

**Mount Zion Cemetery Governing Documents  
February 2021**

# TABLE OF CONTENTS

	<u>Page</u>
BACKGROUND .....	1
MOUNT ZION CEMETERY HISTORY .....	2
BOARD OF CEMETERY TRUSTEES AND OFFICERS.....	5
BYLAWS .....	7
RULES AND REGULATIONS .....	13

## **BACKGROUND**

Mount Zion Cemetery (the “Cemetery”), is owned and operated by Mount Zion Hebrew Congregation d/b/a Mount Zion Temple of St. Paul, Minnesota (the “Congregation”) and is located on Payne Avenue, in St. Paul, at the junction of Payne Avenue with Larpenteur Avenue, in 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 and other members of the Jewish faith. Originally comprising five acres, the Congregation from time to time acquired additional land and now has fifteen acres dedicated to the Cemetery. The Congregation was founded in 1856 and incorporated in 1889 as a religious corporation under the predecessor law to Minnesota Statutes Chapter 315, and has elected to be governed by the Minnesota Nonprofit Corporation Act, Chapter 317A. The Congregation is governed by its own Articles of Incorporation and Bylaws.

In 1921 under Chapter 422, General Laws of Minnesota, the management of the Cemetery was vested in a Board of Cemetery Trustees (the “Board of Trustees”), who are required to be members of the Congregation and lot owners in the Cemetery. The Board of Trustees has been granted the authority to manage all matters related to the Cemetery by the Board of Directors of the Congregation.

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 under Minnesota law.

The Board of Trustees is 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, ensure the future and perpetual care 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 desolved. 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 (made of wood) to take fire from the prairies" and replaced the wooden fence with a sturdy metal enclosure.

As 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 as a welcoming place for visitors to sit peacefully, reflect and meditate.

**BOARD OF CEMETERY TRUSTEES –  
[July 1, 2020]**

Henry Edelstein

Tom Edelstein

Jules Goldstein

Barney Harris

Ira Kipp

Brian Krasnow

Mayda Raffe

Jack Silverman

William Lipschultz: Emeritus

**OFFICERS–  
[July 1, 2020]**

Jack Silverman: Chair

Tom Edelstein: Vice Chair

Brian Krasnow: Secretary

Mayda Raffe: Treasurer

Larry Solomon: Executive Director

## **BOARD OF CEMETERY TRUSTEES IN EFFECT 1922**

David Bergman

Charles Bechhoefer

Louis R. Frankel

William L. Goodkind

Albert N. Rose

S. W. Dittenhofer

Ira Baer

## **OFFICERS IN EFFECT 1922**

David Bergman: Chair

Charles Bechhoefer: Vice Chair

Louis R. Frankel: Secretary

Louis Weil: Treasurer

Maurice Stoffer: Assistant Secretary



# MOUNT ZION CEMETERY BYLAWS

## ARTICLE I

### BOARD OF TRUSTEES

1.1 General Powers and Composition. The Board of Trustees shall have the care, custody, control, and management of the Cemetery and of all matters and things relating thereto or connected therewith, pursuant to a delegation of such authority by the Board of Directors of the Congregation as described in the Congregation's Articles of Incorporation. The Board of Trustees shall consist of a minimum of seven (7) duly qualified members in good standing of the Congregation who are Lot Owners at the Cemetery. The Board of Trustees constitute the Cemetery's Board of Associates as described in Minnesota Statutes Chapter 306.

1.2 Election. Members of the Board of Trustees shall be elected from among the members of the Congregation who are Lot Owners in the Cemetery. Trustees shall be elected by the Board of Trustees at a meeting of the Board of Trustees and shall each hold office for a five year term beginning at such annual meeting unless a prior vacancy shall occur by reason of death, resignation or removal from office. Each Trustee shall serve until the expiration of his or her term of office, and thereafter until his or her successor has been elected and qualified, or until the earlier death, resignation, removal or disqualification of the Trustee. A Trustee whose term expires may stand for re-election at a meeting of the Board of Trustees.

1.3 Vacancy. Upon death, resignation, or vacancy created for any reason whatsoever, of any member of the Board of Trustees, a majority of the remaining members of the Board of Trustees shall elect a replacement to fill the vacant Trustee position. The term of such successor or successors shall be for a term designated by the Board of Trustees, not to exceed the balance of the term of the former Trustee.

1.4 Removal. A Trustee may be removed, at any time, with or without cause, upon the affirmative vote of not less than two-thirds (2/3) of all Trustees then in office, excluding the Trustee proposed for removal.

## **ARTICLE II MEETINGS**

2.1 Time and Place of Meetings. The Board of Trustees shall meet as needed, but at least annually. The Board of Trustees shall hold its meetings at such places, and at such dates and times as the Board of Trustees may determine.

2.2 Calling Meetings of the Board. Meetings shall be called by the Chair or upon the written request of any three (3) Trustees.

2.3 Quorum and Voting. A quorum at any meeting of the Corporation shall be five voting members present in person or by proxy. At any meeting of the Board of Trustees, each Trustee present at the meeting shall be entitled to cast one (1) vote on any question coming before the meeting. A majority vote of the Trustees present at any meeting shall be sufficient to transact any business.

2.4 Written Action. An action required or permitted to be taken at a meeting of the Trustees may be taken by written action signed by all the Trustees. A Trustee who has not signed or consented to the written action has no liability for the action or actions taken thereby. A written action is effective when it is signed by all of the Trustees required to take the action unless a different effective time is provided in the written action.

## **ARTICLE III**

### **OFFICERS**

3.1 Number, Election, and Term of Office. At its annual meeting the Board of Trustees shall elect a Chair, Vice Chair, Treasurer, and Secretary from among the members of the Board of Trustees by written ballot. The Chair, Vice Chair, Secretary, and Treasurer shall be known as the "Cemetery Officers." Except as provided in these Bylaws, the Board of Trustees shall establish the duties and powers of all Cemetery Officers. The authority of Cemetery Officers shall be limited to acts and powers within the scope of authority granted by the Board of Directors of the Congregation to the Board of Trustees.

3.2 Vacancies. Vacancies in any Cemetery Officer position shall be filled at a regular or special meeting of the Board of Trustees called for said purpose.

3.3 Chair. The Chair shall preside at all Board of Trustees meetings; may appoint Committees, of which he/she is to be an ex officio member; may call special meetings of the Board of Trustees; may sign all legal documents related to the business of the Cemetery; shall make an annual report of the status of the Cemetery at the annual meeting of the Board of Trustees; shall submit an annual report on the affairs of the Board of Trustees to the members of the Congregation at the annual meeting of the Congregation members; and shall perform all other duties incident to the office of Chair and have such other powers as the Board of Trustees may from time to time prescribe.

3.4 Vice-Chair. The Vice-Chair shall in the absence of the Chair, assume all of the duties and responsibilities of the Chair; and shall perform such other duties and have such other powers as the Board of Trustees may from time to time prescribe.

3.5 Secretary. The Secretary shall be responsible for ensuring that all actions and the minutes of all proceedings of the Board of Trustees are recorded in a book to be kept for that purpose, and shall be responsible for all documents and records of the

Cemetery, except those connected with the office of the Treasurer. He or she shall give or cause to be given any required notice of meetings of the Board of Trustees, and shall mail to all Trustees after each meeting copies of all said actions and minutes of said proceedings, and shall perform all other duties incident to the office of Secretary and have such other powers as the Board of Trustees may from time to time prescribe.

3.6 Treasurer. The Treasurer shall handle all financial matters related to the Cemetery; make written reports to the Board of Trustees, annually and more often, if requested, on the status of the treasury, and perform all other duties incident to the office of Treasurer and have such other powers as the Board of Trustees may from time to time prescribe.

## **ARTICLE IV COMMITTEES**

The Chair shall be an *ex officio* member of all committees and shall have the authority to establish committees and appoint members to such committees as shall be necessary or advisable to assist in the business of the Cemetery from time to time.

## **ARTICLE V FISCAL MATTERS**

5.1 Fiscal Year. The fiscal year of the Cemetery shall begin on the first day of July and end on the thirtieth day of June of each calendar year.

5.2 Contracts. The Board of Trustees may authorize such Cemetery Officer or Officers to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Congregation on matters related to the Cemetery, and such authority may be either general or confined to specific instances. Contracts and other instruments entered into in the ordinary course of business may be executed by the Chair and/or the Executive Director. Contracts above \$25,000 must be approved by a 2/3 majority of the Trustees.

5.3 Loans. No loans shall be contracted on behalf of the Congregation, and no evidence of indebtedness other than checks, drafts or other orders for payment of money issued in the ordinary course of business shall be issued in its name unless authorized by the Board of Directors of the Congregation. Such authorization and approval may be general or confined to specific instances.

5.4 Checks, Drafts, Etc. All checks, drafts, or other orders for the payment of money issued in the name of the Congregation and related to the Cemetery shall be executed by the Chair or Executive Director or Temple Bookkeeper or by such other officers as the Trustees may determine.

## **ARTICLE VI OPERATIONS**

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

## **ARTICLE VII GIFTS, LEGACIES AND/OR ENDOWMENTS**

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

## **ARTICLE VIII PERMANENT CARE FUND**

The Board of Trustees 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. From time to time the Board of Trustees may change the designation of the corporate trustee.

## **ARTICLE IX INDEMNIFICATION**

Each Trustee shall be indemnified by the Congregation against judgments, penalties, fines, and other actions and damages by reason of the Trustee's actions on behalf of the Cemetery and the Congregation, to the extent provided in the Bylaws of the Congregation.

## **ARTICLE X AMENDMENTS**

These Cemetery Bylaws may be altered, amended or restated by the Board of Trustees to omit or include any provision which may be lawfully omitted or included at the time of such amendment. Any number of amendments, or an entire revision or restatement of the Bylaws, may be voted upon at a meeting of the Board of Trustees or by action in writing and shall be adopted upon the affirmative vote of not less than two-thirds (2/3) of Trustees who are present at the meeting and entitled to vote on the proposed amendment or revision.

# RULES AND REGULATIONS

## INTRODUCTION

The Mount Zion Cemetery Rules and Regulations are provided to Lot Owners of Mount Zion Cemetery (the "Cemetery") to help them understand the Cemetery's policies, rules and regulations. Lot Owners are expected to be knowledgeable of and adhere to the Cemetery's Rules and Regulations. Nothing contained in the Rules and Regulations creates or is intended to create a contract between Mount Zion Cemetery and any of its Lot Owners. Any or all components of these Rules and Regulations may be changed, altered, deleted, and/or discontinued at the Trustees' sole discretion at any time with or without notice to the Lot Owners. The Rules and Regulations and policies contained herein supersede any past published Rules and Regulations, 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. The Trustees are authorized to make temporary exceptions, suspensions, or modifications of any rule or regulation without notice, when in the judgment of the Trustees such action is necessary and in the continuing best interest of the Cemetery.

## DEFINITIONS

1. Section: Area of land that contains many lots.
2. Lot: A surveyed piece of land in the Cemetery.
3. Lot Owner: The owners of interment rights, crypt or niche entombment rights, or inurnment rights, as granted by the Cemetery in an original purchase or by legal succession.
4. Plot: A lot that has an interred buried in it.
5. Mausoleum: An above ground free standing building constructed as a monument enclosing the interment space of a deceased person or persons.

6. Monument: An above ground marker (tombstone) that lists the occupant of the plots.
7. 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.
8. Contractor: Any person or entity performing any work in or on the Cemetery grounds, other than an employee of the Cemetery.

## **RULES AND REGULATIONS**

### **SECTION I**

#### **PURCHASE OF LOTS**

##### 1.1 Persons Eligible to Purchase Lots

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 Board of Trustees. Un-surveyed tracts in the Cemetery shall not be available for sale until such time that the Board of Trustees deems appropriate.

##### 1.2 Members of Mount Zion Congregation

Lots in the Cemetery shall be sold to persons who are members of the Congregation at the current member price as established by the Board of Trustees.

##### 1.3 Non-Members

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



#### 1.4 Rights of Interment

The ownership of a lot shall carry with it the right of interment to the Lot Owner, including spouse/partner, unmarried children, married children and their spouses, and the parents of such Lot Owner. Other relatives of Lot Owners not hereinbefore included may be buried in such lot upon written request of the Lot Owner. Lot Owners do not acquire legal ownership of any part of the Cemetery property except for the rights of interment, entombment, or inurnment, as applicable. No particular place or portion of the cemetery shall be designated as a section set aside for the indigent.

#### 1.5 Lot Resale

The Cemetery does not repurchase lots. The Lot Owner may resell the lot in accordance with the present Bylaws, Rules and Regulations, and as permitted by Minnesota Statutes Section 306.15, as amended. When, by the consent of the Lot Owner, the lot will be used solely by some other person as a family burial place, the Lot Owner may convey the lot to such person. There must be filed with the Cemetery a copy of an agreement of sale signed and acknowledged by the Lot Owner (and spouse, if any) and the proposed purchaser, transferring title to the Cemetery and requesting that the Cemetery issue a new deed of the lot directly to the purchaser in consideration of the payment by the purchaser to the Lot Owner of a specified price which must not be more than the price that would be charged by the Cemetery in its sale of a similar lot. Upon filing the agreement, an administrative fee of not more than \$15.00 must be paid to the Cemetery, and the Cemetery shall then promptly issue a new deed to the designated purchaser.

A Lot Owner may donate his or her lot back to the Congregation. The Congregation then has the option to resell the lot or use the lot for any purpose it deems appropriate.

#### 1.6 Disposal of Lot by Will, Devise, or Other Disposal

A Lot Owner may dispose of a lot in accordance with Minnesota Statutes Section 306.29, as amended. A Lot Owner may dispose of a lot by will to one person, who must be a relative, or may will the lot to the Cemetery in trust for the use and benefit of any person or persons designated in the will. However, to be effective the lot must be specifically mentioned in the will and limited to one particular person. No general devise or bequest and no residuary clause in the will can affect it. A Lot Owner may, while living, convey the lot to the Cemetery in trust for the use and benefit of a person named in a trust conveyance. The trust conveyance may contain conditions, provisions, and covenants as the parties agree upon.

Every conveyance or attempt at conveyance of any right, title, or interest in or to the lot contrary to this Section is void. The Cemetery will keep a record of all deeds, conveyances, judgments, decrees, or other documents affecting the title to lots in the Cemetery.

If the Lot Owner does not prescribe the descent of title to a lot by will or trust agreement, or if the will is ineffective, then ownership of such lot upon the death of the Lot Owner will be established in accordance with Minnesota Statutes Section 525.14, as amended. Because Minnesota law governing the descent of title is amended from time to time, the law governing descent of title of a lot shall be the one in effect at the time of death of the deceased Lot Owner.

## **SECTION II**

### **CARE OF GROUNDS AND LOTS**

#### **2.1 General Care Of Lots**

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

## 2.2 Grave Height

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 Board of Trustees.

## 2.3 Planting on Lots

2.3.1 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 Board of Trustees and shall be of such varieties and shall be placed in locations only approved by the Board of Trustees.

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

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

## 2.4 Vases

2.4.1 Vases must be permanent and made of cement or granite. In ground vases must be professionally installed by the Cemetery or a provider approved

by the Cemetery. No wooden, plastic or synthetic vases or urns will be permitted in the Cemetery.

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

## 2.5 Temporary Decorations

All flags and decorations of a similar nature placed on graves, will be removed after a reasonable time, as determined by the Cemetery Trustees. 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**

### 3.1 No Funerals on the Sabbath or Jewish Holidays

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

### 3.2 Burial Permits

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.

### 3.3 One Interment Per Grave

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 Board of Trustees. All graves require a cement vault.

### 3.4 Cremation

In cases of cremation, up to two (remains) may be buried in one plot in accordance with rules established in Section I, #4 of these Bylaws 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 Cemetery staff are permitted to open and close the grave.

### 3.5 Notice for Opening Graves

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

## **SECTION IV FOOTSTONES AND MONUMENTS**

### 4.1 Footstones

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 around a lot or plot are prohibited. In the case of cremation with two sets of remains in one grave, two footstones are allowed (see Section IV, #3 below).

#### 4.2 Size of Footstone

A footstone shall be not be larger than two feet in length by one feet in width nor shall it project above the ground.

#### 4.3 One Footstone Per Grave

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.

#### 4.4 No Double Footstones

No footstone shall be set to cover two or more graves or exceed the acceptable size, or extend to another lot.

#### 4.5 One Monument on Lot

A Lot Owner must own four contiguous lots to erect a standing monument. Only one monument will be allowed on the four plots.

#### 4.6 Designs for Monuments

Lot owners should take great care 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 Board of Trustees for prior approval. Designs that exceed 48" in height or are larger in width or thickness must be approved by the Board of Trustees prior to installation. Designs may be submitted as electronic files. The Board of Trustees have the right to deny designs that they deem inappropriate for the surroundings at their sole discretion.

#### 4.7 Size of Monument

4.7.1 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.

4.7.2 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.

#### 4.8 Inscription on Monuments

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

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

#### 4.9 Construction Work

4.9.1 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.

4.9.2 The Board of Trustees reserves the option of stopping all construction of monuments between November 1<sup>st</sup> and April 1<sup>st</sup>.

4.9.3 No construction material delivery of any kind will take place at the Cemetery on the Sabbath or on Union of Reform Judaism recognized Jewish holidays.

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

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

4.9.6 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.

4.9.7 As a guarantee of good work and as a protection to Lot Owners and for the general welfare of the Cemetery, the Board of Trustees will regulate and approve all work done in the Cemetery. Any work done that does not meet the approval of the Cemetery Trustees must be corrected or redone to the Trustees' standards, at the expense of the Lot Owner.

#### 4.10 Size and Depth of Foundations

All mausoleums, monuments and footstones must be set on foundations of solid masonry or concrete, which may be installed by the Cemetery, or by an external company subject to prior written approval of and inspection by the Board of Trustees. Foundation installation and inspection costs will be borne by the Lot Owner. All charges (association, land and burial costs) must be paid or guaranteed by the Lot Owner before any foundation will be built.



#### 4.11 Mausoleums

No mausoleum shall be erected upon a lot or lots in the Cemetery without prior written approval by the Board of Trustees. Construction of a mausoleum 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 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 Board of Trustees is required.
- f) The Lot Owner is responsible for the quality of the construction by the contractor against defects and deterioration.