

The Pleasant Green Cemetery Preservation And
Development Association



Pleasant Green
Cemetery

Rules, Regulations, & Bylaws

Adopted and approved by the Pleasant Green Cemetery
Preservation And Development Association.

Rules, Regulations, And Bylaws

I. History

The Pleasant Green Cemetery was established in 1883 by the residents of the small farming community then known as Pleasant Green, Utah. In subsequent years this community changed its name to Magna, Utah, but the cemetery retained its original name.

For the first 100 years of its history, the cemetery was owned and maintained by The Church of Jesus Christ of Latter-Day Saints. With the Pleasant Green First Ward having prime responsibility. The Bishop of that ward was responsible for fulfilling duties and calling a Sexton / caretaker.

In 1980 a group of concerned citizens created a



Pleasant Green Cemetery

non-profit which they named The Pleasant Green Cemetery Preservation And Development Association. This group was charged with restoring the cemetery, and helping the Church care for it. In 1983 the Church decided to divest itself of the the

cemetery property. At this time, the cemetery was deeded to The Pleasant Green Cemetery Preservation And Development Association. All legal rights to the cemetery grounds, and activities therein being then bestowed to the non-profit.

Per the wishes of the LDS Church and under their close guidance, Articles of Incorporation were drawn up and adopted that strictly protect the cemetery from any outside influences.

II. Management

The Pleasant Green Cemetery Preservation And Development Association is governed by a board of trustees. The first President of the Board was Kent Goble. Mr. Goble served faithfully for 28 years, giving many thousands of volunteer hours to the furthering of the Cemetery's goals.

The current President of the Board of Trustees is Hiram Bertoch. The Board of Trustees is selected in accordance with the Articles of Incorporation as per the LDS Church's original guidelines. The wisdom of these, being evident in the manner that they eliminate politics or personal agendas from playing any role in the business of the Cemetery.

The Board is selected by existing board members. No one can serve on the board without being invited by the board to do so. This appointment must be voted on by existing member in a regular board meeting.

Board members are sought from time to time from among those families who have a vested interest in the Cemetery. Such families as have multiple

generations buried on the cemetery's sacred grounds, and who appreciate the legacy and character of the Cemetery.

Solicitations to serve on the board are not accepted. When a position on the board becomes available, someone is invited to fill it based on those who are actively involved, and who are known to not be seeking the position, but who are also known to be dependable in holding to the sacred trust of the Cemetery non-profit.

In order to protect the cemetery from conflicts of interest, no board member shall at anytime be employed by, partner in, or owner of any business or organization that is in any way associated with the death industry. This includes, but is not limited to mortuaries, funeral homes, casket manufacturing and sales, etc.

Board members are not allowed to receive payment for their service as a board member or trustee. However, they are not barred from being paid a fair price or wage for other services provided.

Cemetery management will do all in their power to protect the cemetery from being acquired by any outside firms or private entities.

This policy and wisdom as set forth by inspired leaders insures that the cemetery remains independent from those who would use it for commercial purposes.

III. Purpose and scope of Rules, Regulations, and

Bylaws

To provide and maintain a beautiful, peaceful landscape for the burial of the human dead, is the purpose of the Pleasant Green Cemetery Preservation And Development Association. This object can be achieved only through careful, farsighted planning by those having direction of the enterprise.

These Rules, Regulations, and Bylaws and those which may hereafter from time to time be adopted, are designed for the benefit and protection of every burial space and every grave in our cemetery. They are a part by reference of every contract of purchase and every deed issued.

These Rules, Regulations, and Bylaws are adopted by and enforced under the direction of the Board of Trustees of the Association. They may be amended or repealed by that Board at any time. All deed holders and visitors are asked to carefully read these Rules, Regulations, and Bylaws and acquaint themselves with their provisions.

IV. Ownership And Privileges

Upon the payment of the purchase price of a space, a deed is issued in the name of the contracting party. This deed entitles the holder to the right to be buried in the graves specified there on. It does not constitute a deed of property ownership, nor is any such implied.

All property remains under the care, ownership, and management of The Pleasant Green Cemetery PDA. As such, the Cemetery reserves the right at

anytime to make alterations to the grounds, in any way deemed necessary and / or appropriate.

No interment will be permitted in or marker allowed on any property not fully paid for except by special consent of the President of the Board of Trustees, and in the event such consent is given, any and all interments placed in our markers placed on said property shall be considered as permissive until such property is fully paid for in cash. The failure on the part of the purchaser to fulfill his contract shall give the Cemetery the right at its option, to remove any remains in said space and re-inter them in some other place suitable to the Cemetery. The purchaser by signing the contract of purchase thereby consents to such re-interment.

In case of a removal of an interment from a single space and no heir files a claim with the Cemetery for the space within seven years, the space shall revert to the Cemetery.

A deed to a burial space from the Cemetery and its record on the books of the Cemetery is the sole evidence of title recognized by the Association / Cemetery.

Each joint owner is authorized to speak for other joint owners, and the Cemetery may accept orders from any one of said joint owners without need to account to the others.

Right of ways, and easements are at the discretion of The Pleasant Green Cemetery PDA.

V. Decorations, Improvements

Our unique cemetery allows many wonderful privileges that are simply not available in other locations. The ability to create personalized memorials that commemorate the lives of an individual or family is something that we encourage, so long as the following guidelines are followed:

1. No improvements may be made, without prior permission from The Pleasant Green Cemetery Preservation And Development Association. Any improvements which are undertaken without obtaining permission will be removed at the discretion of the Cemetery management. Compensation for removal or damage of any such improvements will not be reimbursed by the Cemetery, even if these improvements were approved.
2. Improvements cannot in any way interfere with graves for which burial rights are not owned by the individual making the improvements. Such improvements hinder the Cemetery's ability to dig, and infringe on the rights of others. Such improvements will be removed or altered at the Cemetery's discretion, and reimbursement will not be provided, even if such improvements were approved.
3. Silk flowers will be removed on a regular basis. These flowers will be disposed of by The Pleasant Green PDA.
4. Live flowers will be disposed of as necessary, usually within one week of their being laid on a grave, unless they are cared for by regular watering.
5. Live decorations such as trees, bushes, flowers,

etc must receive prior approval from Cemetery management, and may be removed by said management at any time, and for any reason, without notice, or reimbursement. We love to see these types of decorations, and will do our best to not interfere with them. However, at times, it may become necessary, such as when graves are dug, plants die, or any other reason that the Cemetery may feel is needful.

6. Under no condition shall anyone who is not authorized by The Pleasant Green Cemetery PDA remove any decorations, flowers, etc, from any graves, unless they themselves placed the decorations there. This includes those graves located in family lots. These decorations are sacred. It is inappropriate for even relatives to remove such without permission. Exceptions include silk flowers, which can be removed by family members and relatives if the condition of the silk flowers is such that they detract from the graves.
7. Headstones shall not be moved, or altered without prior consent from the Cemetery. Moving a headstone creates a tremendous amount of problems for future generations. No alterations to headstones may be made without permission from the cemetery. Generally permission will be granted, if the improvements are being made by decedents and are respectful of the graves. However, if existing tombstones are replaced, the former, become the property of the Cemetery, and may not be removed from the grounds. The Cemetery will store these, and at the family's request, replace them on the original grave, should future generations deem this

appropriate.

VI. Record of Deeds

It is unnecessary for lot owners to record their deeds. These are recorded and maintained by our office. All deeds and records are made in the names of the contracting parties; and after the issuance of a deed the Association will charge a fee for any changing of the instruments and records made at the request of the purchaser or owner, provided such change is allowed by the Association.

VII. Assignability of title and interest

No assignment or transfer of any space or interest therein by a burial rights holder shall be valid until the consent of the Association has been endorsed thereon and payment has been made to the Association of the current transfer fee. The association reserves the right to withhold such consent whenever it shall deem it proper so to do.

Deeds may be transferred only to immediate family members, or to direct decedents of the individual whose name appears on the deed. Under no circumstances will transfers of burial rights be approved when they are being transferred to third parties / non-relatives.

VIII. Descent and inheritance of ownership

Upon the death of the deed holder, the space descends to the oldest living descendant. The Association shall act upon its best judgment in determining heirship and successorship. The Cemetery shall in no way be held responsible for a failure to properly determine the legal

successorship of the said space.

Only the individual named on the deed, or the individual deemed by the Cemetery to be the rightful heir, may speak for, or represent the interests of the space as pertaining to burials. It is the responsibility of the family, and not the Cemetery to prove who the oldest living heir is. Once such proof is provided, it is the responsibility of those who believe the proof to be inaccurate to come forward. If no such objections are raised, and if the Cemetery feels that everything is in order, the Cemetery will then reissue / re deed a space. Once this process has taken place, and a new deed has been issued, the matter will be considered closed. If latter evidence shall be presented as to the rightful heir, it will be considered too late, and no action will be taken.

IX. Burials

1. Notice Required – Compliance With Laws
Interments are limited to human dead.

Interments will by made only upon the written order of the owner of the space, or of the persons who may be designated as provided in these bylaws, except in the case of the interment of such owner.

In all interments, directions must be given and charges prepaid to The Pleasant Green Preservation And Development Association.

Information given by telephone will be taken with particular care, but the Cemetery will not be responsible for errors arising out of the same.

All such orders must be confirmed in writing.

The person giving the order must be able to give the space owner's name and address, the name of the person to be buried, the number of the space, location of the space, the name of the section, the kind of casket and container to be used, the name of the funeral director and the date and time of the funeral.

Notice for opening a space shall be given sufficiently early to allow at least 8 regular daylight working hours for the work. A minimum of 48 hours notice MUST be given.

Burials will be made no less than 18 inches from the top of the container except by special direction of the Sexton. No burial shall be permitted within 4 feet of shrubbery or trees, unless permission is granted by the Sexton.

The Cemetery shall not be responsible for any mistakes occurring from the want of precise and proper instruction as to the particular space in a lot where an interment is desired. When instructions regarding the location of a grave on a lot cannot be obtained or are indefinite, or for any reason the grave cannot be opened where specified, the Sexton may, at his discretion, open it in such location on the lot as he deems best and proper, so as not to delay the funeral and affect the interment. If necessary, he may also direct the burial to take place off the lot, and in any other part of the cemetery.

Unless a deed has been issued, if the Cemetery consents to a burial, it reserves the right to designate the position of an interment on the lot.

No interment will be permitted or remains received unless the proper certificate or permit as required by law or by the Sexton is furnished. This includes a copy of the death certificate.

Removals and interments shipped from other cemeteries or cities must be accompanied by a permit as required by law or by the Sexton, an extra charge may be required by the Sexton.

2. Advance payment of burial fees

No grave will be opened until the charges fixed by the Trustees of the Association have been paid in full.

3. Hours when burial permitted:

No funeral, or interment will be allowed on Sunday or on any holidays which are recognized either in The United States, the State of Utah, or any other jurisdiction which the Cemetery resides within.

On all other days, funerals will be allowed only between the hours of 9:00 am and 3:00 pm. In the case of special circumstances permission may be obtained from the Sexton to bend this rule. However such permission will rarely be granted.

4. Funeral Procession

Funeral processions, upon entering the Cemetery shall be under the control and subject to the direction of the Sexton.

5. Duty of Funeral Director

Funeral directors in charge of funerals must arrange the time for arrival at the Cemetery so as to be out of the grounds before 4:00 pm. They will be held responsible for the faithful observance of all the Rules, Regulations, and Bylaws concerning funerals and burials.

6. Internment vaults and casket containers

Vaults for interments must be delivered to the cemetery with sufficient time to complete the work, prior to the service. The cemetery will not be responsible for the late delivery of a vault. This is the responsibility of the funeral director.

Vaults are required, and MUST be made from concrete or other durable material. Vaults not made from concrete MUST receive prior approval from the Sexton, and may cause a delay, as the durability of such vaults is researched. Vaults must be able to endure the test of time, and will not be approved if there is any possibility of their collapse.

7. Refilling Graves

the Sexton or some one in the employe of the Sexton is in complete charge of every interment. No grave shall be opened or filled, refilled or sodded except by the Cemetery.

8. Contagious Diseases

Only such vaults as are approved by the Cemetery will be allowed in the Cemetery and they shall be installed by the Sexton and under his direction.

Advance notice must be given to the Sexton of the intention to inter remains of any person who died of a contagious disease so that proper time for interment may be appointed and suitable arrangements may be made, to insure the safety of the public.

9. Location of graves

One interment only shall be allowed in a casket except a mother with her infant child at her breast, or two children buried at the same time. Not more than one casket is allowed in a grave without prior approval of the Board of Trustees. In these cases, there must be sufficient room so that the top vault is buried by no less than 18 inches of dirt. Each casket must sit in a separate vault. In these cases, there will be an additional cost / fee as determined by the Sexton and according to current prices and policy.

10. Errors may be corrected

The Cemetery shall have the right to correct any errors that may be made, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu therefore other interment property of equal value and similar location as far as possible, or in the sole discretion of the Sexton, refunding

the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove and reinter the remains in the proper location or to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof, and shall have the right to correct any errors made by placing an improper inscription, including an incorrect name or date, either on the memorial or on the container for cremated remains, all without liability for the error or errors.

X. Markers

Graves are marked by the Sexton at the time of burial. The location of such graves as marked by the Sexton are the only valid location markers. No other system of measurement shall be accepted.

XI. Grave Markers

All graves are REQUIRED to have a durable headstone. This MUST be placed on the grave by the family or by someone contracted by the family, within six months of the burial. At the time of burial a deposit of \$300 will be collected, which will later be refunded at such time as the headstone is placed on the grave. After six months, a headstone will be ordered by the cemetery using that deposit. Should a headstone later arrive, after the cemetery has already ordered one, the families headstone will be placed on the grave, but a refund of the deposit will not be issued.

Headstones MUST be made of a durable material. Concrete, sandstone, or other such materials, which quickly weather, will not be permitted. Should such

markers be placed by the family, they will be replaced by the Cemetery using the deposit. So as to not create confusion for future generations, the other headstone will be completely removed. Otherwise when it is no longer readable, it will be unclear where it belongs.

Headstones must be no smaller than 8 inches by 16 inches, and no less thick than 4 inches. All headstones must be set in a concrete foundation.

Headstones can be as large, wide, long, and tall as the family deems appropriate, so long as all parts of the headstone fit within the space occupied by the grave.

On each family rests the responsibility of keeping in good repair any monument or marker now on the space, or any marker hereafter placed upon the space. However all repairs or changes must be done with prior approval of the Cemetery.

No monument or marker shall be removed from the Cemetery except with written permission of the heirs and with Cemetery approval.

XII. REGULATION TO SECURE ORDER, PEACE AND PROPERTY PROTECTION

1. Entrance Regulations

Access to the Cemetery is allowed through the entrance gates only. These will be open from 7:00 am to 7:00 pm. Persons desiring to enter before or after shall not be allowed unless special permission is granted by the Sexton.

2. Improper Conduct Prohibited

Visitors are reminded that the grounds are dedicated for the interment of the dead, and that the provision and penalties of the law will be strictly enforced in all cases of wanton injury, disturbance or violation of the rules.

Offices of the Cemetery are empowered by law to enforce all bylaws, rules, and regulations. Security or other representatives of the Cemetery are permitted to protect the property in the Cemetery. However the Cemetery will not in any way be responsible for any damage to spaces or structures thereon or for loss of or damage to articles placed on lots or graves. Any loss or damage should be reported promptly to the Sexton, who will endeavor to discover the offender and recover the property.

All persons are prohibited from writing on, defacing, or injuring any monument, marker, or other structure in the Cemetery. Persons are prohibited from taking flowers, plants or any ornaments on spaces or graves from the Cemetery without special permission of the Sexton, or from picking flowers, either wild or cultivated, or breaking any tree, shrub or plant or otherwise disturbing property.

No parties with picnics or refreshments are allowed on the grounds of the Cemetery.

Unseemly behavior, loud talking, loafing, lounging, or conduct unbecoming to the Cemetery is forbidden. Children are not allowed

to use the property for playing or as a walk, or place of riding bikes.

Absolutely no ATVs or other similar motorized vehicles shall be permitted.

It is of the utmost importance that there should be strict observance of all of the properties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed, and the management shall have power to prevent improper assemblages.

3. Cemetery Hill

Hiking, walking, or exploring Cemetery Hill is strictly prohibited except by authorized Cemetery representatives, and only for conducting Cemetery business.

Any persons found violating this ordinance will be considered trespassers.

4. Children Under 18 During School Hours

No children under the age of eighteen shall be allowed on Cemetery grounds during school hours, unless accompanied by an adult. No one under the age of 14 shall be allowed in the Cemetery at anytime without a responsible adult.

5. Visitors and children

Families and visitors will be permitted daily and are requested to observe all the rules adopted for the regulation of visitors. Children are permitted only when in the company of someone

who will be responsible for their conduct.

Walkers and joggers are permitted on a restricted basis. Everyone who uses the Cemetery must understand the first purpose and priority of the Cemetery is as a cemetery and that those who have loved ones interred here have the right of privacy and preservation of the peace and tranquility expected in a cemetery.

Walkers who see a memorial service in progress should avoid that area so as not to detract from the reverence of that service.

Visitors should at all times be dressed so as to not be offensive. The Pleasant Green Cemetery PDA reserves the right to restrict admittance to those who are not dressed in a respectful manner. Visitors are restricted to roads and sidewalks only unless specifically visiting a grave site. Wandering in areas of interments without purpose could be construed as trespassing.

The Pleasant Green Cemetery PDA shall in no way be responsible for any accidents or injuries which may occur to any visitors while in the park.

6. Vehicles-speed

No bus, or other large vehicles will be permitted within the cemetery without prior permission. The rate of 10 miles per hour speed must not be exceeded within the Cemetery or on the road leading to the cemetery on Cemetery Hill.

No Vehicle is to be parked or allowed to stop before an open grave unless such vehicle is occupied by attenders at the funeral. Parking must be on the right side of the avenue and parallel to the road. Vehicles will be excluded or removed which do not obey signs in the Cemetery, or which are parked in the wrong place.

The cemetery will not be responsible for any fees or costs incurred as a result of such removals.

7. Horses and dogs

Horses are not allowed in the cemetery under any conditions except when they are being used as a part of the funeral procession. In these cases proper care must be taken to insure that they do not leave messes behind.

Dogs are allowed, but must be cleaned up after.

XIII. Service Projects

No service projects shall be allowed without prior permission being granted by the Sexton. These projects will be completed under the supervision of the Sexton or others having authority from the Sexton. The Cemetery will not be responsible for any damage done as a result of these projects.

Any service projects being done, without prior consent from the Sexton will immediately be stopped or redirected at the sole desecration of the Sexton.

XIV. Miscellaneous

1. All records pertaining to the business of the Cemetery shall be kept at a single location / office as designated by the cemetery. The Sexton and President of the Board of Trustees only are authorized to interpret the rules, regulations, and bylaws of the Association.

All deed owners are required to notify immediately the office of any change in their address.

2. Authority of Sexton

The Sexton, subject to the direction of the Board of Trustees of the Cemetery has entire charge of the cemetery and is authorized to enforce the rules, regulations, and bylaws pertaining to the same.

The Sexton may take such action as may be necessary, though not expressly authorized by the rules in order to protect the property of grave and deed holders, or of the Association, from injury, or preserve peace and good order, or to prevent injury to the appearance of the lots and graves, grounds and buildings.

3. Contractors and outside workers

Contractors and others having work in the Cemetery in accordance with the rules, regulations, and bylaws must make known their business to the Sexton and receive a permit before work is commenced.

In depositing or moving materials the lots must not be trespassed on. No material shall be

allowed to remain longer than is reasonably necessary for any construction work. No work shall be started on tSaturday which cannot be completed that day. No heavy hauling shall be allowed in wet weather.

4. Deliveries of materials

All materials must be delivered subject to the acceptance of the Sexton, and during open hours.

5. Disinterments

Disinterments may be made at reasonable times at the discretion and upon written consent of the Sexton. The written order of the deed holder or his legal representative, or an order from competent authority in compliance with law or these regulations must be given.

6. Prices and charges

Prices of spaces and all services and materials furnished by the cemetery will be given upon request.

7. Advertising, soliciting, selling and photographing
Signs and advertisements of every description are strictly prohibited in any part of the grounds. Dealers' or manufacturers' cards or inscriptions shall not be cut or marked on any stone, nor placed anywhere within the cemetery.

Soliciting of work by any means whatsoever or selling is prohibited on the grounds by anyone other than the Cemetery.

8. Liability of The Pleasant Green Cemetery PDA
The Association will at all times exercise diligence and reasonable care in the protection of the rights and property of the space owners and visitors of the Cemetery, but shall not be liable for any damage or loss.

9. Alteration and repeal of Rules, Regulations, and Bylaws.
The Association reserves the right without notice, to make, amend and repeal the Rules, Regulation, and Bylaws of the Cemetery, and to make exceptions thereto, but such exceptions shall not amend or repeal any rule, regulation, or bylaw. All fees, prices and charges are also subject to change without notice and are published separately.

All previous Rules, Regulation, and Bylaws are hereby superseded.