specifications previously provided to the Cemetery.
  - e. Persons employed by monument dealers violate Cemetery regulations.

15. Soliciting memorial sales or memorial work within the Cemeteries is prohibited.
16. All names and inscriptions on memorials must correspond with the names on file in the Cemetery Office.
17. Any epitaph or inscription on memorials shall be reviewed by Cemetery officials. Those judged in poor taste or incompatible with Roman Catholic Principles and Doctrine will not be permitted.
18. Nicknames and Pet names are not permitted.
19. Catch phrases or symbols emblematic of secular organizations are not permitted.
20. Waterproofing, colorations, painting, lithochroming, enameling, lacquering or bronzing of letters or carvings on any part of the memorial is prohibited.
21. Photographs are not permitted on memorials or mausoleums.
22. The following are not allowed:
  - a. Corner lot markers, except those placed by the cemetery.
  - b. Curbings or railings of any type. If placed, the Cemetery staff will remove them.

3) Guidelines for Upright Memorials (Monuments) and Flush Memorials (Markers)

1. Upright Memorial (Monument) Specifications -- In order to obtain an essentially uniform appearance of the cemetery, the following specifications should be used when ordering Monuments:
  - a. Standard Monument For 2-Grave Lots -- This Monument is 36 inches long, 24 inches high and 8 inches thick. It is on a Base which is 44 inches long, 14 inches wide and 8 inches high.  
The Monument Base is placed on a below-ground cement foundation which is 28 to 30 inches deep, and 16 inches wide.
  - b. Standard Monument for 3-Grave and 4-Grave Lots -- This larger Monument is 42 inches long, 28 inches high and 8 inches thick. It is on a Base which is 52 inches long, 14 inches wide, and 8 inches high.  
The same cement foundation described above is used.
  - c. Monuments for 6-Grave, 8-Grave and 10-Grave Lots -- For these large lots, two of either of the above standard monuments should be used, side by side. Other configurations must be pre-approved by the Cemetery Management, but in no case shall the height, including base, exceed 40 inches.
  
2. Flush Memorial (Marker) Specifications -- In order to obtain an essentially uniform appearance of the cemetery, the following specifications should be used when ordering Flush Memorials (Markers).
  - a. Markers for 1-Grave and 2-Grave Lots -- The standard flat Marker lies flush with the ground. It is 24 to 28 inches long, 12 to 18 inches wide, and 4 inches thick.  
  
Larger flat Markers are available and can be made in 36 to 48 inch lengths and 16 to 24 inch widths.
  - b. Markers for Cremation Lots -- The only flat Marker used for cremation lots will be 24 inches long, 12 inches wide and 4 inches thick.

3. Style and Color of Monuments and Markers

- a. Free standing statues, crosses and urns are not permitted.
- b. Only rectangular shapes should be used. Tops can be straight or curved. All other shapes must be pre-approved by the Cemetery Management.
- c. A wide variety of acceptable colors are available, including traditional gray. Base and die must be of the same grade and color granite.
- d. Inscriptions shall be carved into the granite. No painting is allowed, since it will not resist the elements for very long. Monuments can only be lettered on one side.

4. Government Monuments and Markers -- Government issue Monuments and Markers for veterans may be used, but the below-ground cement foundation is required.

c) Foundations and Temporary Foundations

1. All memorials shall be erected on a foundation in accordance with Cemetery specifications (Section B-1a). Foundations will be constructed as large as the bottom base or base course. Depth and type of foundations are determined by Cemetery Management.
2. When the future use of a lot is foreseen to require the removal of a memorial for additional interments, the Cemetery Management may, at its discretion, install a temporary foundation which will be billed in addition to the regular foundation charges.
3. All foundations will be calculated by the square inch of the foundation's surface area.
4. The memorial must be set within 7 to 10 days after the foundation has been installed.
5. An application to install a vase must be submitted with all inverted vases.

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D) Setting Memorials

1. Companies engaged in placing or erecting memorials, lettering or cleaning memorials, or transporting materials operate as independent contractors under the supervision of the Cemetery. Each company must have appropriate Workmen's Compensation Coverage and at least one million dollars in liability insurance.
2. Prior to setting memorials, memorial company personnel are to report to the Cemetery Office so that the memorials to be set can be inspected. If a memorial is not in accordance with the specifications submitted on the application, or does not conform to Cemetery standards, it cannot be set until appropriate corrections are made.
3. The use of dowels between memorials and foundations, or the removal of any part of the foundation to accommodate irregularities or defects in the memorial will not be allowed.
4. The changing of established grades in setting memorials is expressly forbidden.
5. All personnel responsible for setting memorials shall conduct themselves in a respectful and dignified manner. They are required to wear shirts and long trousers whenever on Cemetery grounds.
6. No memorials may be set nor lettering performed on Saturdays, Sundays Holy Days or holidays.
7. All memorials placed on Cemetery grounds are subject to the final approval of the Cemetery Management. If the work performed is unsatisfactory, the memorial dealer will be notified in writing and asked to make corrections. If the dealer fails in correcting the problem, the memorial will be removed at the monument dealer's expense.
8. The location and position of a memorial shall be at the discretion of Cemetery Management.
9. The Cemetery reserves the right to correct any error that may be made by its employees or a memorial company in the placement of any memorial.
10. Monument dealers agree to hold the Cemetery free from liability for damages occurring to a memorial during the setting of a memorial on Cemetery grounds.

11. Persons engaged in erecting memorials should insure that no damage is done to Cemetery property or adjacent memorials.
12. If there is any damage to Cemetery grounds or adjacent memorials caused by the setting of a memorial, the monument dealer will be billed the cost of repairing the damage.
13. No memorial may be removed from the Cemetery without the written permission of the Cemetery Management and Original Certificate Holder or qualified heirs.
14. No material, machinery, or equipment, or other items used in the construction of a memorial or mausoleum shall be brought into the Cemetery until it is required for immediate use. No equipment may be left in the Cemetery without Cemetery authorization.

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THESE "RULES AND REGULATIONS FOR MEMORIALS ARE NOT INTENDED TO BE ALL INCLUSIVE.

ST. JOSEPH ON THE BRANDYWINE CEMETERY RESERVES THE RIGHT TO REVISE THESE REGULATIONS WHENEVER IT DEEMS NECESSARY.

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## ARTICLE XX

### Community Mausoleums

- A) Management reserves the right to govern the type of casket used for entombments.
- B) At a future date, the Management reserves the right to issue under separate cover detailed regulations concerning the use of Community Mausoleums. Such regulations may include, but not be limited to: The decoration of crypts; the size, quantity, type, and placement of lettering on crypts; and the use or non-use of flowers, vigil lights, etc.

## ARTICLE XXI

### Receiving Vaults

- A) Receiving Vaults, if and when installed in the cemetery may be used for temporary entombments in accordance with the Cemetery Rules and Regulations. Their facilities are available only when final interment is to follow in a Catholic cemetery.
- B) Receiving Vaults are for temporary use only and subject to a daily rental, and under no circumstances shall a body be considered as interred or entombed by reason of its being placed therein.
- C) The authorized person making the temporary entombment to be placed in a Receiving Vault must give written authorization to the Cemetery for said entombment.
- D) The remains of any person who has died of an infectious or contagious disease shall not be placed in a Receiving Vault.

- E) The Management reserves the right, without notice, to remove from the Receiving Vault at once and inter any remains when same are not in a state of good preservation, or when the condition of the body renders its interment necessary.
- F) The amount of the deposit, handling charges, and daily rental rate shall be determined by the Management.
- G) The body shall be removed from the Receiving Vault in the cemetery within a reasonable time, which in no case shall exceed thirty (30) days, unless the Management consents to a longer period.
- H) Upon failure to pay rental, or to make suitable arrangements for the final interment of the remains within a reasonable time, the Management may remove the remains from the Receiving Vault and cause same to be interred in any grave it may select after first having given seven (7) days notice by Certified Mail to the person making the placement at the address stated on the Cemetery records, and shall apply the deposit on the expenses it incurs. In the event of such failure or default, the Management is empowered to act as duly appointed agent in obtaining any and all interment or health permits necessary for said removal and interment. As long as the remains are with said Management, this agency shall be coupled with an interest and this power shall be irrevocable.
- I) The Management will exercise due care in making a removal from the Receiving Vault, but shall assume no responsibility for damage to any casket or burial case incurred in making the removal.
- J) The Management reserves the right to issue at any time under separate cover detailed regulations and instructions pertaining to Receiving Vaults in the Cemetery, or to incorporate specific provisions in any Receiving Vault Agreement, and such regulations, instructions, and provisions are hereby made part of these Rules and Regulations.

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## ARTICLE XXII

### In General

- A) The statement of any employee of St. Joseph on the Brandywine Cemetery 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 all Original Certificate Holders and/or Heirs who now or in future will have burial rights in the St. Joseph on the Brandywine Cemetery.
- C) St. Joseph on the Brandywine Cemetery 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 not 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 in the premises, and such determination shall be binding upon the Original Certificate Holder, his/her heirs, and any other parties concerned.
- E) St. Joseph on the Brandywine Cemetery, 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.