



# KOL AMI CEMETERY ASSOCIATION

## RULES AND REGULATIONS

**For: B'nai Israel Cemetery - 1021 4<sup>th</sup> Avenue**  
**Montefiore Cemetery - 1081 4<sup>th</sup> Avenue**  
**Shaare Tzedek Cemetery - 921 11<sup>th</sup> Avenue**

### Definitions

1. The term "Cemetery Association" refers to the Kol Ami Cemetery Association of Salt Lake City, Utah.
2. The term "B'nai Israel" refers to the B'nai Israel Cemetery.
3. The term "Montefiore" refers to the Montefiore Cemetery.
4. The term "Shaare Tzedek" refers to the Shaare Tzedek Cemetery.
5. The term "Monument" refers to all types of flat or upright markers, memorials, benches, and enclosures.

### Eligibility for Burial

1. Only Jews by birth or persons who have formally converted to Judaism may be buried in the Montefiore and Shaare Tzedek cemeteries.
2. Jews and their non-Jewish spouse, life-partner, and/or minor children may be interred in B'nai Israel; if a non-Jewish family member is to be interred before the Jewish family member, a plot must be purchased for the Jewish family member and all fees for that gravesite must be paid prior to any interment.

### Fees

1. Interments shall be made only after all charges for gravesite and perpetual maintenance have been paid in full to the Cemetery Association
2. No refunds shall be made for unused gravesites or perpetual care payments
3. Fees paid to the Cemetery Association do not include the services of opening and closing graves, the required concrete liner, or any other services related to interment or funeral; these services must be arranged through a mortuary.
4. Membership status of the deceased, not the purchaser of the gravesite, determines eligibility for any special rates or discounts that may be offered to members of Congregation Kol Ami; membership is limited to persons in the immediate household, as defined by congregation membership rules.
5. Membership discounts, if any, may be offered only after the beneficiary of the gravesite has been a member of Congregation Kol Ami in good standing for one full year.
6. The Cemetery Association will approve placement of monuments only after all fees are paid; for double monuments, this applies to all fees for both gravesites.
7. If an adjustment to gravesite fees is made due to indigent status, the Cemetery Association may monitor and limit the cost of any monument to be placed on that gravesite; if the monument cost exceeds that limit, approval for placing the monument on the grave will be granted only after the full, non-discounted, gravesite fee is paid.

### Gravesites

1. The remains of one person or one adult and one baby may be placed in any one grave. In B'nai Israel only, in any one grave, with prior authorization by the Cemetery Association there may be placed two receptacles containing cremated remains or one casket and one receptacle containing cremated remains. A "second right of burial" charge, equaling fifty percent of the full fee for a separate plot, will apply.

2. The Cemetery Association does not sell gravesites. It conveys to the purchaser the right to burial (in accordance with and subject to the Rules and Regulations of the Cemetery Association in force at the time of the conveyance and as amended thereafter) in a specified gravesite and to place one authorized monument on that gravesite; no transfer of property rights occurs when a right to burial is purchased.
3. The Cemetery Association reserves the right to limit the number of rights to burial purchased.
4. When a right to burial is purchased, written designation must be made as to who will utilize that right; one person may have only one gravesite reserved for his or her use.
5. A "Certificate of Burial Rights" will be issued for each gravesite purchased pre-need. This certificate may be conveyed only to a person of the Jewish faith; however, a non-Jewish beneficiary may be designated for a particular gravesite if that person meets eligibility requirements as defined herein.
6. ***B'nai Israel Only***: A plot deemed unusable for a standard burial may be used for the purpose of installing a memorial monument for persons not buried in this cemetery who meet the "Eligibility for Burial" criteria.

### **Funerals**

1. At all interments, any ritual used shall be a Jewish ritual only; no mention may be made of other deities at graveside services.
2. Clergy of a faith other than Judaism may not officiate at graveside services.
3. No crosses or other non-Jewish religious articles or jewelry may be placed/buried with (c)remains.
4. Prior approval must be obtained from Congregation Kol Ami's senior rabbi in order for anyone other than a Rabbi or Cantor of Congregation Kol Ami to perform graveside services.
5. All caskets must be enclosed in a concrete liner (cremated remains must be in a sealed, wooden container, but a cremation liner is optional).
6. All interments will be made below ground level (including cremains).
7. Open casket services are prohibited on Cemetery Association property.
8. For all cemeteries, caskets/containers must be all wood, and must meet "kosher" requirements; also, embalming is prohibited.
9. Burial in Montefiore and Shaare Tzedek:
  - a. All funerals must be in accordance with the customs of Conservative or Orthodox Judaism, with cremation prohibited.
  - b. Ritual washing/dressing (*tahara*) must be performed by the approved Chevra Kadisha (*tahara*). Any fees arising from this service (including the cost of the burial shroud) must be paid to the mortuary at the time of need or to the Cemetery Association in advance.
10. Funerals may not take place on Shabbat and Jewish holy days; consult with Cemetery Association personnel for prohibited days.
11. Cremated remains may not be spread anywhere on Cemetery Association grounds.
12. One or more Trustees, designated by the Cemetery Association, shall attend each burial on Cemetery Association property.
13. All at-need burial plots may be limited to those selected by the Cemetery Association person in charge of the upcoming funeral, in the cemetery requested by the family or designated agent.

### **Monuments**

1. The design of all monuments is subject to Cemetery Association approval to ensure that they: 1) contain no symbols or text derived from a religion other than Judaism; 2) are simple and in keeping with community standards of good taste; and 3) conform to established size and weight requirements. Benches are not permitted on gravesites.
2. Only one marker shall be placed at any grave.
3. A monument may be placed only after all financial obligations pertaining to the gravesite (including perpetual maintenance) are paid in full and a signed contract has been executed for that gravesite.

4. Double monuments may be placed only after both plots and maintenance thereon have been paid in full.
5. For a single grave, monument size including foundation may not exceed thirty-nine (39) inches in width, twenty-six (26) inches in depth, and thirty-six (36) inches in height. This restriction is dictated by the need to maintain gravesites, avoid damage during nearby burials, and avoid encroachment into adjacent gravesites. Double grave monuments may not exceed seventy-eight (78) inches in width, with depth and height requirements the same as for single gravesites.
6. Foundation must include a minimum four inch mowing strip around the base of the monument and may be granite or concrete.
7. No metal plaques or monuments will be approved.
8. Monument weight may not exceed three thousand (3,000) pounds.
9. All upright monuments must be drilled and doweled to secure the monument to the base. Dowels should be metal and at least three inches long.
10. The cost of monuments and the maintenance, repair, and alignment thereof is the responsibility of the immediate family or estate of the deceased; all monuments shall remain the personal property of the purchaser. (Note: Most homeowner's insurance policies cover monuments as personal property.)
11. If a double stone has been erected on a gravesite, it will need to be moved in order for the second burial to take place. A representative of the second deceased individual will be responsible for making arrangements (including payment) with an approved monument company to remove the monument ASAP in order to enable opening the second grave and then to replace the monument when ground conditions permit.
12. If a gravesite is purchased in a "flat marker only" section, or a flat marker is installed in any other section of the cemetery, the marker must be flush with the ground and must be stone and not metal.
13. Monuments should be installed any time after the *shloshim* period (30 days after the funeral) and before the first *yahrzeit* anniversary (one year after the death). Clergy may be contacted for guidelines concerning unveiling ceremonies.
14. The Cemetery Association may authorize its agent to move monuments in order to enable a burial in a nearby gravesite; the monuments will be replaced by that agent when weather and soil conditions permit.
15. At the discretion of the Cemetery Association, any permitted photos or etchings may be limited to four inches by four inches (4" x 4").
16. ***B'nai Israel Only***: Any monument installed as a memorial rather than to mark a burial shall be a flat marker unless the Cemetery Association agrees that an upright monument can be incorporated in line with existing headstones; text identifying such a marker as a memorial (e.g. "in memory of") rather than a burial shall be included on the stone.
17. At the discretion of the Cemetery Association, a "monument deposit" may be required prior to burial of an individual who is not a member of Congregation Kol Ami, or when any of the people making burial arrangements for the individual are not a resident of Utah, or where the Cemetery Association has other reasonable concerns that the survivors may not provide a monument or marker in a timely fashion. This deposit will be used to purchase a basic monument for the deceased if, one year after burial, no monument design has been submitted for approval to the Cemetery Association by a local professional monument company. If design approval is requested within one year, the Cemetery Association will forward the "monument deposit" to the monument company.

### **Flowers and Other Adornments**

***Shaare Tzedek***: No flowers or arrangements, live or artificial, may be planted or placed temporarily anywhere within the Shaare Tzedek cemetery. No other adornments are permitted.

*All of the following rules pertaining to flowers and adornments apply to the B'nai Israel and Montefiore cemeteries only.*

1. All persons are prohibited from gathering flowers, either wild or cultivated, or from tampering with trees, shrubs, or other plant materials.

2. Loose flowers or arrangements will be removed and discarded by maintenance personnel once each week.
3. Because there is public access to the cemeteries, the Cemetery Association is not responsible for theft of flowers or other items from monuments or graves.
4. Flowers may be planted immediately to the East of monuments, provided that they do not interfere with cemetery maintenance, but no borders (metal, plastic, etc.) may be placed around flower beds. Those planting will be responsible for the maintenance of their plants during the growing season.
5. The Cemetery Association will plant grass on gravesites as well as upon common areas; no ground cover or grass may be planted by any other party.
6. The Cemetery Association reserves the right to remove and discard any objects in violation of the Rules and Regulations of the cemeteries and assumes no responsibility for such objects.
7. The Cemetery Association will exercise reasonable care, but will not be responsible for damage to flowering plants caused by grass mowing or trimming, by the application of weed killing chemicals, or by other work done in connection with the operation, maintenance, or repair of the cemeteries.
8. The placement of any non-permanent items on a gravesite or monument is prohibited; any such items will be discarded during regular maintenance.
9. Placement of any items that may be associated with any religion other than Judaism (e.g. Christmas wreath) is prohibited. Candles and/or open flames are prohibited.

### **Trees and Shrubs**

1. As of September 1, 2008, no tree or shrub may be planted, except by the Cemetery Association or its representatives.
2. The Cemetery Association reserves the right to remove any tree or shrub previously planted by anyone other than the Cemetery Association if it is not properly maintained, encroaches on other gravesites or common areas, or interferes with the maintenance of the grounds. This action may be at the expense of any remaining family of the deceased.
3. The Cemetery Association assumes no responsibility to replace trees or shrubs which die, become diseased, or are damaged by the opening of graves, the installation of monuments or otherwise in the operation of the cemetery.

### **Transfers of Rights to Burial and Relocations of Gravesites**

1. Rights to burial may not be transferred directly by the holder of those rights; after approval by the Cemetery Association and payment of a right to burial transfer fee, a transfer may be made by the Cemetery Association. The transfer fee shall be the greater of 1) the minimum right to burial transfer fee listed in the current fee schedule, or 2) the difference between what the transferor paid to the Cemetery Association for the right to burial and what the transferee would be charged if purchasing the right to burial directly from the Cemetery Association at the time of the transfer (taking into account any Congregation Kol Ami membership rate or discounts that may apply if the transfer is pre-need). If the transfer fee is greater than the minimum transfer fee listed in the current fee schedule, the difference shall be added to the price the transferor paid when determining the purchase price of the right to burial for any subsequent transfer.
2. The Cemetery Association will approve a transfer only after the transferee's eligibility for burial in the designated gravesite is established; burden of proof of eligibility rests solely with the transferee.
3. If a right to burial is inherited in a will, the heir must provide the Cemetery Association with: 1) a notarized "Transfer of Rights" form; and 2) the pertinent portion of the will that conveys the right to burial. All other rules pertaining to eligibility for burial in the designated gravesite and fees for transfers will also apply.
4. A next of kin who is eligible for burial in the designated gravesite may assume the right to burial owned by a person who is deceased (but who chose to not utilize that right to burial) upon furnishing: 1) a notarized "Affidavit of Kinship and Indemnification Agreement;" and 2) a letter of consent from any surviving siblings. All other rules pertaining to eligibility and fees for transfers will also apply.

5. A holder of a right to burial may sell it to someone who is not next of kin only if the purchaser is eligible for burial in the designated gravesite, the transfer is approved by the Cemetery Association, which approval will not be unreasonably denied, and all conditions of transfer are met (including the payment in full of the transfer fee). If the Cemetery Association resells a right to burial at the request of the holder, the holder may be paid an amount no greater than what was originally paid to the Cemetery Association for that right to burial.
6. A right to burial is specific to a designated gravesite. The right to burial may only be relocated to another gravesite by agreement of the holder of the right to burial and the Cemetery Association, upon payment of a gravesite relocation fee.

### **Disinterments and Reinterments**

1. Disinterment shall be permitted only in exceptional circumstances, and each case shall be decided individually by the senior Rabbi of Congregation Kol Ami.
2. No disinterment of human remains shall be made unless a Utah licensed funeral director is present at the time of disposition.
3. A copy of a permit giving approval by the Utah Department of Health must be presented to the Cemetery Association before disinterment may occur.
4. The responsibility for securing all permits from any government body or agency required to approve a disinterment rests directly upon the person making the arrangements for such disinterment.
5. Remains will be accepted for reinterment only under the same "exceptional circumstances" criteria established for disinterment. This does not include merely reuniting spouses or other family members.
6. The Cemetery Association may charge a reasonable fee for supervision of a disinterment and return of the cemetery property to its condition prior to the disinterment.

### **Access and Conduct**

1. No person shall be permitted to have refreshments on Cemetery Association property.
2. The throwing of trash or public dumping on cemetery property is strictly prohibited and is punishable to the fullest extent of the law.
3. Smoking is prohibited on Cemetery Association property
4. It is inappropriate to visit a Jewish cemetery on Shabbat or on Jewish holidays; also, on those days, no funerals or unveilings may take place and no work may be performed within the cemeteries.

### **Correction of Errors**

1. The Cemetery Association reserves, and shall have the right to correct any error that it makes in interments, disinterment, or in locating or supervising the placement of memorials, or in the contract for the sale of rights to burial (including but not limited to the erroneous inclusion of interment space which it had earlier contracted to sell to another).
2. In the event of any error made in the contract for the sale of rights to burial, or if for any reason it cannot honor rights to burial in the gravesite as described in the contract, it may substitute in that contract other interment space of equal value and similar location as far as possible, or in its sole discretion, it may refund to the purchaser the consideration paid to it on the account established for that gravesite and cancel said contract.

### **General**

1. The Cemetery Association reserves the right to change these rules from time to time without notice.
2. The Cemetery Association reserves the right to compel all persons coming into the cemeteries to obey all Rules and Regulations now or hereafter adopted by it.
3. The Cemetery Association adheres to all State, County, and City rules pertaining to cemeteries.
4. The Cemetery Association reserves the right to refuse acceptance of remains for burial as deemed necessary.