

## CEMETERY RULES AND REGULATIONS

### I. PREAMBLE

This Article shall set out the rules and regulations with respect to the B'nai Zion Cemetery (hereinafter "Cemetery"). The term "Member" or "Members", in this Article refers to Individual or Family Memberships as defined in the Congregation's bylaws. For clarification, the foregoing definition is meant to exclude any other Membership type of the Congregation except Individual or Family.

The Cemetery is maintained by the Congregation to provide a holy and peaceful place for the burial of its Members. The provisions of this Article reflect the Congregation's desire that the Cemetery be reserved for the benefit of those who choose to be Members of our Congregation over an extended period of years, not only at the time of passing. While times of death are intertwined with emotion and duty to Jewish practice, the Cemetery will not be able to sustain itself unless care is taken to ensure that the provisions of this Article are enforced. These rules and regulations serve to balance the importance of the Cemetery to Members while discouraging individuals from seeking out membership only when death is imminent.

These provisions reflect three types of charges: 1) for the purchase of the burial plot; 2) for the indefinite upkeep and care of the plot; and 3) for the expenses of burial.

### II. ELIGIBILITY FOR USE OF CEMETERY AND RULES FOR FUNERALS:

#### A. Congregation Members

1. The Cemetery is reserved for Members in good standing of the Congregation who have been Members for a minimum of 5 years.
2. If a Member passes away prior to 5 years of membership, then, in addition to the fees set out below, an amount equal to the difference in number of years times the Member's current dues rate will be assessed; however, such additional amount plus the plot purchase price for Members shall not exceed the then existing amount charged to Non-Members for the purchase of a plot. This amount will be immediately due prior to the Member being deemed eligible for burial in the Cemetery.
3. The child of a family that holds a Family Membership must hold their own Individual Membership after the age prescribed in the bylaws.

#### B. Non-Members of the Congregation

1. At the discretion of the Executive Committee, with a 2/3 vote, an individual who meets the Congregation's membership criteria, but chose not to be an Individual or Family Member may be allowed to purchase a plot for immediate use only and be buried in the Cemetery in accordance with plot purchase provisions in Section III.

C. Indigent Individuals

1. The Executive Committee of the Congregation may, at its discretion, with a 2/3 vote, accord the use of a burial plot to a person of the Jewish faith who is indigent.

D. All burials shall be in strict accordance with Conservative Judaism and Jewish law. Each burial shall follow the rules of the Congregation and be under the Halachic supervision of the Rabbi of the Congregation.

E. Burials shall be officiated only by the Rabbi of the Congregation. The Rabbi shall designate another qualified person to function on his/her behalf in his/her absence. The Executive Committee shall designate an officiant if the Congregation doesn't have a Rabbi employed. The Rabbi, at his/her discretion, may ask others to co-officiate.

F. In every case a traditional Jewish casket must be used.

G. Remains which have been cremated shall not be buried in or placed on Cemetery grounds.

III. REGULATIONS FOR THE ASSESSING AND THE PAYMENT OF FEES FOR THE PURCHASE OF AND THE BURIAL IN CEMETERY PLOTS UPON DEATH:

A. The fees for purchase and the use of a Cemetery plot shall be set by the Cemetery Committee and approved by the Board of Directors of the Congregation. All fees listed in this Article were set in January 2022 and shall be adjusted annually on January 1<sup>st</sup> for inflation according to the CPI-U (U.S. City Average), or alternatively as reset by the cemetery committee. The fees will be for:

1. purchase of a plot
2. maintenance of a plot
3. other miscellaneous services, including, but not limited to:
  - a. opening and closing of a plot for burial purposes
  - b. speaker rental
  - c. canopy and chairs
  - d. Rabbinical services
  - e. sanctuary, social hall, or other room rental

B. Purchase of Plot

1. Individual and Family Members, in good standing, as defined above:
  - a. Plot purchase price must be paid in full, less \$1, at the time of selection. Plots cannot be reserved and paid for in the future.

- b. The price for each cemetery plot shall be \$2000.00.
  - c. Plots are purchased in the name of an individual, and are non-transferable, except in the case of marriage or divorce.
  - d. If a Member is not in good standing, then, in addition to the plot price stated above, such Member shall pay all delinquent amounts due to the Congregation at the time of purchase of a plot.
2. Non Members
- a. The plot purchase price shall equal 10-times the average dues of single and family members of the Congregation at the current time. The average dues amount shall be computed by dividing the total amount of dues assessed to all Family and Individual Members in the current year by the number of such Family and Individual Members. Payment is due in full prior to burial.
  - b. This calculation is meant to reflect that the individual chose to not be a Member of the Congregation when they had the opportunity and to distinguish the cost from those who are Members in good standing on an ongoing basis who had to be Members for 5 years.
  - c. If a spouse or immediate family member (parent, child, or sibling) is already buried in the cemetery, and the deceased individual lives out of town, the purchase price is reduced to 5-times the average dues of single and family members of the Congregation at the current time.

#### C. Plot Maintenance

- 1. Separate and apart from the plot purchase price described above, a fee of \$2,000 shall be assessed for the perpetual upkeep of the plot area.
- 2. The Plot Maintenance Fee shall be paid in full by the time of placement of the tombstone for the plot.
- 3. This fee shall be deposited in the Cemetery Endowment Fund (or similar) which is a capital account fund whose principal shall not be used for operating purposes.
- 4. Revenue generated from the capital fund will be used for the general upkeep and maintenance of the plot as well as the cemetery in general.

#### D. Other Miscellaneous Costs

- 1. Members shall pay all other costs of burial at the same cost amounts as billed to the Congregation.
- 2. Non-Members shall pay all other costs of burial at the rate set by the Cemetery Committee.

E. With the exception of the Plot Maintenance fee, all costs and fees for a Cemetery plot, miscellaneous other burial services, and any other amounts current or delinquent owed by the deceased to the Congregation shall be paid in full before the funeral services.

F. Rabbinic and Chevra Kadisha services are provided free of charge.

#### IV. REGULATIONS FOR ADVANCE PURCHASE OF CEMETERY PLOTS:

A. Each Member in good standing may purchase, for future use, a plot for himself or herself, by paying in full the plot price in effect at the time of purchase. The total number of plots owned by any family shall not exceed the eligible number of individuals in a Family Membership, as prescribed by the Congregation's bylaws. If, at any time, a family owns plots in excess of the number of eligible individuals in the respective Family Membership, then ownership of the excess plots shall revert to the Congregation.

1. If a child member of a family attains the age where the bylaws require the child to hold his/her own Individual or Family Membership, and the child becomes such a member, then a plot may be transferred from the family membership to the child.
2. With a 25% down payment, a one year payment plan may be arranged for financial needs, with executive committee approval

B. Advance purchase of a plot shall be upon the express condition that the person for whose benefit said plot is purchased is a Member at the time of purchase and continues to be a Member of the Congregation.

1. If the owner of a plot fails, by resignation or otherwise, to maintain his/her status as a Member of the Congregation, then said plot shall revert to the Congregation, and the Congregation shall provide to the owner, at the owner's option, either a) Letter of Donation / Tax Deduction, or b) the original purchase price, less any and all expenses including, but not limited to, an administrative handling fee, and any indebtedness due to the Congregation.

C. No transfer of a purchased plot may be made except in the case of marriage or divorce. The Congregation shall repurchase, at the original price, any plot which cannot be used by the person for whom it was purchased, less any expenses including, but not limited to, an administrative handling fee, and any indebtedness to the Congregation; provided that the owner of the plot can be located. If the owner of the plot cannot be located, then the plot shall revert to the Congregation.

D. The Cemetery Committee shall maintain a plot map of the Cemetery recording the advance purchase of any plot.

V. RULES REGARDING TOMBSTONES:

- A. All plots must have markers.
- B. All tombstones shall be of dimensions which shall first be approved by the Cemetery Committee.
- C. Tombstones shall conform to the prevailing colors in the Cemetery, allowing for individuality in design.
- D. All inscriptions, ornamentations and embellishments shall first be approved by the Rabbi of the Congregation.
- E. No fencing, railings, pipings, curbing or concrete barriers of any kind shall be erected, nor shall photographs be inserted in any headstone. No structure shall be permitted on any plot.
- F. The cost of erecting and providing tombstones shall be the responsibility of the family of the deceased. The cost of upkeep and repair of any tombstones remain the responsibility of the family of the deceased.
- G. The Cemetery Committee shall see to it that the general area is clean and shall maintain the grass and foliage at the Cemetery.
- H. No tombstone may be installed on a plot without the prior consent of the synagogue office even if such tombstone has been approved by the Rabbi.
- I. Double width headstones, for a couple, may be installed only if an individual footstone is also installed at the same time. Should the second plot no longer be needed after installation of the double headstone (for example, the spouse later chooses to be buried elsewhere), Congregation reserves the right to reclaim the second plot and remove the double width headstone. The individual footstone will remain as a marker.

VI. Miscellaneous

- A. Exceptions: These rules and regulations attempt to recognize all possible situations, but recognize that special circumstances can exist. Any rule can be modified for a specific situation with a 2/3 vote by the Executive Committee.
- B. Severability: If any provision conflicts with municipal, state, or federal law, then that section can be severed to comply with the law, but all other clauses remain in force.
- C. Congregation will issue a signed receipt upon payment of the plot fee reflecting the plot location to the member.

QUICK REFERENCE CHART (this chart is a summary does not replace the details laid out above)

Fees (indexed to 2022)	Member	Non Member
Burial Plot	\$2,000 after being a member for 5 years, less \$1; payable on selection	10x average dues of Congregation; payable prior to burial
Perpetual upkeep fee	\$2,000 payable prior to tombstone / unveiling	\$2,000 payable prior to tombstone / unveiling
Burial expenses	As costs billed to Congregation	Rate set by cemetery committee

**When a Loved One Has Passed  
Away Steps to Take**

1. Advise the Rabbi of the death  
    \*Arrange time and place for shiva minyan
2. Contact Sunset (915-587-4408) or Martin (915-584-1234) Funeral Home  
    \*Arrange time & place (Synagogue or graveside) for funeral
3. If a cemetery plot has not already been purchased, call the Synagogue office  
    -833-2222
4. Notify the Chair of the Chevra Kadisha Committee

**Unveiling  
(Within 1 year of date of death)**

1. Order the headstone from Sonny Zamorano of Zamorano's Monuments - 562-7062.
2. Set the time and date of the unveiling with the Rabbi
3. Optional: canopy and chairs for cemetery service (billed at actual cost incurred)

**\*B'nai Zion Cemetery hours: 9:00 AM - 3:00 PM every day except  
Shabbat\***