



**Mount Zion Cemetery
Bylaws
November 14, 2023**

BACKGROUND

Mount Zion Cemetery owned by Mount Zion Hebrew Congregation d/b/a Mount Zion Temple of St. Paul, Minnesota is located on Payne Avenue, in Saint Paul, at the junction of Payne Avenue with Larpenteur Avenue, the north City limits, two-thirds of the Cemetery being outside of the City. It was established in 1889 and has ever since been maintained by the Congregation as a Cemetery for the use of its members; originally comprising five acres, the Congregation from time to time acquired additional land and now has fifteen acres dedicated to the Cemetery.

In 1921 under statutory authority, the management of the Cemetery was vested in a Board of Cemetery Trustees (Trustees), who are required to be members of the Congregation and *lot owners* in the Cemetery.

By virtue of the 1921 reorganization the Cemetery though owned by the Congregation, now has all the exemptions, immunities and powers accorded to incorporated, private Cemetery Associations.

The Trustees are charged with the duty of establishing a Trust Fund for the Permanent Care and Improvement of the Cemetery in accordance with the law, which it is hoped will be a large relief for the Congregation from the burden of cemetery maintenance, and what is of greater importance, insure the future and perpetual care of the Cemetery.

INTRODUCTION

The Mount Zion Cemetery By-laws is provided to deed holders of Mount Zion Cemetery to help them understand the Cemetery's policies, rules and regulations. Deed holders are expected to be knowledgeable of and adhere to the by-laws. Nothing contained in the by-laws creates or is intended to create a contract between Mount Zion Cemetery and any of its Landowners. Any or all components of the by-laws may be changed, altered, deleted, and/or discontinued at the Trustees' sole discretion at any time with or without notice. The by-laws and policies contained herein supersede any past published by-laws, practices and any prior written or oral representations or statements regarding the terms and conditions of use of land or interment in Mount Zion Cemetery.



DEFINITIONS

1. Lot: A surveyed piece of land in the cemetery.
2. Section: Area of land that contains many lots.
3. Plot: A lot that has an interred buried in it.
4. Footstone: Each plot is required to have a marker, which is a footstone stating who is interred in the plot. The footstone can be no larger than 2 ft. x 1 ft. and must be at grade level.
5. Monument: An above ground marker (tombstone) that lists the occupant of the plot.
6. Mausoleum: An above ground free standing building constructed as a monument enclosing the interment space of a deceased person or persons.

SECTION I

RULES AND REGULATIONS

Persons Eligible to Purchase Lots

1. Lots in the Cemetery shall be sold to persons eligible to purchase them subject to the rules and regulations governing said Cemetery, and in accordance with a schedule of prices established by the Trustees. Un-surveyed tracts in the Cemetery shall not be available for sale until such time that the Trustees deem appropriate.

Members of Mount Zion Congregation

2. Lots in the Cemetery shall be sold to persons who are members of Mount Zion Hebrew Congregation d/b/a Mount Zion Temple of St. Paul, Minnesota at the current member price as established by the Trustees.

Non-Members

3. Lots in the Cemetery may be sold to persons of the Jewish faith at current non-member prices as established by the Trustees who are not members of Mount Zion Congregation including a non-Jewish spouse or partner.

Rights of Interment

4. The ownership of a lot shall carry with it the right of interment to the owner, including spouse/partner, unmarried children, married children and the parents of such owner. Other relatives of owners not hereinbefore included may be buried in such lot upon written request of lot owner. If lot owner is not able to provide such written request Trustees will have sole discretion to grant permission and may require a special payment for such privilege to be fixed by said Trustees.

5. No particular place or portion of the cemetery shall be designated as a section set aside for the indigent.

Plot Resale

6. The Mount Zion Cemetery committee does not repurchase lots. The landowner may resell the lot in accordance with the present by-laws. An administrative fee will be charged to issue a new deed upon resale. A landowner may donate their lot back to the temple. Mount Zion then has the option to resell the lot or use the lot for any purpose they deem appropriate.

SECTION II

CARE OF GROUNDS AND LOTS

General Care of Lots

1. General care of the entire grounds and general maintenance is assumed by the Congregation and managed by the Trustees. This however does not provide for watering of individual grave sites, vases, plants/vegetation, monument repair or maintenance, lifting of sunken graves, acts of God or nature, flooding, and/or vandalism.

Grave Height

2. As it is difficult to plant grass or to mow properly on high mounds, all graves must be level with the ground. The grade level of all plots will be determined by the Trustees.

Planting on Lots

3. Planting must be within the narrow limits of a Cemetery lot, so as to avoid overcrowding and encroachment on adjoining lots, and to permit the proper growth of

sod. Trees and shrubs can grow to various sizes, and therefore all trees or shrubs hereafter planted in the Cemetery shall be planted only by employees of the Cemetery or by the special permission of the Trustees and shall be of such varieties and shall be placed in locations only approved by the Trustees.

4. No tree or shrub shall be planted, removed or cut down within the borders of any lot, or plots, without the consent of the Trustees. In ground plantings of annual flowers is allowed.

5. If any tree, shrub or plant material, in any location becomes intrusive to any adjacent lot, the Trustees shall have the right to remove such trees or shrubs or plants. Trustees may charge a reasonable fee for this work and invoice the lot owner.

Vases

6. Vases must be permanent and made of cement. In ground vases must be professionally installed by Mount Zion Cemetery or recognized provider. No wooden, plastic or synthetic vases or urns will be permitted in the Cemetery.

7. No other decorations may be placed on the graves with the exception of cut flowers.

Temporary Decorations

8. All flags and decorations of a similar nature placed on graves, will be removed after a reasonable time. This is for the purpose of preserving the neat and attractive appearance of the Cemetery. All objects deemed inappropriate will be immediately removed.

SECTION III

FUNERALS AND BURIAL

Funerals on the Sabbath or Jewish Holidays

1. No funerals will be permitted in Mount Zion Cemetery on Shabbat or on Jewish Holidays as recognized by the Union of Reform Judaism.

Burial Permits

2. No burial will be permitted in any lot or grave in the Cemetery until all laws and regulations regarding burials as may be in force in the state of Minnesota, have in all respects been met.

One Interment Per Grave

3. One body (human remains in a coffin) will be allowed per grave except in case of a mother and infant, in which case special permission must be obtained from the Trustees; Two cremains may be placed in one grave, but the cost of a second plot will be charged, plus "open and close" fees. All graves require a cement vault, except in the "Green" section.

Cremation

4. In cases of cremation, up to two (remains) may be buried in one plot in accordance with rules established in Section I, #4 or accepted practice. Each cremated remains must be in a container (that conforms to Minnesota state law). Each cremated remains inurned requires the payment of the current open/close and administrative fees at the time of burial. When cremated remains are buried, only Mount Zion Cemetery staff are permitted to open and close the grave.

Notice for Graves

5. A minimum of twenty-four hours notice for opening of graves must be given to the Cemetery Administrator; otherwise we cannot guarantee to be prepared for the burial. Winter notice requires 36 hours.

SECTION IV

FOOTSTONES, MONUMENTS AND MEMORIALS

Footstones

1. Each interred remains in the Cemetery must be marked by a footstone set level with the ground. Enclosures such as a fence or other structures are prohibited. In the case of cremation with two sets of remains in one grave, two footstones are allowed (see #3 below).

Size of Footstone

2. A footstone shall be larger than two feet in length by one foot in width nor shall it project above the ground.

One Footstone Per Grave

3. A grave shall have no more than one footstone which shall be placed at the base of the plot. Cremation remains may have two footstones, if two remains are interred in one plot. If two footstones are used, they must be placed one above the other. Two names may be inscribed on one footstone

No Double Footstones

4. No footstone shall be set to cover two or more graves or exceed the acceptable size.

One Monument on Lot

5. You must own four lots to erect a standing monument. Only one monument will be allowed on the four plots. The four lots must be contiguous.

Designs for Monuments

6. Great care should be taken in selecting designs. A monument must be designed with reference to its surroundings, consideration being given to the number, size and character of the monuments standing near it. All designs must be submitted to the Trustees for prior approval. Designs that exceed 48" in height or are larger in width or thickness must be approved prior to installing by the Board of Trustees. Designs may be submitted as electronic files. Trustees have the right to deny designs that they deem inappropriate for the surroundings.

Size of Monument

7. The greatest horizontal dimension of a monument shall not exceed one-half the width of the plot upon which it is to be placed. Monuments must be a minimum of 20" in height.
8. Any stone whose horizontal dimensions exceeds two feet and which is designed to extend more than four inches above the surface of the ground shall be considered a monument.

Inscription on Monuments

9. Only religious symbols/icons of the Jewish religion will be allowed on monuments, footstones, headstones, or on mausoleums. Trustees in consultation with Temple clergy shall have the sole right to determine and define what is allowed.

10. No pictures on monuments, footstones or headstones will be permitted. Electronic markings and/or bar codes must be approved by the Trustees. Language on markers must be in Hebrew or English; permission must be obtained from the Trustees for exceptions to language requirements.

Construction Work

11. No monument or headstone or any portion thereof, or any portion of any mausoleum or vault above ground, shall be constructed of limestone, marble or artificial material.

12. The Trustees reserve the option of stopping all construction of monuments between November 1st and April 1st.

13. No construction material of any kind will be received at the Cemetery on the Sabbath.

14. Persons engaged in erecting vaults, monuments, or other structures, are forbidden to attach ropes to trees, shrubs or other objects without permission from the Trustees.

15. Workmen must not scatter material over adjoining lots, or leave materials or debris on the ground any longer than is absolutely necessary.

16. In order to protect paths and grass from injury, protective coverings must be laid on them when heavy material is to be moved over them.

17. As a guarantee of good work and as a protection to lot owners and for the general welfare of the Cemetery, the Trustees will regulate and approve all work done in the Cemetery.

Size and Depth of Foundations

18. All mausoleums, monuments and footstones must be set on foundations of solid masonry or concrete, to be installed by the Trustees or open to inspection and approval by the Trustees if an external company is used. Foundation installation and/or inspection costs will be born by the lot owner. All charges (association, land and burial costs) must be paid or guaranteed before any foundation will be built.

Mausoleums and Memorial Crypts

19. No mausoleum shall be erected upon a lot or lots in the Cemetery without approval by the Trustees. Construction will be permitted upon compliance with the rules relating to materials and construction in the Cemetery and with the following conditions:

- a) The mausoleum shall be for no more than two interments, side by side horizontally.
- b) The maximum dimensions shall be 10 feet in length by 10 feet in width.
- c) The construction shall be on a lot devoted exclusively to the mausoleum, consisting of not less than ten graves in two tiers of five graves adjoining each other.
- d) No such memorial mausoleum shall be permitted until payment in full of the purchase price of the required lots.
- e) Prior approval of the plans and specification, by the Trustees is required.
- f) The landowner is responsible for the quality of the construction by the contractor against defects and deterioration.

SECTION V

THE TRUSTEES OF MOUNT ZION CEMETERY

1: The Trustees of the Cemetery shall consist of a minimum of seven (7) duly qualified members in good standing of Mount Zion Temple and who are owners of lots at the Mount Zion Cemetery.

2: The Trustees shall be those named and designated by these By-Laws, and such members of the Trustees shall each respectively serve for the period of five years from the date of election.

3: Upon the expiration of the respective terms of those of the Trustees whose terms expire at or prior to the annual meeting, an election shall be held by the Trustees to fill the vacancies thereby created. The term of office of such Trustees so elected shall be for five years.

4: Upon death, resignation, or vacancy created for any reason whatsoever, of any member of the Trustees, an election by the Trustees from the membership of the Congregation shall be held to fill such vacancies. The term of such successor or successors shall be for a term designated by the Trustees, not to exceed the balance of the term of the former Trustee.

5: Members of the Board of Trustees whose terms expire, shall stand for election at the annual meeting of the Trustees, to be held on a date to be set by the Chair.

SECTION VI

THE OFFICERS OF MOUNT ZION CEMETERY

1: At its annual meeting the Trustees shall elect from the Board, a Chairman, Vice Chairman, Secretary, and Treasurer, all to be elected for a term of two years. All officers shall take office at the annual meeting at which they are elected.

2: Vacancies on the Board of Trustees shall be filled between the annual meetings by majority vote of the remaining directors present and voting. The Chairman is authorized to fill by appointment vacancies on the Board between meetings of the board subject to confirmation at the next meeting of the Trustees.

3: Vacancies of any officer position shall be filled at a special meeting of the Trustees called for said purpose.

4: Election of officers shall be by written ballot.

5: Meetings shall be called by the Chairman or upon the written request of 3 members.

6: The Chairman presides at all Trustee meetings; may appoint Committees, of which he/she is to be an ex officio member; can call special meetings; may sign all legal documents; makes an annual report of the status of the Corporation, at its annual meeting; and to perform all the duties incident to the office.

7: The Vice-Chairman shall in the absence of the Chairman, assumes all of his/her duties and responsibilities.

8: The Secretary shall take and read minutes, report communications, be custodian of all records, and perform such duties as his/her office requires.

9: The Treasurer shall handle all financial matters; make written reports to all Trustees, annually and more often, if requested, to the Trustees on the status of the treasury, and perform all other duties incident to the office.

The Trustees of Mount Zion Cemetery shall designate a trust company organized under the Laws of the State of Minnesota, as a Trustee to receive, hold and invest the monies of the Permanent Care and Improvement Fund and all other trust funds donated for the permanent care of particular burial plots and graves, all in accordance with the laws of Minnesota.

SECTION VII

MEETINGS

1: The Board of Trustees of the Corporation shall meet as needed, but at least annually.

2: A quorum at the annual meeting of the Corporation shall be five voting members present in person or by proxy.

SECTION VIII

COMMITTEES

1: The Chairman shall be Ex Officio member of all Committees and shall appoint such committees as shall be necessary from time to time.

SECTION IX

FISCAL YEAR

1: The fiscal year shall begin on the first day of July and end on the thirtieth day of June of each calendar year.

SECTION X

OPERATIONS

1: The operation of the cemetery shall be under the direction of the Trustees which shall have the sole power to fix the price of lots.

SECTION XI

GIFTS, LEGACIES AND/OR ENDOWMENTS

1: The Trustees shall be authorized to accept any gift, legacy, or endowment for use in connection with the operations, and for the general use of the cemetery.

MOUNT ZION CEMETERY HISTORY

Mount Zion is the oldest Jewish congregation in Minnesota. It was founded in 1856 when Minnesota was still a territory and not yet a state. In February, 1857, the territorial legislature approved and Governor Gorman signed a charter for Mount Zion Hebrew Association.

One of the first acts of the new congregation was to purchase a burial ground. Even before the charter was approved, members pooled together the then considerable sum of \$150 to purchase a half acre lot on the southwest corner of what is now the intersection of Front and Sylvan. The site faced the entrance to Oakland Cemetery, the oldest and most prestigious non-denominational cemetery in the city.

The congregation also hired Kalman Lion to serve as both cantor and ritual butcher. Lion was from Koblenz, Germany by way of Cleveland, Ohio.

With a charter, a cemetery and clergy, it looked like smooth sailing for the new congregation, but such was not to be. First, for reasons lost in time, a split developed and more than 2/3 of the members quit to form a new congregation, Ahabath Achim ('Love of Brothers'). They took Cantor Kalman with them. The financial panic of 1857 caused economic ruin throughout the region. Several of the leaders of both congregations lost their businesses and were forced to relocate elsewhere. Mount Zion was left with little but the title to the cemetery.

In August, 1859, death played a part and struck the child of Ahabath Achim's Treasurer, Joseph Ullman. He rejoined Mount Zion for the burial. Others followed and soon Ahabath Achim was no more. It thus turned out the cemetery was Mount Zion's greatest asset.

Early administrative issues of the Mount Zion Temple cemetery concerned the mundane matters. The congregants took action" to prevent the fence to take fire from the prairies" and replaced wooden fence with a sturdy metal enclosure.

Mount Zion grew, it also changed. In 1871, it hired its first Rabbi. In 1878, it joined the Reform movement. Services were being conducted both in English and German. As Mount Zion grew, so did St Paul. By 1889, the congregation had outgrown its half-acre cemetery and there was no adjacent land available. Five acres of land were purchased for a new burial site along the west side of Payne at Larpenteur. More than a hundred burials from the Front and Sylvan site were exhumed, transferred to the new location and the land was sold off for housing.

By the late 19th century, money was a problem for the Mount Zion Temple cemetery fund, and these deficits were made up by the Ladies' Hebrew Benevolent Society, a precursor to the Mount Zion Sisterhood. They raised dollars with annual strawberry festivals!

Tombstones of the 19th century became more elaborate as the 20th century approached. The grave of a 20-year-old held a monument on which were carved the words:

He gave to misery all he had
A tear he gained from Heaven
'Twas all he sought--rest.

Some of the Mount Zion Temple cemetery monuments and markings are remarkable for style and message. Tombstones of another era often included symbols; an anchor for hope, an oak leaf for strength, a resting lamb for purity and innocence on a child's grave, columns for strength or an obelisk for power.

On the stone of a noted tax attorney appeared the phrase "Mortality is the tax" ...whereas on the foot stone/marker of a well-known hostess and party-giver: "Let's make it fun."

Unique, notable, and historic individuals rest in the Mount Zion Temple cemetery:

- Entire families and their kin often rest together in contiguous grave sites.
- Four Union veterans of the Civil War, Michael Harris, Bernhard Neumann, Benjamin H Plechner, and Joseph H Smith, as well as the grand-daughter of a Confederate gun runner, Ruth Wolff.

- Members of the Cardozo and Seixas families that were among the earliest Sephardic families to come to the Americas.
- Kalman Lion - Hazan, Shochet, Mohel
- Yetta Frank - the first recorded death at Mount Zion on June 29, 1859 at age 49
- Marcus Tessler - trained not only as a rabbi but also a physician. He served as the Mount Zion Temple president when the third temple was built at Holly and Avon.

In 1921, state law was changed, and management of the cemetery was vested in a Board of Cemetery Trustees. By virtue of this reorganization, the cemetery, though owned by the congregation, has all of the exemptions, immunities and powers accorded to incorporated private cemetery associations.

From time to time the congregation had acquired additional land for the cemetery. By 1970 it covered fifteen acres between California and Kingston. Larpenteur ended at the cemetery front gate. When Ramsey County wanted to extend Larpenteur through to Arcade, the county offered to add six acres of land to the north of the cemetery in return for the right of way. This was agreeable, and all of the burials south of Larpenteur were exhumed, transferred to new locations to the north and the land was sold off for housing.

In 2012, the Barbara and Larry Bentson Commemorative Garden was dedicated on the cemetery grounds.

BOARD OF CEMETERY TRUSTEES - 2013

Barbara Bentson

Tom Edelstein

Jules Goldstein

Barney Harris

Ira Kipp

Brian Krasnow

Mayda Raffe

Jack Silverman

William Lipschultz: Emeritus

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Brian Krasnow: Secretary

Mayda Raffe: Treasurer

Larry Solomon: Administrator

BOARD OF CEMETERY TRUSTEES IN EFFECT 1922

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Louis R. Frankel: Secretary

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Maurice Stoffer: Assistant Secretary