By-Laws and Rules

Of the

Hilmar Cemetery District

Consisting of the NORTH and SOUTH CEMETERIES

Established -1941

**Charter Officers**

O.C. Anderson, President

Axel G Pearson

E. W. Wild, Secretary

NORTH Cemetery: 8710 Tegner Rd SOUTH Cemetery: 6340 Tegner Rd

P. O. Box 309, Hilmar, CA 95324

(209)634-7655

<https://hilmarcemeterydistrict.org>

By-Laws and Rules of the Hilmar Cemetery District

Section 1. Authority to Organize. Under and by virtue of the Act of the Legislature of California, Approved April 18, 1859 and subsequent acts and amendments, the HILMAR CEMETERY DISTRICT is organized.

Section 2. Trustees. (a). The Business of the District is under the control and management of its Board of Trustees, consisting of three to five members < who are Residents of the Hilmar Colony boundary as stipulated by the Merced County Board of Supervisors> and appointed as provided by law. An eligible Resident is a person owning and residing in their Primary Residence within such boundaries. (b). An Application is required of such Resident to be completed and signed and submitted to the Board of Trustees for review of qualification(s) and upon approval, such may be forwarded to the Clerk of the County Board of Supervisors for acceptance and final approval. (C). A Trustee position is considered a Voluntary position within such Special District designations / however, the Board of Directors amendment to the By-Laws of 2019 provides reimbursement to a Trustee for Travel to & from biannual Ethics courses as required by Merced County or the State of California / currently $40.00 per Day, but may be amended any time by the Board in the future. (D). A Trustee is expected to attend and participate at each Board of Directors Meeting and be prepared to serve on respective Committees as may be needed during a Fiscal Year at the direction of the President of the Board. Should a Trustee be absent from attending a scheduled Board Meeting by unexcused absences of Four (4) or more per year/ such Trustee may be removed from serving on the Board by a Quorum Vote of Trustees and written notification to the Merced County Board of Supervisors to vacate the Seat on the Cemetery Board.

Section 3. Quorum. THREE Trustees shall constitute a quorum for the transaction of business.

Section 4. Executive Officer: (a). The President of the Board of Trustees, or such other person as shall from time to time be designated as such, shall be and act as the Executive Officer of the Board of Trustees. (b). The Executive Officer with the Board of Trustees may hire a Manager (aka: a General Manager) to carry out the duties of the Executive Officer and shall have the general care and management of the cemeteries of the District, subject to the general directions of the Board of Trustees. (c) The Executive Officer with the Manager shall be the general custodians of the personal property of the District other than the Funds of the District. (d). The Executive Officer and Manager shall employ and discharge all workmen(women) and other employees, except the Manager and the Grounds Superintendent positions, and shall make all preliminary arrangements for contracts of labor and supplies, said contracts, however, shall be made and executed by the Board and countersigned by the President and Manager, when in excess of $3,500.00. (e ). The Executive Officer and Manager shall enforce all Rules and Regulations for the care and maintenance of the cemeteries, and supervise and direct the work of the Grounds Superintendent and all other employees. (f). The Executive Officer or Manager shall see the proper persons or attendants at every interment - or assign the Grounds Superintendent if the Manager is unavailable for the scheduled interment (or inurnment as respect a cremation) // but he (they) shall not allow the interment of a body without a legal permit from the proper health officers. (g). Manager shall render a quarterly report - or monthly if requested by the Board - to the Board of Trustees of all his official transactions and an ANNUAL REPORT to the District. (h). The Manager shall have no power to incur indebtedness on account of the District without the approval by the Board of Trustees, and it shall be his/her duty to present requisitions to the Board for such supplies as may be required, and said requisitions must be in writing.

Section 5. Notice of Meetings and Conduct of Business. All Meetings of the Trustees shall be in accordance with the Ralph M. Brown Act (California Government Code § 54950-54962-54963). The HILMAR CEMETERY DISTRICT website: <https://hilmarcemeterydistrict.org> and its Calendar of events and Meetings shall publicly post such Notices promptly and all such required conduct.

Section 5. 1.0 - RULES GOVERNING LOTS AND INTERMENTS: Those provisions of the existing By-Laws beginning with Secton 5 (1941) and subsequent amendments shall hereinafter constitute the MANUAL OPERATIONS for the District.

1. Application for Lots.

Rule 1. Application for Lots, or Graves, must be made at the Office of the District at the Cemetery located at: 8710 Tegner Road, Hilmar, CA 95324.

Rule 2. Minimum Price for a Single Grave (size is established by Cemetery Records- NORTH or SOUTH Cemetery sites) shall be established by Trustees and subject to change, as needed for the opertionof the North and South Cemeteries.

Rule 3. All graves shall be opened and closed by the Employees of the Cemetery District under the direction of the Executive Officer and/or Manager or Grounds Superintendent, and shall not be less than five (5) feet in depth. The charge shall be as follows: For ADULT - full burial casket will be encased in concrete protective liner or similar supporting property - minimum price is established by the Trustees for successive Fiscal Years (July 1 - June 30). Charges for exhumation will be determined as stated above.

Single graves or Lots are sold for cash $. Payable before interment takes place. Only ONE interment of full casket burial will be allowed per any one Grave, except in cases of a mother and infant child, or twin children, or two children buried at the same time; OR cremation remains of a family member. Future polices regarding such accommodations by the District may modify such provisions.

Rule 4. All head plates (aka: foundation markers or headstones) must be flush with the surface of the ground. Must have not less than five (5) inch of concrete foundation border & pad; NOTE: in many subsequent Blocks and Sections at North Cemetery, the District has pre-installed concrete foundations for many Lots in order that an UPRIGHT headstone may be placed for the Lot owner/family.

Rule 5. Interments, disinterments, or removals will not be allowed on Sundays or Holidays. District reserves all rights to accept special permissions or court order, if or when such occurs. \*Fee for such circumstances will be three (3X) times the Saturday Services Fees at the time.

Rule 6. Application for Interments and Disinterments must be made at the Office of the District at least Seventy-two (72) hours in advance, but no Interment or disinterment shall be made without an Order in-writing from the Assigned member of Lot Owner on-file.; a Burial Permit must, in all cases, accompany the body or cremation remains to the Cemetery, the particulars of which shall be recorded by the Manager or Grounds Superintendent in the Book of Interments.

Rule 7. Applications for the removal of bodies must be made at the Office of the District, but no body (or remains) shall be taken from the Cemetery without a Permit for Disinterment and payment in-full for the respective Fees for removal; the Grounds Superintendent shall record all removals with the particulars thereof in the Book of Interments \*, and require a receipt for all bodies (remains) taken from the Cemetery.

Rule 8. The place where a Grave is to be opened shall be indicated by the Assigned member/Lot Owner, otherwise the Grounds Superintendent/ Manager, or Executive Officer cannot be responsible for any error that may occur.

Rule 9. No tomb or monument shall be erected in the Cemetery except in or upon such Lot(s) as the Trustees may designate, or until the Plan thereof shall have been submitted to and approved by the Board; nor shall any tomb/monument not belonging to the District be used for hire.\*

Rule 10. Fences, posts, chains, ornaments, glass vases and other memorials/decorations and any wood structures about Lots or Graves are PROHIBITED. If any inscription, monument, effigy, or other ornamentation structure which the Trustees deem offensive or improper be placed in or upon any Lot or Grave in the Cemetery, the same shall be removed by the order of the Trustees, and if not so removed by the Lot owner, such will be removed by the Trustees, and a service Fee may be charged by the District, accordingly.

Rule 11. The indiscriminate placing of trees and shrubs in the Cemetery shall NOT be allowed, and it shall be the duty of the Trustees to have all objectionable features in the landscape removed, and if the trees or shrubs on or near any Lot become detrimental to adjacent Lots or avenues, the Grounds Superintendent/ Manager/ or Executive Officer shall remove them upon the order of the Trustees.

Rule 12. Is hereby modified to read: All Single Graves in the Cemeteries shall correspond to the Numbered Lots from the respective Cemetery Map(s) with that in the Book of Interments <and computer data folder > .

Rule 13. Office Hours of the Manager will be established by the Board of Trustees by respective Employment contract. (may include Saturday or Holidays at such hours as the Trustees shall from time-to-time may direct as needed.) The Hours of the Grounds Superintendent is to be established Year-to-Year by the Board; position is to retain & maintain expected facilities infrastructure / irrigation valves & sprinklers repairs and service; vehicle & Equipment & Tools maintenance and operational integrity and safety; oversight of grounds employees and their scheduled work hours verification; and other care as directed by the Board.

Rule 14. The Manager or Grounds Superintendent shall not perform work (opening a grave) upon any Lot which there remains any unpaid Bill on June 1st of any preceding Fiscal Year.

Rule 15. PERMITS for placing ANYTHING in or around a Grave/Lot or Headstone of such must be procured from the Executive Officer/ Cemetery Manager/ and-or Grounds Superintendent \*see current year RULES & REGULATIONS addendum\* provided by the Manager.

All Permits/ Authorizations are revocable at the discretion of the Board of Trustees.

Rule 16. Interment will not be allowed in any Lot while the Ownership remains unsettled.

Rule 17. Transfer of any Lot, or of any Niche, or of any interest therein, shall not be valid unless a Duplicate Transfer shall be filed at the Cemetery Office; a charge as specified \*in current year Rules & Regulations addendum\* shall be filed at the Cemetery District Books and Maps; however, such Lots or Niches sold Back/transferred to or from the District <or other individual holders> and after there has been a subsequent interment in a Lot or Grave so transferred – such Lot from the time of such interment shall be forever thereafter inalienable, and shall upon the death of the Holder or proprietor thereof, descend to the heirs at law or such Holder or proprietor designated, nevertheless, that any one or more heirs at law may release to any other interest in the same on such conditions as shall be agreed on and specified in such release, which release may be required to be recorded with the County Recorder of Merced County; and provided further that the body of any deceased person shall not be interred in such Lot or Plot unless it be the body of a person having at the time of such disposition an interest in such Lot or Plot // OR the relative of some person having such interest, or the wife of such person, or her relative, except by consent of all person having interest in such Lot or Plot.

Rule 18. In order to secure harmony in the improvement of the Lots and Plots of the Cemetery grounds according to the Rules & Regulations prescribed by the By-Laws, and to carry out the purposes of the District under the laws of the State under which the same is organized, the Deed or Grants of Title to any Lot or Plot that may hereafter be sold or disposed of in said Cemetery grounds, shall be withheld until the terms and conditions annexed to the sale, in reference to the improvement of a Lot or Plot, shall have been complied with , and that upon the sale of any Lot or Plot hereafter, the Secretary or Manager shall issue to the purchaser a receipt specifying the LOT, BLOCK purchased and the amount paid, and upon a performance of the conditions in reference to the improvements of such Lot or Plot and full payment of the purchase money, said purchase shall be entitled to a Deed of Conveyance (Certificate) for the same.

Rule 19. Persons with Dogs, or firearms shall NOT be permitted to enter the Grounds. Rapid driving of vehicle of any kind within the cemetery grounds is prohibited. NO recreational nor Off-road vehicles permitted on the premises. NO alcoholic beverages permitted on Cemetery properties, and specifically at gravesites/headstone spaces. Merced County Sheriff Department may be notified for any infraction of this Rule 19 and subsequent Rules & Regulations that are clearly posted on the grounds.

Rule 20. In case of necessity, and when the best interests of the District require, the Executive Officer, Manager, or Grounds Superintendent shall, under the direction of the Trustees, remove and reinter bodies that may have been interred ; in all cases, however, allotting the same space as before occupied, and in good condition. The Trustees reserve the right to do so, and their decision shall be final. When practical, the Executive Officer, Manager , or Grounds Superintendent, before making removal, may give notice to the purchaser < or immediate family>, but notice shall not be requisite. All such disinterments and reinterments shall be recorded in the Interment Book of the District (and electronic data folder as applicable).

Rule 21. All Deeds and Receipts given for the burial Lots, or interments, shall recite that the payments are made and the Deeds taken in view of and subject to all Rules, Regulations and By-Laws of the District.

Section 6. Rules Governing Workers

Rule 1. All employees must report to the foreman and/or Grounds Superintendent at the Shop Office early enough to enable them to start work at their posts promptly at the Time of their scheduled hour in the day…and shall remain at work / until their respective break/ and then return promptly to their posts at the scheduled time. Employees are expected to complete their job of-the-day and check out with the Grounds Superintendent or foreman at the end of their shift.

Rule 2. The Grounds Superintendent or foreman must keep the Time of every worker / noting each day of absent, tardiness, and overtime, if any. A Time-Sheet Book will be provided for such record and be kept in the Office at all times, and the Grounds Superintendent or foreman must make notations therein daily on the day to which Notations refer. Employees must enter and leave the Cemetery grounds through the entrance of the Shop Office entrance and exit by any other way is forbidden.

Rule 3. Employees and other workers (from contractors or subcontractors working on the premises) are cautioned against profane language, loud talking, or unnecessary conversation with other employees/workers; neither will be tolerated upon the grounds. Any employee appearing upon the grounds under the influence of alcohol or any intoxicating element / whether considered LEGAL or ILLEGAL/ prescription or over-the-counter/ which impairs their faculties, thereby effects their instant discharge.

Rule 4. Every employee is forbidden to accept any Fee or gratuity, or to show any partiality in the care of Lots. The Penalty for violation of this Rule is immediate dismissal. Employees are forbidden to accept orders or instructions for work, except as issued by the Executive Officer, Manager, or Grounds Superintendent or foreman.

Rule 5. Outside gardeners will NOT be allowed to do any work within the Cemetery without permission first obtained from the Executive Officer, Manager, or Grounds Superintendent. Such permission will be granted only upon the oral or written order of the owner of the Lot or gravesite. Employee are forbidden to loan buckets, watering cans, or tools or to sell or give away soil, fertilizer, or sod. \*see details of Rules for outside contractors under separate cover.\*

Rule 6. All workers employed in the construction of vaults, erection of monuments or work of any kind, must be subject to the control and direction of the Executive Officer, Manager, and/or Grounds Superintendent, and any worker failing to conform to this Rule will not be permitted afterward to work at the Cemetery.

Rule 7. Every facility will be cheerfully and respectfully rendered to Lot owners and contractors in the improvement of Lots, construction of Columbariums, and the like. Building materials or supplies must be under the direction of the Grounds Superintendent, and must not be allowed to encroach upon any private Lot, or upon shrubbery ground nor so as to prevent free passage at all times along the walks and driveways. Materials must be neatly stored and kept tidy at all times. All rubbish made by workers must be removed immediately by them to such places of deposit as are provided for that purpose. Lot owners and contractors will be held responsible for any damage to monuments, trees, or shrubbery caused by their employees.

Rule 8. Teamsters, express persons, deliveries and others bringing materials of any kind into the Cemetery must report to the Shop Office immediately upon entering the gates; they will be directed where to go. The District reserves the right to exclude automobiles, bicycles, and vehicles when grounds are unusually crowded, provided, however, that on Memorial Day they will not be permitted in the immediate vicinity of the place where Services or Memorials are held; nor to any of the approaches thereof. All persons are forbidden to sit upon, or otherwise occupy any private Lot within the Cemetery not their own.

Rule 9. Workers must nightly store their tools and implements in the Shop storage racks and lockers provided, and see that the property is securely locked and Alarms set.

Rule 10. Funeral designs and floral pieces will be removed as soon as the same becomes unsightly after the interment. Any additional Decorations, stand-alone memorials thereafter must obtain written permission for placement of such from the District Manager Office... without the written Permission such items may be removed immediately and discarded by Cemetery Staff. Cemetery allows only APPROVED flower receptacles (Vases) for such arrangements / NO glass jars or vases are permitted on the Cemetery grounds,; NO temporary in-ground containers are permitted.\*see current year Rules & Regulations\*

Rule 11. Articles lost upon the grounds shall be reported to the Grounds Superintendent (or to the Manager) promptly. Articles found by employees, Lot owners, or visitors must be reported at once by the finder to Grounds Superintendent (or Manager). Every effort will be made to restore such articles to the respective owner, if possible.

Rule 12. REWARD. A reward of $100.00 is offered by the Cemetery District authorities for information which leads to the detention and conviction of any person(s) stealing from any Lot / any flowers, plant ribbons, or wire frame used in the construction or support of floral arrangements/ emblems, or other article of value pertaining to any Lot.

***HILMAR CEMETERY DISTRICT***

***P.O. Box 309, Hilmar, CA 95324-0309***

***Office Location*** */ Physical address:*

*8710 Tegner Road (NORTH Cemetery)*

*Additional Cemetery location address:*

*6340 Tegner Road (SOUTH Cemetery)*

*Revision: 03/21/2023 Resolution*