

**THE
BY-LAWS AND REGULATIONS
OF
THE HEIDELBERG CEMETERY COMPANY
Incorporated 1881
Revised 1956
Revised 2026**

**AMENDMENTS TO CHARTER OF
HEIDELBERG CEMETERY COMPANY**

ARTICLE I: The name, style and title of this corporation shall be HEIDELBERG CEMETERY COMPANY.

ARTICLE II: The object of this corporation shall be to establish and keep up a cemetery or place of burial of the dead, in HEIDELBERG Township, Berks, County, PA.

ARTICLE III: The incorporation by the name, style and title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded, in all suits, complaints and demands whatsoever as fully as any other person or persons, body politic, corporate in this commonwealth may or can do, and by the name, style and title aforesaid shall be able to take, receive, and hold lands, tenements, annuities, franchises, gifts, legacies, bequests and devices of real and personal estate and all manner of personal estate for the use of the corporation in accordance with the objects, articles and conditions herein set forth.

ARTICLE IV: The affairs of the corporation shall be managed by a board of eight directors. ~~The eight directors shall be eligible for voting related to the transaction of corporation business, and five directors - five of whom~~ shall constitute a quorum for voting purposes. ~~the transaction of business.~~ The said directors shall hold their office for a period of two years. Four of the directors shall be members of the St. Daniels ~~Evangelical~~-Lutheran Church of Heidelberg Township, two directors shall be members of the United Church of Christ St. Paul's Evangelical and Reformed Church of Robesonia, PA, and two directors shall be members of the Trinity ~~Evangelical~~ Lutheran Church of Robesonia, PA.

Each church will ensure that their respective board positions are filled. The officers of the corporation (President, Vice-President, Secretary/Treasurer) shall be elected from the board of eight directors and shall hold their office for a period of one year. The annual election of officers of the corporation shall be held at an annual meeting as scheduled by the Secretary. The board of directors will notify the respective churches in advance of the annual meeting, for any member who wishes to attend for informational purposes. in April of each year and notice of such election shall be given in writing by posting a copy of such notice upon the bulletin board in each of the churches aforementioned and by the reading thereof by the pastors of the respective congregations from the pulpit. Such notice shall be given at least thirty (30) days prior to the date of the annual election. The voting shall be by written or printed ballots.

ARTICLE V: The board of directors shall make such By-Laws as may be necessary for the government of the corporation and all rules and regulations to be observed in the management and operation of the cemetery company, as well as all rules and regulations governing the duties and obligations of lot owners and visitors to the cemetery, provided that such By-Laws and

regulations be consistent with this constitution, the Constitution of the Commonwealth of Pennsylvania, and of the United States. The board of directors will provide a 30-day notice to the respective churches prior to approving any By-Laws revisions. Proposed By-Laws revisions (redline and clean versions) will be posted on the Heidelberg Cemetery Company website, with a hardcopy provided to the respective churches.

ARTICLE VI: The directors shall have the power to operate, manage and lay out the cemetery in suitable lots for burial purposes and sell burial rights in lots in such cemetery or cemeteries to individuals or families without distinction, or regard to sex under such conditions as the corporation may make for the government of the sale of lots. The proceeds of the sale of lots shall be employed for the use of the cemetery and at least ten percent (10%) of the proceeds of the sale of cemetery lots shall be set aside in a trust fund by the directors, said funds to be used and maintained solely for the perpetual care, maintenance and beautification of the lots in the said cemetery, as provided by law. In the operation of the said trust fund the directors shall have all the usual rights and privileges of fiduciaries in accordance with the laws of the Commonwealth of Pennsylvania.

No lot or lots in the said cemetery shall be used by the holder or holders thereof for any other purpose than the burial of the dead, and no holder shall be allowed to ~~sell or~~ transfer his or her lot to any person or persons, without written consent of the Board of Directors and said lots shall be exempt from attachment, levy or sale, by virtue of any execution or any other process at law.

ARTICLE VII: All members in good and regular standing of the congregations of the St. Daniel's ~~Evangelical~~ Lutheran Church of Heidelberg Township, the United Church of Christ St. Paul's Evangelical and Reformed Church of Robesonia, PA, and the Trinity ~~Evangelical~~ Lutheran Church of Robesonia, PA, and all lot owners may attend annual board meetings to express concerns or ask questions. shall be considered members of this corporation and shall be entitled to vote at elections and to hold office. The board of directors will, at its discretion, implement the following time limits for questions or concerns raised at annual board meetings: 5 minutes if prior notice provided (at least 24 hours), or 3 minutes if no prior notice provided.

RULES AND REGULATIONS
OF
HEIDELBERG CEMETERY COMPANY

ARTICLE I

Admittance and Conduct of Visitors

SECTION I: Children will be admitted to the cemetery only when accompanied by an adult, who will in all cases be held accountable for the conduct of the child.

SECTION II: Visitors are required to keep on the road and walks and are forbidden to enter upon lots or enclosures.

SECTION III: Visitors making unseemly noises or otherwise conducting themselves indecorously or in a disorderly manner or transgressing any of the rules of the corporation will be required to leave the grounds immediately.

SECTION IV: Visitors are forbidden to scatter paper or rubbish of any description within the grounds and are required to deposit the same in the receptacles provided for that purpose.

SECTION V: Visitors are forbidden to bring refreshments upon the grounds and are forbidden to offer for sale refreshments of any description, either upon or within the limits of the cemetery enclosure.

SECTION VI: Visitors are forbidden to cut flowers, to remove floral designs from graves, or to break, injure, pluck or take up any tree, plant or shrub, to discharge firearms, to write upon, deface or disfigure or otherwise injure any tombstone, marker or other structure within the grounds under such penalties as prescribed by law.

SECTION VII: ~~Saddle horses, dogs~~Pets of any kind, and bicycles, snowmobiles, and other recreational vehicles shall not be admitted to the cemetery.

SECTION VIII: Drivers of vehicles shall obey all traffic rules as posted and shall be responsible for any damages that may incur as a result of negligence or disobedience.

ARTICLE II

Sale of Lots

SECTION I: Sales of lots will be made by the Secretary according to the plan and at the price fixed by the board of directors, which in no case shall be deviated from.

SECTION II: All lots shall be taken and held subject to the provisions of the charter of the corporation and the by-laws of the corporation, as well as these rules and regulations.

SECTION III: Lots shall not be used for any purpose other than the interment of the dead. The owners of lots and their families will be allowed access to them at all times, subject to these rules and regulations.

SECTION IV: Lot owners shall not sell single graves or allow interment to be made upon their lots, or transfer the same for remuneration or gain. If a lot owner wishes to sell any portion of their lots, lots may only be sold back to the corporation at a price not to exceed the original purchase price of the lot. The violation of this provision shall render void the conveyance of the lot and all rights thereunder.

SECTION V: Requests for ~~Transfers~~ of lots or of undivided interest therein or such portions thereof as are capable of definition by fixed boundaries shall be communicated to the Secretary, ~~and~~ will be permitted by the corporation in proper cases, subject to the complete discretion of the board of directors.

SECTION VI: No assignment or transfer or transfer of a lot shall be valid unless made with the consent of the corporation, which consent shall be evidenced by the approval of the same in writing, signed by the President and Secretary after approval by the Board of Directors.

ARTICLE III

Care and Embellishment of Lots

SECTION I: To promote the good appearance of the grounds, the corporation assumes the general supervision of all burial lots, which includes cleaning, cutting the grass and trimming of trees, flowering plants and shrubs. Lot owners are responsible for the maintenance of monuments and foundations. The corporation is only responsible for damages to monuments and foundations if the damage was due to actions by the corporation. Broken head stones, foot stones, monuments, or other constructions or designs, when neglected to be repaired, replaced or removed by the lot owners after reasonable notice, will be removed by the corporation, who will in such case be responsible for the custody or preservation of the materials removed.

SECTION II: To insure the proper regulation of the grounds, the grade of all lots will be fixed by the board of directors, and its decision in all cases will be final.

SECTION III: Enclosures of lots by iron, tubular, hedge or other kinds of fences, railings or copings of whatever design or material are prohibited in all portions of the cemetery. Permanent wire arbors, trellises, boxes or other similar devices made of wood or metal, will not be admitted

or allowed to be placed on graves. Permanent plantings shall not be made upon lots except with the approval of the board of directors.

SECTION IV: The corporation reserves the right to prohibit the erection of monuments or markers of such size or description as would in the judgement of the board of directors be improper or inappropriate, prove injurious or unsightly, interfere with the general effect or obstruct any view. It also reserves the right to prohibit or remove any sculpture containing offensive or improper inscriptions or any objectionable device or design of wood, iron, wire or other materials, or such trees as by reason of their seeds, roots, branches or general decay may become detrimental or dangerous or may interfere with the digging of graves.

SECTION V: All lots in trust will be properly maintained by the cemetery company; however, lots not in trust and not properly maintained shall become the responsibility of the cemetery company and owners or heirs will be billed annually according to existing rates set by the directors. The proceeds of the sale of lots shall be employed for the use of the cemetery and at least ten percent (10%) of the proceeds of the sale of cemetery lots shall be set aside in a trust fund by the directors, said fund to be used and maintained solely for the perpetual care, maintenance and beautification of lots in the said cemetery, as provided by law.

SECTION VI: The Secretary shall not permit the burial of any person on any lot which has not been paid for in full and for which payment provided by the preceding paragraph for the care of said lot has not been made to and including the year immediately preceding the date of said burial.

ARTICLE IV

Burial

SECTION I: No burial or disinterment will be made except upon permit issued by the Secretary upon payment of the stated charges there~~offer~~.

SECTION II: No disinterment shall be made except upon order of the lot owner or his legal representative or in the pursuance of an order from the proper authority.

SECTION III: The funeral director or other person applying for a burial permit from the Secretary will be required to furnish at the time of application all necessary information for the completion of the same. Permits from the Board of Health for burials shall be procured by the funeral director and delivered to the Secretary.

SECTION IV: Notice of an intended burial must be given to the Secretary ~~a~~with sufficient time in advance to permit the proper completion of the grave during working hours. Interments may only be made in cave-~~p~~roof vaults of concrete, metal or stone. Graves shall be dug only by the workmen designated by the corporation.

SECTION V: Graves will be dug of such depth so as not to endanger the public health and shall not extend beyond lot lines.

SECTION VI: The charges for digging graves as set by the board of directors may be obtained from the Secretary of the corporation.

ARTICLE V

Foundations, Monuments, Markers, Etc.

SECTION I: ~~The corporation does not provide foundations or monuments.~~ Foundations ~~for~~and all monuments, tombstones, sills, markers or other permanent or temporary structures upon lots or graves, will be installed by a monument company contracted by the the corporation at the expense of the lot owner. ~~The dimensions and charges for the same shall be obtained from the Secretary. No f~~Foundation work shall be coordinated with the Secretary, and foundations shall not be set ~~between the first of January and the first of April, nor at at~~ any ~~other~~ times when the frost or cold weather may interfere with the integrity of the foundation work. Layout for monuments must be performed by cemetery personnel prior to foundation installation to ensure proper monument placement within lots.

SECTION II: ~~Foundations shall be of concrete. The charges for foundations shall be designated by the corporation.~~Monuments must be placed on a permanent foundation consisting of poured concrete to a depth of 24 to 30 inches below grade. Temporary foundations consisting of gravel must be made permanent when the last burial in a vault takes place.

SECTION III: Foundations must be of the size of the superstructure to be placed thereon, and shall not be built higher than the established grade of the lot.

SECTION IV: Each lot owner may place markers at each of the four corners of his lot, but only after having obtained the position of the same from the Secretary. The marker shall be of a type approved by the board of directors and shall be placed so that the tops thereof are level with the ground.

ARTICLE VI

Liabilities

SECTION I: The Corporation will not assume the responsibility for any injury to any person or persons while on the property of said Corporation.

SECTION II: The Corporation reserves and shall have the right to correct any errors that may be made by it in making interments, including the right to enter upon any lot, without notice, for the purpose of disinterment. Furthermore, no right of action against the Cemetery Corporation or any

of its Officers or employees shall accrue to any person unless such wrongful interment shall have been the result of willful or malicious misconduct.