

Baron Hirsch Cemetery Association, Inc.

Rules and Regulations

(as amended November 11, 2021)

RULES AND REGULATIONS
OF
BARON HIRSCH CEMETERY ASSOCIATION, INC.

1. All lots, graves, crypts, niches, and mausoleums in the Cemetery shall be owned subject to the laws of the State of New York and the Rules and Regulations of the Cemetery now in force or as the same may be modified from time to time.

2. Hours of Operation

Monday to Friday: 7:30 a.m. to 3:30 p.m.

Sunday: 7:30 a.m. to 1:00 p.m.

Saturday: Closed

Jewish holidays: Closed and closed the first and sixth day of Passover

Legal holidays: Closed

No burials shall take place on Saturdays, on Jewish Holidays, on the first or sixth days of Passover or after 3:00 p.m. on Fridays.

If an interment must take place on a legal holiday when the Cemetery is closed, a holiday rate will be charged in addition to the regular opening cost.

3. All persons entering the Cemetery must conduct themselves with appropriate respect for the deceased and for the sacred nature of the burial grounds.

4. All vehicles on the Cemetery's grounds shall be driven at a maximum of five miles per hour.

No work may be solicited at the cemetery by gardeners, monument firms, outside contractors or any other person.

All work and other activities shall stop in the vicinity of a funeral service.

5. No photographs may be taken on Cemetery grounds without the express written permission from the Cemetery's office.

6. Animals may not be brought on to the Cemetery's grounds except for service dogs.

7. No signs of any kind will be permitted on graves, lots, plots, or mausoleums.

No advertisements shall be permitted on the Cemetery's grounds and the

Cemetery reserves the right to remove and destroy any such advertisements without notice or liability.

8. The owner of each lot shall keep the lot and all improvements in good repair at his or her own expense.
9. In the event that plantings on any grave or lot shall become detrimental or hazardous to its adjacent lot graves, paths, or roadways or to visitors or employees of the Cemetery, the Cemetery may, upon notice as provided by statute, if any, enter upon such graves or lots and remove the plantings or otherwise remedy the situation.
10. In the event a grave or lot which is not under seasonal, or endowment care shall become overgrown or hazardous to adjacent graves, lots, roadways or paths, the Cemetery may at any time, upon notice as provided by statute, if any, enter such area to properly maintain or remove the hazardous items without further notice or liability.
11. All persons entering the Cemetery grounds shall use only the roads, walks and paths in the area in which the grave or lots they are visiting are located.

Yahrzeit candles of any type are not permitted anywhere in the Cemetery unless they are placed in approved metal Yahrzeit boxes.

12. The Cemetery shall not be liable for any personal injury or property damage in the cemetery except if caused by the Cemetery's willful conduct or gross negligence.

The Cemetery shall not be liable for damage, loss or destruction of any structure or embellishment, including, but not limited to, marble, granite or concrete work on any lot, grave or crypt from causes beyond reasonable control, including, but not limited to, the elements, ACTS OF GOD, the common enemy, thieves, vandals, trespassers, strikes, malicious mischief, war, riots or by the order of any military or civil authority. In the event of any such damage or destruction, or if the owner fails to replace, repair, reset or reconstruct the same within the period specified by statute, the Cemetery may at any time act in accordance with and as provided by statute. However, the Cemetery shall have no obligation to do so.

13. All labor and equipment for interments, disinterments, entombments, disentombments, inurnments and excavations for monuments, and the construction of foundations, walks and curbs shall be performed by the Cemetery at the expense of the grave, lot, crypt, or niche owner, who shall pay for such work in advance.

No outside contractors shall be permitted to do any work upon the Cemetery grounds except such outside contractors as may be hired or approved by the

Cemetery provided any such outside contractor has complied, in writing, with the insurance and indemnification requirements of the Cemetery.

14. For the purpose of performing work on any lot, grave or other part of the Cemetery, including for interments, entombments, and inurnments, disinterments, and disentombments, excavation for any other purpose or for repairs or improvements, the Cemetery reserves the right to temporarily enter upon and use adjoining areas, including lots or graves, with personnel and/or machinery and/or materials as may be necessary to perform all such work. In such event, the Cemetery shall restore such areas to their original conditions prior to such entry within a reasonable period of time.
15. No benches shall be set on a plot, which exceeds the length and width of the grave (3' x 6').
16. The entrance to every lot must at all times remain unobstructed so it provides access to the lot.
17. The Cemetery reserves for itself and any authorized persons or contractors' easements and rights of way under, through and over the Cemetery grounds and any and all parts thereof for the purpose of setting and inscribing monuments, placing, maintaining, and operating or altering pipes, conduits, gutters and or drains for sprinkler systems, drainage, electrical or communication lines, or for any other purpose.

Foundations

18. Foundations will be poured approximately 10 months after the interment has taken place. Inclement weather will delay all foundation work and may likely preempt any scheduled pouring. Unveiling dates are not to be scheduled until the cemetery informs the dealer that the foundation has been poured and ready to receive a stone.

Charges and Fees

19. No interment, entombment, inurnment, disinterment, or disentombment will be permitted, and no monument, memorial or embellishment may be placed upon any lot, grave, crypt or niche until all charges are paid in full for the purchase of the lot or lots

All charges for regularly performed services shall be posted in the Cemetery's office

The Cemetery shall have the right to change its charges from time to time in accordance with the laws of the State of New York.

20. All persons who violate the Rules and Regulations of the Cemetery, or trespasses on the Cemetery grounds may be ejected, prosecuted, and held liable under the law for any damage done by them.

Ownership

21. No person or association will be recognized as the owner or co-owner of any grave, lot, crypt or niche, or any part thereof, unless his, her or its name is validly recorded on the records of the Cemetery.

The Cemetery will no longer permit the sale of any lot, grave, crypt or niche or permit the transfer of any existing lot, grave, crypt or niche to any society or other organization, corporation, company, or any other entity other than individuals.

The Cemetery may require affidavits of heirship, verified copies of the last will and testament of the decedent, if any, or such other documentation or court orders as the Cemetery in its discretion may require, together with the proper filing fee, if any.

The Cemetery shall be entitled to rely and act upon the truth of the statement contained in any affidavit, permit, authorization, deed assignment, reservation of interment and entombment space, or any other instrument affecting the ownership, possession, care, control and maintenance of any grave, lot, crypt, niche, or part thereof.

22. The Cemetery reserves the right to correct any error that it may make in the location or placing of monuments, or in a contract or deed relating to the sale or conveyance of interment space. In the event of any such error, the Cemetery may correct the same or in its discretion substitute another grave, lot, crypt or niche of equal value and similar location, or cancel the same and refund any monies previously paid without any further liability to the Cemetery.
23. No title to a grave, lot, crypt or niche, or any part thereof shall be deemed to pass to the purchaser until the full purchase price shall have been paid together with interest, if any. The Cemetery shall reserve the right to subdivide any such unpaid lot or part thereof in which an interment has been made and to sell the remaining portion and apply the proceeds towards the amount due and to deposit any excess into the Permanent maintenance fund of the Cemetery.
24. All transfers or assignments of any graves, lot, crypt or niche, or any part thereof shall be made in accordance with the Rules and Regulations of the Cemetery as the same may be changed or amended from time to time, and in accordance with the laws of the State of New York.

Interments and Entombments

25. No interment or entombment shall take place without an authorization, order or permit signed by the person or persons authorized by law, and/or by the graves, lot, crypt or niche owner or owners. Such documents shall designate the location of the grave, crypt, or niche to be used and shall be filed in the office of the Cemetery. The Cemetery shall be entitled to rely on the accuracy of the information in such permits and shall not be liable for any error therein contained, or as to the identity of the person whose remains are to be interred.

Interments are limited to human remains. No pets or pet remains may be buried in any grave, interred in any niche nor shall it be permitted to spread the remains or ashes of any pets anywhere on Cemetery grounds.

Orders for interments or entombments must be received prior to 9:00 a.m., Monday through Friday and before 8:00 a.m. on Sunday. Overtime begins at 3:00 p.m. on weekdays and at 1:00 p.m. on Sunday and remains in effect until the grave is filled in and workers have left the gravesite.

The following information must be furnished by the funeral home of your choosing: name of the deceased; block, section, lot, row and grave (or crypt) number; name of owner of interment space; name of funeral establishment; exact size of burial container; date of interment or entombment and time of arrival at the Cemetery; name, address, and telephone number of the next of kin.

26. The Cemetery's management must receive reasonable notice prior to the arrival of a funeral cortege at the cemetery, which time must be sufficient to enable the Cemetery to make proper preparations.
27. All funerals, upon reaching the Cemetery, shall be under the supervision of the Cemetery's management. The Cemetery shall have the right to refuse to proceed with the interment or entombment unless the funeral is accompanied by a duly licensed funeral director. Before the interment may proceed, such funeral director must register at the Cemetery's office and deliver all necessary permits and authorizations to the Cemetery's personnel.
28. The outer width of a burial container shall not exceed 26 X 81 inches. The Cemetery's management shall have the right to make the final determination as to the maximum width and length of any burial container.

Cemetery rules and regulations require a Funeral Director's signature for casket size confirmation.

36. All graves within a family plot and/or grave in front of a double or triple monument shall have uniform landscaping.

37. No contractor or other person (excluding the Cemetery's landscape and burial contractor) will be permitted to work in the Cemetery on Saturday, legal or Jewish holidays, or before 7:30 a.m. on weekdays. All workers must leave the Cemetery grounds no later than 3:00 p.m. Monument dealers and setters will not be permitted to set or do any monument work after 3:00 p.m. on Monday through Friday and after 1:00 p.m. on Sunday.

All contractors or other workers not employed directly by the Cemetery, including the Cemetery's landscape and burial contractor, performing any work or providing any service or delivery of materials whatsoever to the Cemetery hired by any contractor, lot, grave, crypt or niche owner or their representatives MUST comply with the insurance and indemnification rules, regulations and requirements and procedures of the Cemetery before they are permitted to perform any work on Cemetery grounds. Said rules, regulations and requirements are available at the office of the Cemetery.

Annual care

38. Upon written notification, any lapse or interruptions in annual care services may result in the removal of existing plantings and/or an initial cleaning fee before maintenance can be reinstated.

Endowment care

39. Endowment care of any grave, lot, mausoleum, crypt, or niche shall be provided by the Cemetery upon payment of the fees and charges for such service. Each such grave, lot, mausoleum, crypt, or niche shall be inspected by the Cemetery's management, and it will be required that it be in a condition acceptable to the Cemetery. If work is required to place the grave, lot, mausoleum, crypt, or niche in a condition acceptable to the Cemetery, such work shall be done at the expense of the owner and paid for in addition to the amount required for the endowment care.

Endowment care must be placed on open or closed beds, or ledgers, before a foundation order will be accepted.

40. Where endowment care is to be provided where a double stone has been erected, both graves must be placed under endowment care and landscaping on both graves must be pre-paid whether or not two interments have been made.
41. Where a triple stone has been erected, all three graves must be placed under endowment care and landscaping on the three graves must be prepaid whether or not three interments have been made.

42. Endowment care service is the cleaning, weeding, and trimming of the grave. It does not include repairs to monuments or bases. It does not include planting or pebble work; these are additional charges and will require endowment care services if implemented. *Endowment shall care for such grave or graves to the extent that the income derived from such amount will permit, as provided in Section 1501 et seq. of the Not-For-Profit Corporation Law.*

Disinterment and Disentombment

43. No disinterment or disentombment will be permitted without the consent of the Cemetery and the written consent of the next of kin of the decedent and of all other persons whose consent may be necessary or advisable under the laws of the State of New York, or on an order of a court having jurisdiction. The Cemetery may, in its sole discretion, require that in addition to the aforesaid consents, an order of the court shall also be obtained.
44. All disinterments and disentombment shall be made by the Cemetery and all charges in connection therewith, including unpaid arrears relating to the grave, lot, mausoleum crypt or niche, shall be paid prior to any such disinterment or disentombment.

The date of a disinterment(s) or disentombment(s) shall be determined solely by the Cemetery.

45. No plans for the construction of a "private" mausoleum or sarcophagus will be approved until a deposit sufficient to provide endowment care of both the building and surrounding area has been deposited in the Cemetery's perpetual (endowed) care fund. The amount necessary for perpetual care shall be determined by the size and specifications of the building and the size and type of landscaping of the surrounding area.

Baron Hirsch Cemetery Association, Inc.

Rules and Regulations for Columbariums

(as amended November 11, 2021)

Amendment and waiver of Rules and Regulations

The rules and regulations of the Cemetery may be revised, amended, modified supplemented or repealed at any time and from time to time in whole or in part by the board of directors of the Cemetery, subject to the approval of the Cemetery Board of the State of New York. The Cemetery's management or its board of directors shall have the right to waive all or any part of its rules and regulations in specific instances without affecting their validity or enforceability in other or future instances. The interpretation of these rules and regulations by the Cemetery's management shall be final and not subject to dispute.

COLUMBARIUMS

1. These rules and regulations are additional to and not in lieu of all other rules and regulations of Baron Hirsch Cemetery Association, Inc.
2. Only the cremated remains of a human decedent may be placed in a niche in the columbarium.
3. Only one urn, containing the cremated remains of one human decedent may be placed in a niche in the columbarium.
4. No pet cremated remains may be placed in any niche in the columbarium.
5. An original death certificate or a duly certified copy thereof and an original certificate from the crematorium for the decedent must be delivered to the Cemetery's office before an urn may be placed in the columbarium.
6. An inscription on a niche in the columbarium shall be limited to the name of the decedent, stated in English, and the decedent's date of birth and date of death. The permissible size of the fonts of inscriptions shall be limited to those posted in the Cemetery's office. No images shall be permitted on a niche except a depiction of a menorah or a Star of David.
7. The maximum size of any urn shall be posted in the Cemetery's office.