

## Appendix C: A Sample Set of Cemetery Rules

As I studied the Jewish Cemeteries of New Hampshire, I was surprised by many things including illogical restrictions, unwritten rules, no rules or rules designed to prevent things after they've already been done.

I offer this appendix as a paradigm for rules. It is largely based on those of Keene, NH, whose Cemetery Committee has what I would categorize, as a relatively complete and concise set of rules.

Sometimes, information related to the "Perpetual Care Trust Fund" is included in the rules and regulations. The example here does not include that.

Most congregations do not like to deal with what happens to their cemeteries if they should cease to exist, but since it happens, some, like Claremont have included it in the rules and regulations. The example here does not.

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**Section 1.** specifies the way lots are sold and bundled:

1. Graves shall be sold in units of two or four lots, except:
  - a. A single grave area shall be available for qualified persons to purchase as a one-grave site;
  - b. After the purchase of a single or multiple grave lot, where an additional grave or graves are desired adjacent to or in the same locale, a written request must be given to the cemetery committee Chairman within thirty (30) days from the original purchase of said single or multiple grave lot.

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**Section 2.** deals with prices and fees. The actual price, which will change from time-to-time, should not be included. Some include half-plots for cremation remains or infants. As cemetery space becomes scarcer, it is Jewishly acceptable to stack two or more coffins in one plot, as long as they are separated

by at least 18". Things related to this should be included in this section.

Most cemeteries of this era require perpetual care as part of the price of a plot. In a bygone era there were "churchyard cemeteries" where the religious institution cared for the cemetery and there were family plots, where the family cared for the gravesite. In the types of cemeteries that exist today, the perpetual care requirement is a necessity to assure long term "*ke-vod ha-meit*".

2. Price of graves shall be listed in the currently effective schedule of fees.
  - a. The price shall include perpetual care for the graves
  - b. The price must be paid to the cemetery committee.
  - c. The price must be paid in advance of the reservation of the gravesite.
  - d. No member of this Congregation shall be eligible to purchase a grave or graves at membership prices until the person has been a member in good standing for a period of no less than two (2) years, with the exception that if an unexpected family death should occur before the two year qualifying period has ended, then the member will be eligible to purchase lots at membership prices if the member is in good standing.
  - e. Graves purchased by members at membership prices must be for the use of the member family and/or their children.
  - f. If a member or non-member owns a lot or lots and moves from the area, or desires to be buried elsewhere, the lot or lots must be offered to the corporation for repurchase at the original purchase price, and the corporation is herewith obligated to purchase the lot(s) at the original price.

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**Section 3.** specifies a set of requirements that are consistent with local rules as augmented by Jewish tradition.

**Item 3.e.** makes limitations on monument size. Many cemeteries recognize that at some point in time, they are stuck with the responsibility for maintenance of monuments. Rules specifying size constraints that can be maintained with a standard tripod or gantry that are used by cemetery conservators make sense. However, adding the proviso that monuments beyond that size, are not prohibited, but must be accompanied by a trust fund to pay for their long term maintenance makes sense.

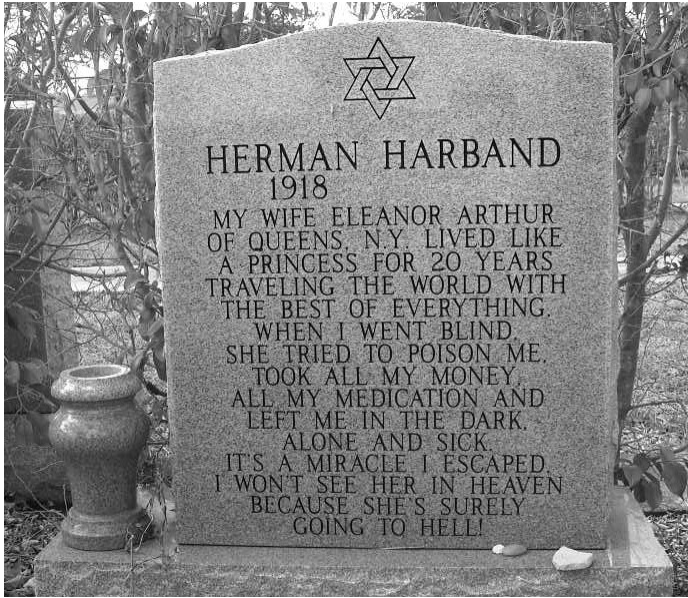
Some also specify certain materials for their durability.

**Item 3.f.** is intended to prevent the following (not from a NH cemetery).<sup>1</sup>

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<sup>1</sup> The inscription/epitaph is so outrageous, that the transcription is included, since the photograph may not be easily readable:

MY WIFE ELEANOR ARTHUR  
OF QUEENS, N.Y. LIVED LIKE  
A PRINCESS FOR 20 YEARS  
TRAVELING THE WORLD WITH  
THE BEST OF EVERYTHING.  
WHEN I WENT BLIND  
SHE TRIED TO POISON ME,  
TOOK ALL MY MONEY,  
AND ALL MY MEDICATION AND  
LEFT ME IN THE DARK  
ALONE AND SICK.  
IT'S A MIRACLE I ESCAPED.  
I WON'T SEE HER IN HEAVEN  
BECAUSE SHE IS SURELY  
GOING TO HELL!



**Item 3.g.** Shrubs need to be trimmed and limited. The monument below shows, that even if they are trimmed occasionally, the shrubs aren't trimmed often enough.



Temple Beth Abraham, Nashua, NH

In extreme cases, as shown next, you will see monuments ejected from the ground or tipped over by root growth. While the tree is dead and cut, repairing the root damage would be difficult.



Minneapolis Hebrew, Minneapolis, MN

**Item 3.h.** about caskets, liners and vaults is Jewishly controversial. Where there are local ordinances that require them, it can be problematic for the most traditionally observant Jews. Cement liners prevent the body from "returning to the earth." The reason for cement vaults are to stabilize the ground after a burial and to make the remains available if it needs to be disinterred for any of a variety of reasons. These include: eminent domain, family choice and forensic issues.

Cemeteries in Manchester and Lebanon do not require vaults. Alternatively, to stabilize the ground, some cemeteries place the coffin on the ground and without using the cover, the vault or liner is placed upside down over the casket.

### 3. Compliance requirements:

- a. All funerals must comply with Jewish funeral traditions.
- b. A representative of the congregation must be present at every burial service

- c. The Rabbi, or if none, the religious leader of the Congregation, shall be notified in advance of any planned burial, either by the family, of the deceased or by the funeral home in charge of arrangements..
- d. All funerals must comply with regulations of the rules of the State and municipality.
- e. Monuments including base, shall not exceed *certain dimensions* and shall be made of materials deemed appropriately durable so they will not become a maintenance problem for the cemetery.
- f. Inscriptions and epitaphs that are obscene or potentially libelous, either to the deceased or another person, alive or dead will not be permitted. Iconography or artwork or inscriptions, generally considered to be associated with a non-Jewish religion, will not be permitted.
- g. Graves shall be kept clear of shrubbery, plants, etc. as prescribed by local Ordinances and/or the Cemetery Committee.
- h. Caskets must be placed in a cement liner or vault.
- i. No monument shall be erected, and no grave shall be opened without written approval of the cemetery committee or the President.

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**Section 4** specifies limitations for burial on non-Jewish family members in the cemetery. This has become a significant issue as the intermarriage rate has accelerated. Some cemeteries do not allow non-Jewish family members in the cemetery at all. Others allow it only in a special section. Still others have them allowed almost anywhere. The example shown here is for a cemetery that has a specific portion of the cemetery designated as available for Non-Jewish burials.

#### 4. Non-Jewish Family Members

- a. Non-Jewish spouses and children of intermarried couples may be buried in the cemetery.

- b. A separate portion of the cemetery shall be delineated for burial of non-Jewish spouses and their non-Jewish children
- c. Jewish members with a non-Jewish spouse shall have a right of first refusal for purchase of graves either in or adjacent to the delineated area
- d. All other rules pertaining to the cemetery as specified in Section 3 shall apply with equal force and effect to the delineated area

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**Section 5** specifies the makeup and term of office of the members of the Cemetery Committee.

5. The Cemetery Committee shall consist of no less than three members, one of whom shall be named chairman by the President. The President shall appoint the committee for tenure of three (3) years, two year and one year terms respectively with the Vice-President a member ex officio. Any vacancy on the committee will be filled by the President with thirty (30) days.

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**Section 6** empowers the Cemetery Committee to deal with exceptions which do occur from time-to-time.

6. If a problem arises not covered by the rules and regulations, and time does not permit the Committee to call a general meeting, the Cemetery Committee shall act as a group, on the matter to their best ability. If only one member of the committee is available, he shall inform the President, who will contact the officers and trustees to seek their counsel and render a decision.

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**Section 7** makes a statement about availability of lots for burials of the indigent. Jewish Cemeteries are at their core charitable institutions and acknowledging that it isn't all business is good.

7. No one eligible for burial in this cemetery will be denied because of an inability to pay and an issue of this type will be handled privately by the Cemetery Committee.

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**Section 8** emphasizes that the rules are public.

8. A copy of these rules shall be provided to all members of the Congregation, and additional copies shall be available upon request by any member.

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