

Ohev Shalom Cemetery Rules & Regulations (Revised and Approved March 26, 2009)

Article I -- Purpose

Whereas the Ohev Shalom Cemetery in Brookhaven, PA is the property of Congregation Ohev Shalom.

Whereas it is the wish of the congregation that this cemetery be available primarily for the interment of members and only under special circumstances for non-members, as stated in Article VII.

Article II -- Plan

Section 1: The cemetery is and will be divided into sections and graves, each section and grave being numbered as shown on a plan in the office at Congregation Ohev Shalom.

Section 2: The number of graves each section accommodates is and will be shown on the cemetery plan, and no interment will be permitted in any section or plot in excess of the number (or in a manner different from that) indicated on this plan unless approved by the Cemetery Committee and Ohev Shalom's Rabbi.

Article III -- Cemetery

Section 1: The Cemetery Committee shall maintain supervision over the cemetery and all work performed therein.

Section 2: Those having the right of reservation have the right to erect one monument on each grave, but the design and quality of the stone and the foundation thereof shall be subject to the advance approval of the Cemetery Committee. No monument shall exceed 3 1/2 feet in height; foot markers are not to exceed 6 inches in height.

Section 3: No headstone may be erected without a foundation approved by the Cemetery Committee.

Section 4: All inscriptions or embellishments desired on any monument, headstone, or marker must have the advance written approval of the Rabbi of Congregation Ohev Shalom.

Section 5: If any monument, headstone, or marker be erected or any embellishment or inscription be placed upon the same which shall, in the opinion of the Cemetery Committee and Ohev Shalom's Rabbi, be improper, offensive, or not in keeping with the general appearance of the cemetery, the Cemetery Committee will have the right and duty to arrange for the removing of same -- costs to be borne by the family. Monument and Base repair are not covered under perpetual care and are the sole responsibility of the family.

Section 6: No mausoleums or similar structures shall be constructed within the cemetery...

Section 7: No photographs or pictures of any kind shall be permitted on any monument, headstone, or marker.

Section 8: The placing of copings, cradles, railings, fences, ivy, trees, yews, evergreens, plants, etc., in the cemetery is prohibited. Any plantings that are overgrown and which encroach another grave will be removed at the discretion of the Cemetery Committee without notice. Artificial plants and flowers, statues or other such items are strictly prohibited. It is permitted to place or plant "annual" plants or flowers by a headstone, no wider than the headstone, and extending no more than 6 inches from the headstone.

Section 9: Vendors or charity collectors are not permitted on the cemetery property.

Section 10: No cemetery visitations or work shall be permitted on the Sabbath or the major Jewish holy days: Rosh Hashana, Yom Kippur, the first and last two days of Sukkot and Passover, and the

two days of Shavuot.

Section 11: No items shall be placed in the cemetery nor shall work of any kind be permitted therein unless a request for same is first made with Congregation Ohev Shalom's Secretary and then approved by the Cemetery Committee.

Section 12: Only monuments of granite, marble, or standard bronze are allowed in the cemetery.

Section 13: Only those monument contractors approved in advance by Congregation Ohev Shalom may work in the cemetery.

Section 14: Monuments, and the foundations they are set upon, are the sole responsibility of the family who had them erected. Sinking foundations and or monuments must be made level once the Ohev Shalom Cemetery has advised the family. If not corrected within 60 days, Ohev Shalom Cemetery has the right to correct the problem at the family's expense or to remove the monument if necessary.

Section 15: Ohev Shalom Cemetery strictly prohibits the burial, or scattering of any cremated remains.

Article IV -- Disinterment

No remains that have been interred in the cemetery shall be removed without the written permission of the Cemetery Committee and the Ohev Shalom Rabbi. In arranging for such removal, the laws of the Commonwealth of Pennsylvania and the Borough of Brookhaven must be complied with under supervision of the Cemetery Committee, and in consultation with the Ohev Shalom Rabbi.

Article V -- Publication

Copies of the rules and regulations of the cemetery of Congregation Ohev Shalom shall be available in the office of the Congregation Ohev Shalom.

Article VI -- Amendments

These rules and regulations of the cemetery of the Congregation Ohev Shalom may be altered, amended, or added to from time to time, by the Cemetery Committee, and approved by the Board of Directors of the Congregation Ohev Shalom.

Article VII -- Right of Reservation and Right of Interment

Section I: The **Right of Reservation and Right of Interment** of graves in Ohev Shalom Cemetery (collectively, the "Rights") shall be governed by the following:

- A. Except in the Interfaith Section (defined below), Rights shall be limited to those of the Jewish faith; and
- B. Except as provided to the contrary in the Rules and Regulations set forth in subsection I of this Article with respect to the Interfaith Section, Rights shall be limited to:
 - (i) current members of Congregation Ohev Shalom, in good financial standing, such standing to include but not limited to dues, pledges, and tuition, etc.; or
 - (ii) former members of Congregation Ohev Shalom with a minimum of ten (10) years membership who moved from Delaware County, and now reside outside Delaware County; or
 - (iii) members' children and/or their spouses, excepting children over twenty-five (25) years of age who reside within Delaware County and are not members of Congregation Ohev Shalom;
 - (iv) members' parents, if residing outside Delaware County;
 - (v) non-members whose spouses are interred in Ohev Shalom Cemetery

- C. In the event that a member reserves a grave as a member of Congregation Ohev Shalom and then ceases to be a member, the member will be required to pay the difference between the charges for members and the charges for non-members, providing the member otherwise qualifies for burial under Subsection B of this Article.
- D. Anyone who has reserved a grave or graves prior to July 1, 1974 shall have the right of interment in these graves. The right of interment is limited to purchaser's immediate family; i.e., mother, father, spouse/life partner, children, siblings and their spouses/life partners.
- E. With the approval of the Ohev Shalom Rabbi or, if unavailable, the chair of the Ohev Shalom Ritual Committee and either the President of Congregation Ohev Shalom, Vice President in charge of the Cemetery Committee or the Cemetery Committee, and only in exceptional circumstances, the right of interment may be granted to anyone not classified above.
- F. Only current members may make a reservation for purchase of graves within the Ohev Shalom Cemetery.
- G. Non-members, whose immediate family are interred, and who are not residents of Delaware County may purchase a grave at non-member rates.
- H. As a courtesy, any former member of the Mispallelim Synagogue who is a current member of Congregation Ohev Shalom and who owns a grave in Mt. Lebanon Cemetery may exchange that grave for a grave in Brookhaven cemetery. The costs for perpetual care in Brookhaven must be paid at the time of the exchange.
- I. Interfaith Section. This subsection shall provide supplemental Rules and Regulations for the Interfaith Section (defined below) of Ohev Shalom Cemetery

In conjunction with the rabbi, the Cemetery Committee shall:

- 1) Designate a distinct section of the cemetery as an interfaith burial area (the "Interfaith Section").
- 2) Establish a physical *mechitza* (separation) – such as shrubbery, hedges, or road -- between the Interfaith Section and the rest of the cemetery.
- 3) Establish a mechitza of at least one-grave width of not less than 24" between all graves in the Interfaith Section.
- 4) Prohibit clergy of other religious traditions from officiating, in their roles as officiants of other religious traditions, at denominational burials of non-Jews in the Interfaith Section. The only denominational religious ceremonies permitted in the cemetery are those of Jewish tradition.
- 5) Prohibit the usage of symbols and language unique to non-Jewish traditions (e.g. Christological references or physical symbols) during the interment, creation of the tombstone, unveiling of the tombstone, and ongoing maintenance and care of the grave.
- 6) Enable the rabbi, at his/her discretion, to officiate at the burial of non-Jews in the Interfaith Section, utilizing ecumenical psalms and prayers shared by religious traditions.
- 7) Permit, with the consent of Ohev Shalom's rabbi, civil, lay or ecumenical officiating at such burials, but only in those cases where the Rabbi is not officiating at the burial ceremony. This could include ministers of other traditions functioning strictly in a non-denominational capacity, without denominational garb, language or symbology. The text of the service and officiator would be subject to review and approval by Ohev Shalom's rabbi prior to the burial.

- 8) Carry on the right of interment of relatives in a family plot in the Interfaith Section, whether they are Jewish or non-Jewish, as long as all applicable rules and regulations of the Ohev Shalom Cemetery are followed, and the mechitza of space is maintained between Jewish and non-Jewish graves.
- 9) Ensure that family tombstones straddle the mechitza between Jewish and non-Jewish graves in the Interfaith Section.
- 10) Restrict rites of burial in the Interfaith Section to immediate relatives of the non-Jewish decedent and those relatives' spouses/life partners, if the relatives are not Jewish.
- 11) Permit the Ohev Shalom rabbi, with the consent both of the President of Congregation Ohev Shalom and the Cemetery Chairperson, to prohibit the interment of an unrepentant anti-Semite, criminal, Jew for Jesus, Messianic Jew, or other whose burial in the Ohev Shalom Cemetery constitutes a *chilul hashem* (desecration of God's name).
- 12) Permit burial rites for an intermarried couple if the Jewish spouse is a member in good standing of the community.
- 13) Reinforce the policy of burial for Jews-only in the remainder of the cemetery, and publicize relevant rules and regulations of cemetery usage for those purchasing plots in the Interfaith Section.

Article VIII -- Prices & Charges

Section 1: The Cemetery Committee shall establish, and from time to time may change, a schedule of prices and terms of payment for all plots and graves, perpetual care, the opening and closing of graves, and for all other cemetery services, subject to the approval of the Board of Directors, excepting pass through expenses.

Section 2: Current prices shall be published by Congregation Ohev Shalom.

Section 3: With the approval of the president of Congregation Ohev Shalom and the chair of the Cemetery Committee, interments of needy individuals may be made without charge or at a reduced rate.

Section 4: One free grave shall be given to a member if that member has completed at least ten years as a member in good standing, and is current in the payment of his other financial obligations to Congregation Ohev Shalom including, but not limited to: dues, building fund pledge, religious school fees, tuition, etc. A widower or widow, whose spouse had once been or is currently a member of Congregation Ohev Shalom and has received one free grave, shall not be entitled to an additional free grave. **Section 4 applies to plots in sections A, B, C, D only. There are no free plots in sections E, F, G, H or any future sections.**

Section 5: If a member has met the requirements for being given a free grave, and later drops his or her membership in Congregation Ohev Shalom, that individual shall lose his or her right to that one free grave, if not already assigned.

Section 6: To reserve a grave, a member must be current in all his or her financial obligations to Congregation Ohev Shalom and must pay in advance the full cost of the grave and perpetual care.

Section 7: No burial is to take place unless the full cost of the grave and perpetual care is paid in advance and all outstanding synagogue obligations are paid in full.

Section 8: No footstone, tombstone, monument or any other item shall be approved for erection (or planting) in the cemetery until the deceased's entire cemetery account has been paid in full.

Article IX -- Transfers

Section 1: The transfer of **RIGHT OF INTERMENT** of a grave is permitted only when the grave is transferred from the original owner, to a member of his other immediate family who otherwise would have **RIGHT OF INTERMENT** as specified in **Article VII**, above.

Section 2: If transfer of **RIGHT OF INTERMENT** is to take place, the cemetery *must be notified* in order to change its records to reflect the change.

Article X -- Conditions

Section 1: Each reservation of a plot or grave shall contain and be made upon the following conditions: that the purchaser agrees for himself and his heirs and assigns to comply with the rules and regulations of the cemetery of Congregation Ohev Shalom, both such as exists at the time of the right of reservation, and use and as they may be thereafter changed.

Article XI -- Services

Section 1: Only such services, ceremonies, and other activities as are sanctioned by the Cemetery Committee and Ohev Shalom Rabbi shall be permitted on the cemetery grounds.

Section 2: Funeral details including transporting the deceased to the funeral establishment, selecting the casket, etc., shall be arranged for by the bereaved family and Congregation Ohev Shalom authorized funeral directors.

Section 3: The Rabbi of Congregation Ohev Shalom will officiate at all funerals and unveilings in the cemetery. A guest Rabbi may officiate only with the permission of Congregation Ohev Shalom's Rabbi. No Non-Jewish clergy may officiate at services within the traditional section of the cemetery and may participate only in such services with the permission of the Ohev Shalom Rabbi, and only within the strict ecumenical guidelines as they are laid out in Article VII, Section O.

Section 4: In accordance with the policy established by the Conservative Movement, there shall not be any public viewing of the deceased within the confines of any Ohev Shalom building.

Article XII – Services of the Rabbi in Funerals and Unveilings

Section 1: MEMBERS The services of the Rabbi for funerals and unveilings are primarily for the benefit of the members of Congregation Ohev Shalom. Members of Congregation Ohev Shalom shall have priority over non-members for the Rabbi's services. It is understood that our members are to be provided the services of the Rabbi for the above occasion at no additional charge. Gratuities are solely on the basis of the individual member's desire and are not required. In referring to the Ohev Shalom Synagogue area, our geographic area, or our community, we mean the area in which it would be expected that Jewish families should affiliate with our synagogue as members, i.e., Delaware County.

Section 2: Funerals – Non-members Who Have a Cemetery Lot and are to be Buried in Our Cemetery The funeral will be arranged in the usual manner through Ohev Shalom's Rabbi, Cemetery Chair, and approved funeral directors at a time which will not conflict with the Synagogue commitments of the Rabbi. The fee for the Rabbi will be the currently established fee per the funeral director. This fee is to be included in the funeral director's bill and it is the funeral director's responsibility to collect the fee and pay the Rabbi.

Section 3: Non-Members Funerals NOT in our Synagogue or Cemetery The services of our Rabbi shall **NOT** be available to a non-member who resides in Delaware County. For a non-member outside Delaware County, at the request of a member of our Congregation, the family may make arrangements directly with the Rabbi and any fee arrangements will be made by the Rabbi and

collected by him. The Synagogue will not bill or collect for the service. The timing of the funeral shall not interfere with the Rabbi's synagogue commitments.

Section 4: Non-Member Unveilings The same rules apply here as for a member's funeral. The services of our Rabbi shall **NOT** be made available for non-members living in our geographic area. For a non-member outside our geographic area, the family may make arrangements directly with the Rabbi and any fee arrangements will be made by the Rabbi and collected by him. The timing of the unveiling shall not interfere with the Rabbi's synagogue commitments.