

EBENEZER MORAVIAN CEMETERY RULES AND REGULATIONS WATERTOWN, WISCONSIN

Ebenezer Moravian Cemetery was created as a final resting place for the faithful departed. It is our sacred duty to preserve this final resting place in perpetuity until that time when Jesus comes again to bring all to be with Him. Ebenezer Moravian Cemetery is part and parcel of the corporate structure of the Ebenezer Moravian Church (“Church”) of Watertown, Wisconsin. The Ebenezer Moravian Cemetery Board (“Board”) is immediately responsible for the operation and management of the cemetery. Any questions regarding the operation of the cemetery or for arranging burials or purchasing burial rights shall be directed to the Church office at 920-206-0222.

DEFINITIONS

“Space”, “plot” or “grave” is a single burial space.

“Lot” is a group of four (4) graves, plots or spaces held under one title. Single and half lots are available.

“Cemetery” refers to Ebenezer Moravian Cemetery of Watertown, Wisconsin.

“Inurnment” is the burial of cremated remains whether in the ground or an above ground columbarium niche.

“Interment” is the permanent disposition of the remains of a deceased person by burial in the ground.

“Memorial” includes a monument, tombstone, marker, or tablet headstone.

“Perpetual care” includes lawn, roadway and fence maintenance and snow removal.

“Board” – The members of the Ebenezer Moravian congregation in charge of the care and oversight of the cemetery and cemetery funds.

“Deed” – The Ebenezer Moravian Cemetery does not sell physical property. The purchaser does not take ownership of the land on which the lot(s) are located, but rather the purchaser becomes a holder of burial right(s) in that space. The use of the term Deed references the burial rights of the purchaser.

GENERAL RULES

Rule 1 Religious ceremonies other than those of the Moravian Church are permitted within the Cemetery with the permission of the Pastor of Ebenezer Moravian Church and/or the Board.

Rule 2 Picking flowers, wild or cultivated; breaking or injuring any tree, shrub or plant; and writing upon, defacing or injuring any memorial, fence or other structure within the Cemetery grounds is prohibited.

Rule 3 The speed limit within the gates of the Cemetery is 15 miles per hour.

Rule 4 Vehicles (including bicycles, recreational vehicles or motorcycles) may not be driven across or upon any grave, lot or lawn; parked or left thereon, unless necessary for burial or maintenance.

Rule 5 Receptacles for waste material are located at convenient places. Leaving rubbish on any part of the grounds is prohibited.

Rule 6 Non-permanent memorials or materials are not permitted. Cemetery staff reserves the right to remove and dispose of them.

Rule 7 All persons in the cemetery should conduct themselves in a manner becoming to a sacred place. The following are expressly prohibited:

- Loud or boisterous talking.
- Soliciting the sale of any commodity or service within the Cemetery.
- Placing signs, notices or advertisements of any kind within the Cemetery.
- Firearms are prohibited in the Cemetery except by a military escort accompanying a veteran's funeral or attending a memorial service, or when expressly allowed by law.

Rule 8 Temporary exceptions, suspensions or modifications of these Rules and Regulations shall not affect their general application.

Rule 9 The Ebenezer Moravian Cemetery hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations, at any time, and without notice.

Rule 10 All rules formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer effective.

LOTS AND LOT OWNERS

Rule 11 Persons desiring to purchase lots should contact the Board and complete the appropriate paperwork.

Rule 12 No lots will be sold in common ownership or joint ownership. Title must stand in one name.

Rule 13 No lot shall be used for any other purpose than for the burial of the human dead.

Rule 14 No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access to the Cemetery, as long as the Cemetery devotes it to that purpose.

Rule 15 The right to enlarge, reduce, re-plat or change the boundaries or grading of the Cemetery, or of a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives or walks, or any part thereof, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Ebenezer Moravian Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over lots for the purpose of passing to and from other lots.

Rule 16 Description of lots will be in accordance with the Cemetery plats that are kept on file with the Board.

Rule 17 The Cemetery will take all reasonable precautions to protect lot owners, and the property rights of lot owners, within the Cemetery, from loss or damage; but the Ebenezer Moravian Cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control.

Rule 18 It is the duty of the lot owner to notify the Board of any changes in the lot owner's mailing address and phone number.

Rule 19 The purchase agreement and these Rules and Regulations and any amendments thereto constitute the sole agreement between Ebenezer Moravian Cemetery and the lot owner. The statement of any employee or agent, unless confirmed in writing, shall in no way bind the Board or Church.

Rule 20 Only lot owners are permitted to grant the right of interment on their lot(s). No interment, may be made in any lot without the written consent of the lot owner. The Ebenezer Moravian Cemetery reserves the right to refuse to permit the interment of anyone other than the owner or who does not have permission of interment from the lot owner.

CORRECTION OF ERRORS

Rule 21 In accord with Wisconsin State statutes, the Ebenezer Moravian Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in making description, transfer or conveyance of any interment property either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible or as may be selected by the Cemetery, or in the sole discretion of the Cemetery, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any said person in such property, Ebenezer Moravian Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

CARE OF LOTS

Rule 22 The general care assumed by the Ebenezer Moravian Cemetery shall in no case mean the maintenance, repair or replacement of any memorial item placed or erected upon lots.

Rule 23 Any lot owner or person(s) engaged to do work for hire shall operate as independent contractors, but must do so under permission from the Board. These persons shall provide or perform:

- Written authorization from the lot owner
- Proof of indemnification
- Waiver of liability for personal and property damage
- Agreement to abide by all Ebenezer Moravian Cemetery Rules and Regulations

TRANSFERS AND ASSIGNMENTS

Rule 24 No transfer or assignment by a lot owner of any interest in their lot will be valid without securing the written consent of the Ebenezer Moravian Cemetery.

Rule 25 There shall be filed with the cemetery a copy of an agreement of sale signed and acknowledged by such owner (and spouse, if any) and the proposed purchaser, transferring and releasing title to the cemetery and requesting that the cemetery issue a new conveyance of such lot or space directly to such purchaser in consideration of the payment by purchaser to such owner of a specified price, which price shall not be more than the price which would be charged by the cemetery in a sale by it of any similar lot or space.

Rule 26 Any conveyance by a lot owner contrary to the rules which are stated above, or any attempt to sell or give away all or part of a burial lot in any other manner, shall be void and of no effect.

Rule 27 When a transfer has been made in conformity with these rules, and the consent of the Board has been obtained, Ebenezer Moravian Cemetery will issue a Cemetery Deed to the new owner upon surrender of the Cemetery Deed of the former owner or the execution of a "Lost Deed Statement". The surrendered deed or certificate will then be canceled.

INTERMENTS

Rule 28 Where immediate burial is required by the laws of the State of Wisconsin or under the Rules and Regulations of the Board of Health, interments may be made on Sundays and Holidays, but an additional fee may be added to the regular interment charge.

Rule 29 Funerals will not be admitted to the Cemetery when escorted or accompanied by regalia and banners of societies not allowed by the rules and disciplines of the Moravian Church. For clarification of the rules, contact the Church Pastor and/or Board.

Rule 30 No interment of two or more bodies shall be made in one grave except in the case of parent and child or two infants buried in one casket.

Rule 31 One grave may also include the burial of the cremated remains of one individual and the full body of one individual in one grave space. Alternatively, the right allows for the burial of the cremated remains of two persons in one full size grave.

Rule 32 When an interment is to be made in a lot, the lot owner shall designate the location of such interment. Should the lot owner fail or neglect to make such designation, the Ebenezer Moravian Cemetery reserves the right to make the interment in the location it designates.

Rule 33 In order to maintain a high standard of care and to eliminate sunken graves caused by collapse of wooden boxes, it is required that all burials must be made in an approved outer burial container.

Rule 34 Burial of the destitute must be arranged with the Board.

Rule 35 Ebenezer Moravian Cemetery reserves the right to insist upon adequate and reasonable notice prior to any interment.

Rule 36 The appropriate disposition of cremated remains is inurnment or placement in a columbarium within an established cemetery. The scattering of cremated remains is prohibited on cemetery property.

Rule 37 Besides being subject to these Rules and Regulations, all interments, inurnments, disinterments and removals are subject to the orders and laws of the properly constituted authorities of the County and State.

REMOVALS

Rule 38 Persons desiring to arrange for removals must make such arrangements with the Board. Authority to make the removal must be signed by the owner of the lot from which the removal is to be made, and by the next of kin of the decedent, in accordance with the laws of the State of Wisconsin. When such authority is filed with the Board and the cost of removal is paid, arrangements may be completed for the time of removal.

PLANTS AND DECORATIONS

Rule 39 All rules in this section are of a general nature except as noted.

Rule 40 The planting of shrubs or trees on graves is not permitted.

Rule 41 There are a maximum of two flowers or decorations allowed at each grave.

Rule 42 Hanging baskets, urns, and plant stands or flower boxes may be placed provided they are no further than one foot (1') from the side of monument. Any other decorations need to fit on the monument foundation. Any item not properly maintained will be removed.

Rule 43 All decorations must be cleared from the grave site by October 31. Christmas holiday decorations are allowed but must be cleared prior to Easter. Items not cleared will be cleared by the Ebenezer Moravian Cemetery. This includes flowers, wreaths and any other decorations.

Rule 44 The Ebenezer Moravian Cemetery will not be liable for items left at the grave.

MEMORIAL WORK

Introduction – Due to the nature of memorial work, the rules governing it can be technical. Care should be used in selecting a vendor who understands the rules and regulations and agrees to abide by them.

Rule 45 Lot owners must erect memorial work on their respective lots subject to the Rules and Regulations within two years of a burial. All monuments shall be set on foundations.

Rule 46 All signs, symbols and expressions that savor of irreligion, Satanism or paganism are prohibited.

Rule 47 When memorial work has been set in place, it shall not be removed without due process of law or written permission of the lot owner. Dealers are required to contact the Board before attempting to make a removal. However, when memorial work has been placed in violation of any of these rules, Ebenezer Moravian Cemetery reserves the right to remove it or to have it removed.

Rule 48 All stone work shall have the surface next to the foundation bedded off true and level to allow every part to be in contact with the foundation.

Rule 49 All monuments shall be placed at the head of the lot in accord with cemetery rules.

Rule 50 All monuments shall be at least six (6) inches thick.

Rule 51 When dowel pins are used between base and monument, they shall be of bronze, brass or other non-corrosive metal.

Rule 52 Monuments that include granite or bronze flower vases as an integral part of the monument or base are permitted provided they have a drainage hole. The Ebenezer Moravian Cemetery assumes no responsibility for monument flower vases not made of granite or bronze and/or not integral to the monument or base and/or not having a drainage hole.

Rule 53 Only one marker is permitted per grave. Double markers embracing two adjoining graves are permitted. The base size of a companion marker is limited to forty (40) inches by twenty-two (22) inches.

Rule 54 Markers must be placed in the space designated by the Board and all inscriptions shall read from the front of the lot.

Rule 55 All granite markers are to be set level with the ground. Thickness shall not be less than four (4) inches nor more than six (6) inches, with a level or sawed bottom. Bronze markers may be placed on a granite base with a minimum thickness of four (4) inches and a two (2) inch border.

Rule 56 Permission may be granted to memorialize an individual who is not interred in the lot.

Rule 57 Ebenezer Moravian Cemetery will approve outside vendors to provide memorial work if they agree to:

- Use only first grade workmanship
- Use only first grade, clear stone
- Guarantee the stone is free from sap or any other material which may cause rust
- Guarantee the stone will not chip or crack
- Not use any artificial stone
- Replace, at no cost to the cemetery or lot owner, any memorial that is found to be faulty in the first five (5) years.

Rule 58 Any lot owner or person(s) engaged to do memorial work-for-hire shall operate, as to the Ebenezer Moravian Cemetery, as independent contractors, but must do so under permission from the Board and must be under the general supervision of the Board. These persons shall provide or perform:

- Written authorization from the lot owner
- Proof of indemnification
- Waiver of liability for personal and property damage
- Agreement to abide by all Ebenezer Moravian Cemetery Rules and Regulations

Rule 59 Material, machinery and equipment used in the construction of memorials may be brought into the cemetery when required and when the following conditions are met:

- All material and equipment can only be placed on the lot where the work is being performed.
- No material or equipment may be brought in when a funeral is in process.
- No material or equipment may be brought in on Sunday.
- As conditions require, planks must be laid when moving heavy machinery or materials over non-paved areas.

- All work with the cemetery is subject to the supervision and control of the Board.
- All work shall be completed and rubbish removed.
- No work shall be done when a funeral is in process.
- Any variation from these regulations requires written authorization from the Board.

Rule 60 No memorials may be delivered or installed between November 1 and April 15 without permission.

Rule 61 Property damage by individual lot owners, dealers or contractors or their agents will be repaired by the lot owner. The cost of repairs will be charged to the individual lot owner, dealer or contractor, or to his principal.

Rule 62 The Board reserves the right to stop all work of any nature that violates any rule of the cemetery.

Rule 63 Approaching the bereaved and soliciting memorial business within the cemetery is not permitted.

Rule 64 No vendor advertising of any description is permitted within the cemetery.

Rule 65 Vendor's cards or advertisements shall not be cut nor marked on any stone, nor placed anywhere within the cemetery. This rule does not apply to copyright notices; but such notices must be small and must be engraved inconspicuously on the memorial.

Rule 66 Any vendor who violates the rules of the cemetery shall be removed from the list of approved producers and retail dealers.

Rule 67 No copying, curbing, fencing, hedging, borders or enclosures of any kind shall be allowed around any lot, grave or memorial; and no walks of brick, cinders, tile, terra cotta, sand, cement, gravel or wood shall be allowed on any lot. Ebenezer Moravian Cemetery reserves the right to remove the same if so erected, planted or placed.

FOUNDATIONS

Rule 68 Monument foundations shall be set on the space designated by the Board.

Rule 69 As a guarantee of good work and as a protection to all lot owners, the Ebenezer Moravian Cemetery reserves the right to regulate all work done in the cemetery.

Rule 70 No monument foundation will be built when the weather or soil conditions are not suited to construction.

Rule 71 The Ebenezer Moravian Cemetery reserves the right to stop all memorial work between November 1 and April 15. However, these dates are not absolute and may be varied if conditions warrant.

Rule 72 Foundations will be made at least as large as the bottom of the base and shall not exceed four (4) inches beyond the base of the monument. The size of the monument is governed by the size of the lot on which it is to be placed.

Rule 73 Foundations for stone work projecting above the ground will be finished true and level.

CEMETERY BOARD

Rule 74 The Board shall be made up of a minimum of three (3) people. Their term of office shall be three (3) years and shall be elected at the annual church council. The pastor of the church shall be an ex-officio member.

Rule 75 The Board shall elect one of its members as the Secretary and/or Treasurer. The duties of the Secretary shall be to keep the minutes of the meetings and the Treasurer to manage the finances. They shall give an accurate accounting of the finances at the end of each year.

COSTS

Rule 76 The costs of the plots shall be set by the Board and reviewed from time to time.

Rule 77 Monies raised from the cemetery shall be invested in a low-risk revenue-producing security at the discretion of the Board and in accordance with State laws. The Board may use those monies for the improvement of the cemetery as they deem fit.