

# **St. Michael's Cemetery**

## **Rules and Regulations**

St. Michael's Cemetery is owned and operated by St. Michael's Protestant Episcopal Church, 225 West 99<sup>th</sup> Street, New York, New York 10025

### **St. Michael's Church Mission Statement:**

We are a community of great diversity seeking to offer God's radical hospitality to all who enter our doors. Wherever you come from, whatever your age, whomever you love, however you believe, you are always welcome here.

The Cemetery is a mission of St. Michael's Church and therefore has been open to people all faiths since its inception in 1852 and respectfully sets out the following list of rules and regulations:

The rules and regulations contained herein are designed to maintain, preserve and grow the Cemetery for the benefit of all of our plottolders, and are instituted to help and protect all plottolders and visitors of the Cemetery.

Rules and regulations are reviewed periodically. Anyone interested in expressing opinions regarding Cemetery rules and regulations is encouraged to contact the Cemetery Management.

The well-maintained appearance of St. Michael's Cemetery depends on the consideration and cooperation of all of our plottolders and visitors and we thank you for your support and understanding.

**Cemetery Visiting Hours: Everyday 8am -5pm**

**Cemetery Office Hours: M – F 8:30AM – 4:30PM, Sat. 9PM – 3PM, Sun.10AM –2PM**

## HOLIDAYS

There shall be no burials on the following Holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Election Day
Memorial Day	Veteran's Day
Juneteenth	Thanksgiving
Independence Day	Christmas

**The offices will be open all Holidays with the exception of New Year's Day, Independence Day, Thanksgiving Day and Christmas Day.**

## Section I

### Right of Interment

- A. When you purchase Cemetery property, you are in fact purchasing the burial right of interment in the lot, crypt, or niche that is purchased. The burial space actually remains the property and responsibility of the Cemetery. You will receive a deed that acknowledges the burial right to the property once the contract is paid in full. All lots, plots, graves, crypts and niches shall be subject to the rules and regulations heretofore established or which may hereafter be established, whether or not the same appear in the rules and regulations annexed in the deeds of such lots, plots, or graves.
- B. The Cemetery reserves the right to specify the terms of purchase of all interment rights in graves, plots or crypts and to fix the number of interments allocated to a grave, plot or crypt.
- C. If the purchaser fails to carry out the terms of the purchase agreement or "contract", the Cemetery may declare said agreement canceled and all rights of the purchaser in and to the grave, plot, lot, crypt or niche are forfeited. Notice of such forfeiture mailed to the last address of such purchaser appearing on the Cemetery records shall be deemed sufficient. Thereafter any rights will revert to the cemeteries and it may re-enter and repossess itself of the grave, plot, lot, crypt or niche and hold same as if such Right of Burial had not been granted. No waiver of any such breach shall revoke or

impair any of the rights of the cemeteries herein contained for any subsequent breach, nor operate as a waiver as to such breach.

- D. A purchaser does not obtain the Right of Burial to the grave, plot, lot, crypt or niche until the purchaser fulfills all terms as specified in the respective purchase agreement or “contract”.
- E. All terms of the original purchase agreement or “Contract” shall also be in effect.
- F. All terms of any Memorial Contracts or agreements shall also be in effect.
- G. The cost of the interment/entombment or opening fees and any inscription or memorial purchases will be made at the time of the burial and at the rate established for the year of any particular burial. All payments must be made in full prior to the burial.

## **SECTION II**

### **Interment Procedures**

- A. A burial permit for each funeral as required by New York City must be presented to the Cemetery before the interment is commenced.
- B. The Cemetery shall not be liable for inaccuracies on the permit or for the identity of the person to be interred.
- C. The original deed or Certificate of Ownership must be presented prior to the interment taking place. If the deed has been misplaced, the next of kin will need to sign an affidavit prepared by the Cemetery. This affidavit will either need to be witnessed by a notary or the signor of the affidavit will need to provide picture identification approved by the Cemetery.
- D. The original cremation certificate will need to be provided to the Cemetery prior to the placement of cremated remains.
- E. All payments due the Cemetery at the time of interment must be paid in full. The terms of acceptable payment will be: Funeral Home check, Bank certified check or an approved credit card. The Cemetery reserves the right to change the form of payment to be received.

- F. Only a licensed funeral director will be allowed to transport the deceased to the Cemetery for grave interment or crypt entombment. The Cemetery will require that the licensed funeral director sign in upon arrival with a Funeral Director License number.
- G. A Licensed Funeral Director is not required for the placement of cremated remains.
- H. A cemetery-approved urn is required for placement in a glass front niche at the sole discretion of the cemetery. Temporary or plastic urns are not allowed.
- I. All funerals must be called in at least 24 hours in advance. Funerals will be taken in order of arrival to the Cemetery and once all paperwork and payment is fully complete.
- J. The Cemetery shall not be responsible for any order given by telephone or other electronic means or any mistake occurring from the want of proper instructions as to the size of the casket, or as to the particular grave, crypt or niche location where the interment is to be made. An equitable charge will be made whenever additional labor costs result from such mistakes.
- K. No casket shall be opened at any time whatsoever within the Cemetery unless all requirements from the City of New York or public authority have been fulfilled.
- L. No article or items shall be removed, without a court order of a court of competent jurisdiction, from any human remains and from within the casket at any time whatsoever while a body is within these cemeteries.
- M. A disinterment from another cemetery for an interment at St. Michael's must be placed in a leak proof container or new casket prior to arrival at St. Michael's Cemetery. We reserve the right in our sole discretion to reject a casket that is leaking or is damaged.
- N. Every effort will be made to provide graveside services when circumstances, time, safety, etc. permit. The determination of whether or not circumstances, time, safety, etc. permit graveside services shall be in the sole discretion of the Cemetery.

- O. Mausoleum crypt services in community mausoleum's shall take place near the crypt where the entombment is to take place or in a designated area assigned by the Cemetery at the sole discretion of the Cemetery.
- P. No funerals shall be serviced between the hours of 10AM and 11AM, Monday – Friday. Funerals arriving after 3PM Monday – Friday will be charged overtime. Saturday funerals will be serviced until 12PM, any funeral arriving after 12PM will be charged overtime.

## **SECTION III**

### **Disinterment Procedures**

- A. No disinterment or removal within the Cemetery shall be allowed except for good reason and then with the written approval of the Cemetery, in their sole discretion, and the written authorization of the plot holder(s) or any other necessary person all in accordance with any civil laws. The Cemetery may in their sole discretion require an order of a court of competent jurisdiction in accordance with applicable civil laws.
- B. Only Cemetery personnel shall be present at a disinterment except in those situations requiring non-Cemetery personnel to assist in the disinterment. The determination of whether or not non-Cemetery personnel are necessary or appropriate to be present shall be in the sole discretion of the Cemetery.
- C. The Cemetery shall exercise due care in making a disinterment and removal, but the Cemetery shall assume no liability for any damage to the casket or outer container incurred in making the disinterment and removal.
- D. The Cemetery may in their sole discretion require that the disinterred remains be placed in a leak proof container prior to leaving the cemetery.
- E. The costs associated with a disinterment shall be:
  - 1. One opening charge, at the time the work is performed, to dig the grave or remove the crypt or niche cover.
  - 2. One opening charge, at the time the work is performed, to remove the deceased from the grave, crypt or niche.

3. If the remains are to be placed in St. Michael's Cemetery, there will be an opening charge for the new grave; crypt or niche, at the time of the work is performed.
4. There will be a charge if the Cemetery needs to provide an outer container, including a leak proof container, when necessary.
5. There will be a separate charge from a Cemetery approved vault company if a vault needs to be removed or re-positioned.
6. There will be a charge if a crypt or niche has inscriptions that need to be removed.

## Section IV

### INSTRUCTION TO PLOTHOLDERS

- A. The Cemetery reserves the right to specify the terms of purchase of all interment right in graves, plots, crypts or niches and to fix the number of interments allocated to a grave, plot or crypt.
- B. If the purchaser fails to carry out the terms of the contract, the Cemetery may declare said agreement canceled and all rights of the purchaser in and to the grave, plot, crypt or niche are forfeited as specified in the original contract. Notice of such forfeiture mailed to the last address of such purchaser appearing on Cemetery records shall be deemed sufficient. Thereafter any rights will revert to the cemeteries and it may re-enter and repossess itself of the grave, plot, crypt or niche and hold same as if such Right of Burial had not been granted. **Note:** A purchaser does not obtain the Right of Burial to the grave, plot or crypt until the purchaser fulfills all terms as specified in the respective contract or purchase agreement.
- C. The use of the spaces of a grave, plot, crypt or niche is for the interment/entombment of the holders of the Deed or Certificate of Ownership or any eligible person approved by the Cemetery and authorized by a Cemetery provided affidavit, signed and notarized.
- D. The Deed granted is not transferable without the consent of the Cemetery. Such consent shall be in the sole discretion of the Cemetery.
- E. The owner of the Deed, as defined in these rules and regulations, shall not have any right to sell, transfer, assign, exchange or in any manner dispose of said grave, plot, crypt, or niche or any part thereof, or any right

of interest therein without the written consent of the Cemetery. Such consent shall be in the sole discretion of the Cemetery.

- F. There shall be no subdivision of graves, plots, crypts or niches without the written consent of the Cemetery. Such consent shall be in the sole discretion of the Cemetery.
- G. No duplicate deeds or Certificate of Ownership will be issued.

## **SECTION V**

### **RIGHT TO REPLAT**

- A. The Cemetery reserves the right at any time or from time to time to erect buildings, or for any purpose or use, or for the preparation for the interment of human remains or any other Cemetery purposes:
  - 1. Resurvey, enlarge, diminish, replat, alter in shape or size or otherwise change all or any part or portion of the Cemetery.
  - 2. Layout, establish, close, eliminate or otherwise modify or change the location of roads, walks or paths.
- B. The Cemetery shall have, to be exercised at any time, rights of way over and through all of the cemeteries premises for the purpose of installing, maintain and operating pipe lines, conduits or drains for sprinklers, drainage, and electric or communication lines or for any other Cemetery purpose.

## **SECTION VI**

### **MEMORIAL AND MONUMENTS IN SECTION AND PLOT LOCATIONS**

- A. The Cemetery, at its sole discretion, may permit only one memorial for each deed of ownership.
- B. The Cemetery will perform all installations and resetting of foundations. Cost of such services will be billed to the lot owner at the Cemetery's discretion.
- C. No monument will be allowed until the purchase price of the grave and all services pertaining to the grave are paid in full.

- D. The location and position in which a memorial is to be placed or erected shall be subject to approval and under the direction of the Cemetery at its sole discretion.
- E. All memorials are to be constructed of granite or standard bronze.
- F. The grave location must be engraved on the lower right hand corner of each stone or marker.
- G. The size and shape of all memorials is subject to regulations pertaining to each particular section or plot within the Cemetery. These regulations are available at the Cemetery office.
- H. Please do not affix items to an approved monument. These items will be removed at the sole discretion of the Cemetery.
- I. A detailed plan and design of a monument must be submitted to the Cemetery for approval before a work permit will be issued, and no monument shall be erected or placed until checked, approved and accepted by the Cemetery. If the monument does not conform in every detail to the approved design, it shall be the sole responsibility of the monument dealer and the plothead to correct any errors or deficiencies in workmanship and materials at their sole cost and expense.
- J. The detailed plan must be signed and approved by the plothead prior to Cemetery approval.
- K. The Cemetery must approve all memorials and monuments prior to the placement and acceptance or rejection shall be based upon such approval. Such approval shall be in the sole discretion of the Cemetery.
- L. All monuments must have foundations for proper support. Foundations, however, will deteriorate due to natural causes and will not last forever. The replacement of a foundation is the responsibility of the plothead and the Cemetery will replace or repair the foundation at a charge to the plothead.
- M. The Cemetery reserves the right to correct any error that may be made by their employees or any other approved monument company employee in the location or placing of a memorial.

- N. Monument Dealers shall abide by all the rules and regulations of the Cemetery and must provide an acceptable certificate of insurance as required by the Cemetery and pay any permit fees in advance before conducting any work on the grounds of the Cemetery.
- O. No person or organization shall remove a monument without authorization in the form of a court order from the NY State Supreme Court, or without written authorization of the owner of a burial plot, or the lineal descendants of the deceased, if such owner or lineal descendants are known. The Cemetery must approve any memorial or monument replacement request.
- P. Headstones, slabs and monuments which have fallen or which require repairing may be removed or the condition corrected by order of the Cemetery unless removed or repaired by the owner within thirty days after notification, and in case of correction by the Cemetery a charge thereof shall be placed against the plot or grave. Notice sent to a plothead at the last address of record at the Cemetery office shall be considered sufficient and proper notification.

## SECTION VII

### OUTDOOR PLOT AND SECTION RULES

- A. **Planting area:** The planting area may not exceed the width of the memorial. The planting area may not extend further than 18” from the base of the headstone. All plantings or eternal candles are to be placed within this area only. Items may be removed in this area when they become unsightly or if the grass needs to be trimmed.
- B. **Flowers:** Any vases or other objects holding water must be removed from the Cemetery due to the West Nile virus and as per NYC Department of Health and Mental Hygiene under Article 151.03 of the New York City Health Code. The flowers and the vase will be discarded without notice. All other containers that hold water are strictly prohibited. Planted annual flowers are permitted within the 18”. The plot owner must maintain these flowers. Planted flowers will be removed when they become unsightly, if the grass needs to be trimmed, or if a grave is opened in the area.

**C. Flags and Veterans emblems:** These items may be placed on the grave year round, but they will be removed when they become unsightly or if the grass needs to be trimmed.

**D. Strictly prohibited items include but are not limited to:**

1. Wooden crosses
2. Ivy, trees, bushes, evergreens, rose bushes
3. Fencing or edging of any kind
4. Rock borders or rock landscape covering
5. Glass of any kind
6. Homemade memorials of any kind
7. Personal items such as stuffed animals, windmills, toys, etc.

**E. General Notices:**

1. Any items that are removed from the gravesite will be discarded in the sole discretion of the Cemetery.
2. All items that are removed will be removed without notice to the plot owner.
3. Please contact the office before placing or planting questionable items on the grave or crypt location.
4. The Cemetery will remove seasonal items as per the following schedule: All Christmas Decorations will be removed starting on or about January 15. All other Holiday Decorations will be removed beginning two weeks after the Holiday. These items will be removed at the sole discretion of the Cemetery
5. The Cemetery is not responsible for any personal item left at a gravesite, crypt or niche.
6. The Cemetery reserves the right to remove all floral pieces immediately after the interment services.

## **SECTION VIII**

### **GARDEN AND CHAPEL MAUSOLEUMS**

**Indoor (also referred to as Chapel) and outdoor (also referred to as Garden or Courtyard) Community Mausoleums in the Cemetery are under the jurisdiction of the Cemetery and the Deed or Certificate of Ownership does not grant any other right than the right of entombment. The Deed is**

**not transferable or assignable without the written consent of the Cemetery. This also includes “Private Family Rooms” within the Community Mausoleum. Said consent shall be in the sole discretion of the Cemetery.**

- A. **Visiting Times:** Chapel areas will be open during regular Cemetery hours as posted.
- B. **Entombment Procedures:** All Bodies entombed in above-ground crypts in private or community, garden, courtyard or chapel mausoleums shall be embalmed and placed in a metal sealer casket by a Licensed Funeral Director
- C. **Casket Protector:** All Bodies entombed in above-ground crypts in private or community, garden, courtyard or chapel mausoleums shall be placed in a sealed casket protector approved by the cemetery at the sole discretion of the cemetery, the cost of which will be charged to the plot holder at the time of the entombment.
- D. **Inscriptions, emblems and Crosses:** All inscriptions must meet prescribed standards. An emblem or cross will be permitted for each name on the crypt front. Such emblems and crosses are limited in size and detail as per samples in the Cemetery office.
- E. **Photo Memorials:** all photo memorials placed on crypt or niche fronts must be of the permanent ceramic type and must be installed by the Cemetery. Photo memorials must conform in size and material composition as specified by the Cemetery.
- F. **Flowers and vases:** Artificial flowers will be allowed year round. Flowers will be removed if they become unsightly at the sole discretion of the Cemetery. Fresh cut flowers will not be allowed and will be removed in the mausoleums each time the building is cleaned. Overstuffing the vase with large amounts of flowers and items is prohibited and such items will be removed. Items that hang from the vase or items affixed to the crypt cover will be removed. Any rule violation will be removed and discarded without notice. Only vases prescribed by the Cemetery will be allowed.

Christmas decorations will be removed starting the day after Martin Luther King Day each year. Other holiday specific items may be removed starting one week after that holiday.

- G. **Candles and Incense:** There will be absolutely no candles, incense or any fires inside or near a community mausoleum
- H. **Other:** It is strictly prohibited to leave items on the floor such as; flower vases, candles, or other personal items. Such items will be removed and discarded immediately without notice.
- I. **Private Mausoleum and Private Room Regulations:** The owner of entombment rights within a private mausoleum/room may at the sole discretion of the Cemetery be permitted to choose items within the room such as, marble, stained glass, memorial bench, altar, lighting fixture, or any other items that are agreed to at the time of purchase. All items must be approved by the Cemetery. All other mausoleum rules and regulations shall also apply to the private mausoleum/rooms. Repairs and replacement of these items due to deterioration and wear over time is the responsibility of the plothead.
- J. **Glass Front Niche Interments:** A cemetery-approved urn is required for placement in a glass front niche at the sole discretion of the cemetery. Temporary or plastic urns are not allowed. Cemetery approved photo memorials, religious art or personal mementos will be allowed in the glass front niche but must be approved by the Cemetery prior to placement at the sole discretion of the cemetery. Jewelry, liquor bottles, food or drink of any kind, cigarettes, drug paraphernalia or inappropriate pictures will not be permitted and may be removed by the cemetery. ITEMS OF VALUE...such as gold, silver, or any other precious metals will not be permitted.

## **SECTION IX**

### **LANDSCAPING AND IMPROVEMENTS**

- A. All grading and improvements of any kind and all care and maintenance of graves and plots shall be done solely by or at the sole direction of the Cemetery.
- B. With respect to the location of trees and shrubs planted or to be planted shall be done by the Cemetery and at the sole discretion of the Cemetery. Any tree, shrub or other items planted without approval and knowledge of the Cemetery will be removed and discarded without notice. This includes, but is not limited to any plantings on lots, plots, pathways and roadways, around mausoleums and offices or around memorial benches or trees.

## **SECTION X**

### **CONDUCT IN THE CEMETERY**

- A. Loitering or any boisterous demonstration with the Cemetery or any of the buildings is prohibited.
- B. Picnicking or partaking of any refreshments, beverages or food by visitors with the Cemetery is prohibited.
- C. No Smoking of any kind is permitted in or near any of our offices or mausoleums.
- D. Illegal drug use of any kind is prohibited and the proper authorities will be contacted in the event drug use is observed on the grounds of the Cemetery.
- E. No pets or dog walking will be allowed in the Cemetery
- F. No one shall pick any flower, tree branch or shrub. No one shall injure, paint, cut or decorate any tree plant or shrub on Cemetery grounds.
- G. No fires of any kind within the Cemetery grounds
- H. Throwing of rubbish on any part of the Cemetery grounds is prohibited.
- I. Disposing of personal items or property into the Cemetery from the outside and placing in garbage receptacles or Cemetery dumpsters is prohibited.
- J. The practice of rituals or sacrifices on the grounds of the Cemetery is prohibited.

- K. Photographs or filming of any kind are prohibited in the Cemetery without the written consent of Cemetery Management and at the sole discretion of the Cemetery.
- L. Solicitations of business in the Cemetery are prohibited.
- M. No assemblages, bands or music producing devices shall be permitted in the Cemetery without the written consent of Cemetery Management.
- N. No signs, notices or advertising of any kind shall be allowed within the Cemetery except those placed and approved by the Cemetery.
- O. No written materials, brochures or any other forms of written information shall be attempted to distribute to any visitor, employee or anyone else in the Cemetery without the written consent of the Cemetery.
- P.

## **SECTION XI**

### **LOSS OR DAMAGE**

The Cemetery is neither liable nor responsible for any personal injury, loss or damage from causes beyond their reasonable control including damage by an act of nature, the elements, insurrections, riots, orders of any military or civil authority, thieves, robbers, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents or any similar causes beyond the control the Cemetery.

## **SECTION XII**

### **CHANGE OF ADDRESS**

It shall be the obligation of the plothead to notify the Cemetery of any change in address, this includes e-mail addresses and phone numbers. Notice sent to a plothead at the last address of record at the Cemetery office shall be considered sufficient and proper notification.

