

FAIRVIEW CEMETERY
WESTFIELD, NEW JERSEY

A Beautifully Adapted Site
Meticulously Maintained

Non - Profit * Non-Sectarian

FOUNDED IN 1868

RULES AND REGULATIONS
REVISION OF 2015

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RULES AND REGULATIONS

Section 1

PURCHASE OF LOTS, SINGLE GRAVES, CREMATION GRAVES, CRYPTS AND NICHES

Par. 1 Persons desiring to purchase lots, single graves, cremation graves, crypts or niches are respectfully requested to visit the Cemetery and make a selection according to individual need and preference.

Par. 2 No lot, single grave, cremation grave, crypt or niche may be acquired for speculative purposes or sold at a profit by purchaser, in accordance with the provisions of Title 261 of the Revised Statutes of New Jersey.

Par. 3 No individual or family shall be permitted to purchase two contiguous single graves in any section.

Par. 4 Upon full payment of the purchase price of any lot, a deed of conveyance will be issued to the purchaser, such deed to contain the Cemetery's covenant for perpetual care as well as restrictions in accordance with rules and regulations of the Board of Trustees.

Par. 5 A Single Grave Deed will be issued for single grave purchases. A Cremation Grave

Deed will be issued for cremation grave purchases.

Par. 6 A Certificate of Use will be issued for a crypt or niche purchase in lieu of a deed.

Par. 7 Lots for pre-need provision may be reserved upon down payment of twenty-five percent (25%), the full purchase price to be payable within one year. The purchase of a single grave, cremation grave or niche must be paid for in full at time of purchase. Crypt pre-need purchases will require payment of a twenty-five percent (25%) down payment, the full purchase price to be paid within two (2) years. No deed or certificate of use will be issued and no interment, entombment or inurnment permitted until the full purchase price has been paid. No special fees or interest will be charged for installment purchases completed within the contracted period but such purchase agreements not completed within the contracted period will be cancelled by the Cemetery and payments on account will be refunded, without interest, and the Cemetery reserves the right to charge a cancellation fee.

Par. 8 At-need purchases will be reserved as contracted.

Par. 9 Service charges shall be in addition to the lot, single grave, cremation grave, crypt or niche purchase price.

Par. 10 The purchase price of a lot, single grave, cremation grave, crypt or niche, includes the statutory deposit to the cemetery's Maintenance and Preservation Fund.

Section 2

TRANSFERS AND DESCENT

Par. 1 After any interment, entombment, or inurnment of human remains, has been made, no interest therein may be released or conveyed excepting under the provisions of Title 261 of the Revised Statutes of New Jersey, or any revisions or amendments thereto and then only with the consent of the Board of Trustees of Fairview Cemetery.

Par. 2 Owners of unused lots, single graves, cremation graves, crypts or niches are expressly prohibited from selling or transferring their interest therein to other persons without first obtaining the written consent of the Board of Trustees. Application for such consent must give evidence that the conveyance is contemplated for valid reason and shall be in accordance with Title 261 of the Revised Statutes of New Jersey; and the Board of Trustees reserves to itself full discretionary power in granting or denying such applications.

Par. 3 The Cemetery will have first option to repurchase any vacant and unmonumented lot, single grave or cremation grave at the original purchase price, less a transfer fee in effect as of the date of repurchase. All instruments of transfer or release must be recorded in the books of Fairview Cemetery. If a new purchase is made in the Cemetery, then a full credit of the original purchase price will be applied to the new purchase.

Par. 4 If a crypt or niche is repurchased, it shall be the obligation of the seller to pay any transfer charges or restore or replace the crypt or niche front to its original condition if any inscription has been placed thereon.

Par. 5 Upon the death of any owner or co-owner of a lot, single grave, cremation grave, crypt or niche, the heirs or devisees of such decedent are required to file with the Secretary of Fairview Cemetery acceptable proof of succession in title in accordance with Title 261 of the Revised Statutes of New Jersey.

Section 3

PERPETUAL CARE

Par. 1 Perpetual care is a condition of all sales.

Par. 2 Perpetual care includes care of the grass and turf only. The Cemetery undertakes thereby to keep the ground free of depressions, to cut and otherwise care for the grass, and do necessary seeding after interments and does not assume responsibility for monuments, stones, trees, plants and shrubs, including those placed contrary to these Rules and Regulations.

Section 4

INTERMENTS

Par. 1 Concrete vaults shall be required for all casket interments. Interments are limited to human remains.

Par. 2 At least Twenty-four (24) hours notice shall be required for opening regular depth graves and cremation burials. Forty-eight (48) hours notice shall be required for extra-depth graves.

Par. 3 No funerals will be conducted on Saturday after 11:30 A.M. An overtime fee will be charged for all Saturday burials. No funerals will be conducted on Sundays, New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving, Christmas or the Day on which any aforesaid holiday is observed according to the Cemetery's Union Contract.

Par. 4 No interment will be made unless all outstanding charges have been paid.

Par. 5 Fees for interment will be the current published fee, available and posted at the Cemetery office.

Par. 6 Where two interments in a grave are permitted, the first must be specifically ordered extra-deep. Written authorization for such disposition must be signed and filed with the Cemetery.

Par. 7 Burial of cremated human remains shall be limited to three in any vacant grave or the number permitted where full interments have occurred. Burial of cremated human remains shall be limited to two in a cremation grave.

Par. 8 Owners of lots, single graves, cremation graves, or grantees of crypts or niches may permit interment, entombment and inurnment of persons not related to them, in accordance with Title 261 of the Revised Statutes of New Jersey. Written authorization for such disposition must be filed with the Cemetery.

Par. 9 Written authorization is required for all interments, entombments and inurnments. Only those persons enumerated in the New Jersey Cemetery Act, Title 261 of the Revised Statutes of New Jersey, or any revisions or amendments thereto, are empowered to give such authorization.

Par. 10 For the purpose of performing work on any lot, grave or other part of the Cemetery, the Cemetery reserves the right to enter upon and use adjoining areas, including lots or graves, and to use such machinery and materials as may be necessary to perform all the work in connection therewith and shall restore such area as expeditiously as possible. Said work shall include,

without limitation, the making of interments, disinterments and excavations for any other purpose, as well as repairs and improvements. If, in order to open a grave or to make an interment or disinterment, the Cemetery, at any time, deems it necessary to remove existing hedges or shrubs, it may remove and dispose of the same without any liability and without responsibility for the replacement or cost of replacement thereof.

Section 5

ENTOMBMENT & INURNMENT

Par. 1 No entombment or inurnment shall be permitted without written authorization signed by the person or persons authorized in Title 261 of the Revised Statutes of New Jersey, or any revisions or amendments thereto, and filed with the cemetery.

Par. 2 No entombment or inurnment shall be permitted unless all outstanding charges have been paid.

Par. 3 No entombment or inurnment shall be conducted on Saturday after 11:30 A.M. or as stated in Section 4 Par. 3.

Par. 4 At least Twenty-four (24) hours advanced notice shall be required for all entombments or inurnments.

Par. 5 All caskets or containers to be placed in a crypt shall not exceed 86 inches in length, 30 inches in width, and 24 inches in height, including handles and/or ornamentation.

Par. 6 All caskets must be placed into an approved tray, or full liner.

Par. 7 Only those remains embalmed by a licensed Funeral Director will be permitted to be

entombed.

Par. 8 No item or object other than the permitted casket(s), approved tray(s) and cremation urn(s) may be placed in any crypt or niche.

Par. 9 Only two (2) inscriptions may be placed on any niche or crypt front excepting double niches which allow four (4).

Par. 10 No carving or cutting of inscriptions may be done by any person other than an authorized representative of the Cemetery.

Par. 11 No inscription may be placed on any niche or crypt front until the entombment or inurnment has occurred.

Par. 12 Cremation urn(s) placed in a niche shall not exceed 11"x11"x11" in total size. No more than two (2) cremation urns shall be inurned in each niche, the total measurements of which will not exceed the size stated.

Par. 13 The Cemetery will charge a service fee at its published and posted rates for each entombment, inurnment and inscription.

Section 6

IMPROVEMENT AND DECORATION

Par. 1 All upgrading of lots, single graves or cremation graves shall be made in accordance with the various restrictions hereinafter set forth or as incorporated by reference made a part of these Rules and Regulations, the Special Rules and Regulations delivered to owners at the time of purchase, and under the supervision of the Superintendent.

Par. 2 The Board of Trustees will establish grades of all avenues, sections, walks and lots, from which no change may be made.

Par. 3 The Board of Trustees may from time to time lay out or alter avenues or walks, or make such Rules and Regulations for the government of the grounds as it deems expedient.

Par. 4 No lot, single grave or cremation grave shall be defined by any fence, hedge, embankment, ditch, curbing, coping or post and railing.

Par. 5 No article inconsistent with propriety or dignity shall be permitted on any lot or grave. No inscriptions deemed unsuitable by the Board of Trustees may be placed on any memorial. No photograph may be placed on any monument, crypt, niche or memorial. The Superintendent is empowered to remove at his discretion any offending article.

Par. 6 No artificial flowers may be placed in the Cemetery excepting those traditionally used with natural holiday greens.

Par. 7 The use of incense, candles, lamps, vigil lights, solar lights, other illumination or other combustible materials at lots, single graves, cremation graves, crypts or niches or at the Mausoleum shall be prohibited. The placement of any objects which obstruct visitor's passage at the Mausoleum or which interfere with or block crypt or niche fronts is not permitted. Management reserves the right to remove such obstructions and items placed contrary to these Rules & Regulations.

Par. 8 The Board of Trustees has the right, through its authorized representative, to enter upon any lot, single grave or cremation grave for the purpose of removing or putting in order at the owner's expense, any tree or shrub which has become detrimental or oversize, or unsightly, or

inconvenient to maintain.

Par. 9 Flower borders must be of approved materials which include: scalloped concrete block, heavy rolled rubber and certain wooden borders. No decorative stones, rocks, shells or pebbles, may be placed on the lot or single grave or in the flower beds.

Par. 10 Fairview Cemetery takes all reasonable precautions to protect the property rights of its owners or grantees but distinctly disclaims liability for loss beyond its control, and especially for damage caused by the elements and by thieves, vandals, strikers, trespassers, or malicious mischief-makers.

Par. 11 If, in the opinion of the Board of Trustees, any work or material furnished by the lot or single grave owners or by outside contractors shall be improper, the Cemetery may reject same and/or enter upon the lot or single grave and remove the work or material.

Par.12 Glass vases or receptacles are not permitted on or at any lot, single grave, cremation grave, columbarium or mausoleum.

Section 7

MONUMENTS AND GRAVE MARKERS

Par. 1 No monument, marker or cornerstone shall be erected upon any lot single grave or cremation grave except in accordance with the regulations of the Board of Trustees.

Par. 2 No material other than granite may be used except where marble has already been used upon the lot. Bases and dies must be of matching stone. No field stones of granite, or other

composition, will be permitted.

Par. 3 All monuments or markers shall be placed on concrete foundations prepared by the Cemetery and the owner or his contractor shall reimburse the Cemetery for the same before the monument may be set. No foundations will be prepared while any unpaid charges appear on Cemetery books against the lot or single grave.

Par. 4 Only one monument may be erected upon any lot or single grave.

Par. 5 The width of any monument may equal but not exceed two-thirds of the width of the lot, except in the case of a two-grave lot, which monument is limited to a width of four feet.

Par. 6 Grave markers may not be higher than ground level in any section of the Cemetery, excepting on lots where raised markers are already in place. Non-monumented lots are restricted to either one flat granite marker that may equal but not exceed two-thirds of the width of the lot, except in the case of a two-grave lot, which marker is limited to a width of four feet, or one flat granite marker per grave that may not exceed two foot by one foot (2' x 1'). Cremation graves may have one flat granite marker at the foot of the grave, not to exceed two foot by one foot (2' x 1').

Par. 7 Monuments are not permitted to be placed between two or more contiguous lots or single graves.

Par. 8 No corner post may exceed six inches by six inches and must be level with the ground and may not have raised lettering. Corner posts are not permitted on single graves.

Par. 9 The Board of Trustees reserves the right of approval prior to installation of all statuary

and monumentation. No monument of unusual shape shall be allowed unless approved by the Board.

Par. 10 Sketches of monuments and inscriptions shall be submitted to the Board of Trustees for approval prior to installation of the foundation.

Par. 11 Veterans markers are restricted to flat granite only and, in addition, are subject to the regulations of the Veterans Administration.

Par. 12 Incorporated by reference and made a part of these Rules and Regulations are the Special Rules and Regulations delivered to owners at the time of purchase.

Section 8

PRIVATE MAUSOLEUMS

Par. 1 No permission will be granted to any lot owner for the erection of a private mausoleum or sarcophagus in Fairview Cemetery until a sum equal to ten per cent (10%) of the total cost of such proposed structure, plus such additional amount as may be needed to produce a multiple of \$500, shall have been deposited with Fairview Cemetery for investment in trust funds in New Jersey pursuant to Title 261 of the Revised Statutes of New Jersey or revisions thereto. From time to time, as determined by the Board of Trustees, the income from the trust fund will be used solely for the perpetual care and maintenance of the exterior of the structure only, as the income allows. A signed copy of the contract between the lot owner and his/her contractor shall be filed with the Cemetery as proof of the sufficiency of the sum so deposited. The contractor is further required to execute such guarantees in favor of Fairview Cemetery as the Board of

Trustees may require. It is further required that the Cemetery be paid, at its published and posted rate, per square inch for the required foundation before work begins. The performance guarantee will be returned upon satisfactory completion of the mausoleum in accordance with the agreement between the Contractor and Cemetery.

Par. 2 The Board of Trustees will have the right to approve, modify or reject the design or construction of any mausoleum. The interior of the mausoleum shall be shielded from public view either by an approved solid bronze door or an appropriate screened bronze door, such to have the prior approval of the Board of Trustees.

Par. 3 The Cemetery will perform the necessary services for opening a mausoleum preparatory to entombment, attendance at the sealing of the crypt and sweeping and closing the mausoleum, at its than current published and posted service fees. Employees of Fairview Cemetery shall not be responsible or take part in the depositing of caskets within the crypts of mausoleums, or removal of or replacement of crypt fronts.

Par. 4 Approved trays or full liners shall be required for all casketed entombments.

Par. 5 The Cemetery reserves the right to restrict or determine the location of a mausoleum on any lot, its dimensions, the character of building materials, and the nature of finished workmanship.

Section 9

PLANTING

Par. 1 No shade or ornamental tree may be planted by any owner without special permission

from the Board of Trustees.

Par. 2 Planting of shrubs, where permitted, on lots or single graves shall be restricted to one shrub on each side of the monument, but not in front or rear of the monument.

Par. 3 At the discretion of the Board of Trustees or its designee, any plantings not in accordance with the Rules and Regulations, or overgrown shrubs or plantings may be removed by the Cemetery at the owner's expense.

Par. 4 No ivy or rose bushes shall be permitted on any lot, single grave or cremation grave.

Par. 5 No stone receptacle or planter shall be permitted on any lot, single grave or cremation grave except as approved by the Board of Trustees. A flower bed not more than fourteen inches wide may border the front of a monument.

Par. 6 The watering of lots or graves using a hose from the Cemetery water supply shall not be permitted.

Par. 7 The Board of Trustees has the right, through its authorized representative, to enter upon any lot or single grave for the purpose of removing or putting in order at the owner's expense any tree, shrub or flower bed which has become detrimental, oversize, unsightly, or inconvenient to maintain.

Par. 8 Incorporated by reference and made a part of these Rules and Regulations are the Special Rules and Regulations delivered to owners at the time of purchase.

USE OF RECEIVING VAULT

Par. 1 The receiving vault has been erected to fill emergency needs arising when prompt interment or entombment is impossible, or for urgent reasons, undesirable. It is rented at a monthly fee.

Par. 2 Approved trays or full liners shall be required for all casketed temporary entombments.

Par. 3 At the time the remains of any person are deposited in the receiving vault, the Cemetery will require a deposit of the rental fee for the estimated period of occupancy, plus the cost of interment or entombment, plus the price of single grave in the case of non-lot owners, and such other requirements as stipulated in the receiving vault agreement. At the time of removal of the body from the vault, the Cemetery will refund any unearned portion of the deposit, without interest.

Excepting from the above: All instances where the use of the receiving vault is necessitated by the Cemetery's inability to provide regular burial owing to weather or other emergency condition, in which case the use of the vault will be free of charge.

Par. 4 In the event of failure to remove a body from the vault within a reasonable time, or in the event of evidence of decomposition, the Cemetery may upon 24 hours notice to the person or persons concerned, remove the body and cause its interment in a single grave or the owner's lot, such expense to be defrayed from the sum deposited.

Par. 5 The deposit of any body in the receiving vault will be subject to the State laws and the approval of the Westfield Board of Health.

Par. 1 No disinterment shall be allowed excepting where burial has been made in a concrete vault or hermetically sealed metal casket, or pursuant to court order, excepting cremated remains.

Par. 2 Pursuant to Title 261 of the Revised Statutes of New Jersey, no disinterment, disentombment or disinurnment or removal of any body shall be made without the consent of the Board of Trustees, who will satisfy itself that such removal is desired for bona fide reasons, or pursuant to court order. Written application shall then be made by the lot owner to the Board of Health for a removal permit which must be filed with the Cemetery.

Par. 3 The Cemetery will exercise the utmost care in disinterment, disentombment and disinurnment, but assumes no liability for the condition of any casket, concrete vault or deceased human remains.

Par. 4 Any disinterments, disentombments, or disinurnments must be made by the Cemetery, and all service fees in connection therewith, including unpaid arrears pertaining to a lot, single grave, cremation grave, crypt or niche, shall be paid in advance.

Par. 5 The date and time of a disinterment, disentombment or disinurnment shall be set solely by the Cemetery.

Section 12

GROUNDS REGULATIONS

Par. 1 The Cemetery closes daily at dusk. All visitors are requested to time their departure

to permit the locking of the Gallows Hill Road gate at 4:30 PM.

Par. 2 The Gallows Hill Road gate may be closed weekends and during inclement weather for snow removal and at such other times as may be determined by the Cemetery.

Par. 3 No dogs or other pets shall be allowed on Cemetery grounds.

Par. 4 The use of bicycles, roller blades, skate boards, scooters, sleds, ice skates, skis, or other recreational or mobile equipment is not permitted on Cemetery grounds. Persons not having legitimate reasons for visiting the Cemetery shall be deemed trespassers.

Par. 5 Winter decorations will be removed yearly after January 25. All other seasonal decorations will be removed two (2) weeks after the Holiday.

Par. 6 The Cemetery has no authorized monument dealers. Any dealer whose monuments meet the standards set forth in these Rules and Regulations is eligible to supply monuments for installation.

Par. 7 Notification of any change in address of lot, single grave, cremation grave, crypt or niche owners is required.

Par. 8 Drivers may not turn around or back up in the roadways.

Par. 9 The Cemetery reserves, and shall have, in its sole discretion the right to correct any errors that may occur in the making of interments, entombments, inurnments, disinterments or in the description, transfer or conveyance of any interment space, crypt or niche. The Cemetery shall have the right to cancel such conveyance, substitute and convey in lieu thereof other

interment space, crypt or niche of equal value as selected by the Cemetery, or refund the amount paid on account of said purchase. If the error involves the interment, entombment or inurnment of the remains of any person in such space, the Cemetery reserves, and shall have, the right to remove and reinter, entomb or inurn the remains in such other substituted property of equal value.

Par. 10 There shall be no public, private or commercial filming, broadcasting, photography, videography or the like on the grounds or unauthorized use of the Cemetery's name or image.

Section 13

COLUMBARIUM

Par. 1 Cremation urn(s) placed in Columbarium I shall not exceed 10" x 10" x 10" in total size. Columbarium II, III and IV and future units allow urn(s) placed not to exceed 11" x 11" x 11" in total size.

Par. 2 No more than two (2) cremation urns shall be inurned in each niche, the total measurements of which will not exceed the size stated in Par. 1.

Par. 3 No item or object other than the permitted cremation urn(s) may be placed in any niche.

Par. 4 No planting or adornment shall be permitted at or about any niche or the Columbarium. All plantings and decoration of the Columbarium and property adjacent thereto will be performed by the Cemetery.

Par. 5 The Cemetery will charge a service fee at its published and posted rates for each inurnment and inscription.

Par. 6 The Cemetery reserves the sole right to inurn or disinurn the cremation urn(s) in any niche and contract for the inscription of the niche front. The niche contract and inscription form and the Cemetery's Special Rules and Regulations pertaining thereto are incorporated by reference and made a part hereof.

Section 14

COMMUNITY MAUSOLEUM RULES & REGULATIONS

Par. 1 All disinterments must be placed in a zinc liner, sealed by fire, before the remains may be placed in a crypt.

Par. 2 The Cemetery has the sole right to entomb, inurn or disentomb, or disinurn, deceased human remains, and contract for the inscription of the crypt or niche front. A signed inscription form is required for all inscriptions, pursuant to Section 4, Par. 9.

Par. 3 Individuals with rights of entombment or inurnment to the first level crypts or niches do not own or control the walkway areas in front of the crypt or niche. No adornment, attachment decoration, planter, urn or container of any type shall be allowed at or about any crypt, niche or mausoleum. All plantings or decorations in or about the mausoleum shall be performed solely by the Cemetery. The Cemetery maintains the right, by its authorized representative, to remove any item violating this section at the owner's expense.

Par. 4 Owners of crypts or niches may permit entombment or inurnment in accordance with

Title 261 of the Revised Statutes of New Jersey. Written authority for such disposition shall be filed with the Cemetery.

Par. 5 Services fees for entombment, inurnment and inscription will be those published and posted at the Cemetery office.

Par. 6 All labor, equipment and materials for entombments and inurnments shall be performed and operated solely by the Cemetery, at the expense of the crypt or niche owner.

Par. 7 The use of incense, candles, lamps, vigil lights, solar lights, other illumination or other combustible materials at the Mausoleum shall be prohibited. The placement of any objects which obstruct visitors passage at the Mausoleum or which interfere with or block crypt or niche fronts are not permitted. Glass vases or receptacles are not permitted at the Community Mausoleum. The Cemetery reserves the right to remove any obstructions.

Par. 8 Certificates of use to mausoleum crypts and niches are evidence of a permanent right of entombment or inurnment and not ownership of the facade of the structures. Memorial tributes or decorations, of any nature, whether floral or otherwise, may not be glued, taped, wired or in other ways affixed to the granite. Unauthorized attachment of tributes or decorations are not permitted and shall be removed, by the Cemetery. Any damage to the structure caused by violation of this article shall be charged to the offenders.

Par. 9 The crypt/niche contract and inscription form and the cemetery's special Rules and Regulations pertaining thereto are incorporated by reference and made a part hereof.

Section 15

Remembrance Center

Par. 1 The use of the Remembrance Center will be governed by the contract pertaining to the use thereof and is incorporated and by reference made a part hereof.

Section 16

Memorial Garden

Par. 1 The use of the Memorial Garden will be governed by the contract pertaining to the use thereof and is incorporated and by reference made a part hereof.

Section 17

MISCELLANEOUS

Par. 1 Rules and Regulations are subject to change without prior notification. The Rules and Regulations and any subsequent revisions thereto shall supercede all previous Rules and Regulations.

Par.2 No commercial and/or unauthorized use of or access to or upon the Cemetery grounds is permitted.

Par.3 The right and privilege of access to the Cemetery shall vest in and be permitted to Lot Owners, their families and their visitors and other authorized persons. Access may be denied in the discretion of the Cemetery.