

Sugar Salem Moody Cemetery District Bylaws

Original bylaws were lost in Teton Dam Flood of 1976

Redrafted bylaws adopted January 27, 2014

Revised bylaws adopted June 19, 2024

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Burial Plot \$ 300.00 (Reside in District) / \$500 (Reside Outside of District).

Replacement of lost or destroyed Deed, Extra copies of Deed \$ 50.00/per deed .

Transfer of space to new owner, includes Deed \$ 50.00/per deed .

Disinterment/Move digging fee, (does not include transfer fee) \$ 250.00/per grave .

Total Interment Fee, for Caskets \$ 450(summer)/475(winter) .

Casket Fees Breakdown:

Grave Opening/Closing costs \$ 275(summer)/300(winter) .

Final Fill and Sod Cost: Remainder of Interment Fee.

Total Interment Fee, for Cremations \$ 200(summer only) .

Cremation Fees Breakdown:

Grave Opening/Closing costs \$ 100 (summer only) .

Final Fill and Sod Cost: Remainder of Interment Fee.

Total Interment Fee, for Baby Grave \$ 100(summer)/125(winter) .

Baby Fees Breakdown:

Grave Opening/Closing costs \$ 100(summer)/125(winter) .

Final Fill and sod cost: Remainder of Interment fee.

(Summer: Apr. – Oct.) (Winter: Nov. – Mar.)

ARTICLES: CEMETERY REGULATIONS

ARTICLE 1.0.0. NAME, LOCATION, and LEGAL AUTHORITY

1.1.0. This organization shall be the Sugar Salem Moody Cemetery District.

1.2.0. The office of the cemetery shall be located in a public place to be determined by the Chairman with approval of the board. The meeting place may be changed as needed, and shall be called to business when the Chairman determines the need.

1.3.0. These bylaws and the Sugar Salem Moody Cemetery District are made and governed pursuant to Idaho Code §§ 27-101 through 27-128 *et seq.*

ARTICLE 2.0.0. MEMBERSHIP OF THE BOARD AND COMMITTEE

2.1.0. Board members of the Sugar Salem Moody Cemetery District shall consist of three (3) or more members with at least one member residing in each area of the district. Serving on the Board will be a Chairman, 2-3 board members and a non-voting Secretary-Treasurer.

2.2.0. The board of the Sugar Salem Moody Cemetery District may elect officers of the district, who shall serve without pay, and shall remain in their position until their successor(s) are elected.

2.3.0. All board members serving without pay shall serve for four-year terms, staggered every two years, the chairman of the board, who shall also serve for a four-year term.

2.4.0 The Secretary-Treasurer may be held by one person or multiple persons; shall be a paid position(s) hired by the board, at a rate of pay determined by the board. The person(s), pay rate shall be reviewed each year during the budget board meeting.

2.5.0. The Sexton shall be a paid position(s) hired by the board, at a pay rate determined by the board. The pay rate shall be reviewed each year during the budget board meeting, and whose duties shall be to discuss, inform, and update the board of all situations and happenings in the cemetery. A full list of their responsibilities is listed in Article 4.

2.6.0. The Chairman shall preside at all board meetings, shall have general supervision over the affairs of the Sugar Salem Moody Cemetery District, shall countersign all checks made to the secretary and shall perform all such other duties as are incidental to the office of Chairman.

2.6.1. In the situation of absence of the chairman, A Vice Chairman should be chosen by the board to preside.

2.6.2 If a chairman is permanently absent the Vice Chairman shall preside, at which time a new chairman will be elected by the board members.

2.7.0. The chairman at the completion or their 4 year term and if re-elected may continue in that position for another 4 years with the approval of the Board. At the end of a board member's 4-year term if re-elected they may continue in that position for another 4 years. (Note: the reasoning for this is the rarity of desire for cemetery positions to be run for.)

2.8.0. The Chairman, the cemetery board and the Secretary-Treasurer shall manage the business of the Sugar Salem Moody Cemetery District.

2.9.0 The Secretary shall receive direction from the board according to duties and responsibilities which; are including but are not limited to:

2.9.1. Keeping minutes at each membership meeting.

2.9.2. The Secretary shall keep an accurate record of the ownership of all spaces, blocks, lots and graves within the Sugar Salem Moody Cemetery.

2.9.3. The Secretary may work with the Sexton in overseeing the upkeep and maintenance of the cemetery, and arranges for graveside services.

2.9.4. The Secretary will notify the Sexton and the Chairman when leaving town.

2.9.5. Shall serve without bond, conditioned upon the faithful performance of the duties of the office.

2.10.0. The Treasurer responsibilities shall include but are not limited to:

- 2.10.1. Retain custody of the corporate seal, all money and securities of the district.
- 2.10.2. Shall pay the bills, keep regular books of accounts and shall submit them, together with all vouchers, receipts, records and other paperwork, to the board members for their examination as they may require, and shall perform all such other duties as are incidental to the office.
- 2.10.3. All money decisions that are beyond the duties met by the Sexton, shall be approved, in advance, by the board, and all checks shall require 2 (two) signatures.
- 2.10.4. Shall serve without bond, conditioned upon the faithful performance of the duties of the office.
- 2.11.0. Employees of the Cemetery shall not subcontract work they are assigned, without prior written approval of the Cemetery Board.
- 2.12.0. Employee(s) or independent contractor(s) of the cemetery shall not, at any time, speak negatively against Cemetery actions, policy's, or programs to the public. If an employee or independent contractor does speak or act against any policy, the Cemetery Board has the right to request the individual to resign.

ARTICLE 3.0.0. PUBLIC AND BOARD MEETINGS

- 3.1.0. Public meetings shall be held at least quarterly.
- 3.2.0. Public notices will be posted as required by the Open Meeting Law. An agenda shall accompany every public notice and a space for public comments shall be included. Contact information, (ex. Email address, phone number) shall be provided.
- 3.3.0. Meeting place shall be arranged by the Chairman and approved by the board members. Location shall be determined by the following conditions:
 - 3.3.1.a. Public meeting location must have a physical address that can be located by use of a GPS device.
 - 3.3.1.b. Must be accessible by all persons requesting to attend, permitted to attend, and able to attend.
 - 3.3.1.c. A public restroom must be within the area designated. (Public restroom must be labeled as directed by state law, and must be handicap accessible.)
- 3.4.0. One quarterly meeting shall be designated to discuss and approve the annual budget.
- 3.5.0. At every meeting, each Board Member present shall be entitled to cast one vote. Board members unable to attend in person may do so electronically (suggested but not limited to zoom, phone, Facebook, etc.)
- 3.6.0. A quorum for the transaction of business shall require two-thirds (2/3) vote of the board members.
- 3.7.0. Additional meetings may be called to discuss pressing matters that may come up; any of the Board members, secretary or treasurer may request a meeting of the board. At which time the chairman will make the determination of whether there is a need for an additional public meeting.
- 3.8.0. It shall be the duty of the Chairman to call a special meeting at any time throughout the year whenever requested by a majority of the members.
 - 3.8.1. The members shall have the power, by majority vote, at any such special meeting, to remove any officer from office.
- 3.9.0. The board members shall determine and vote on the burial plot and digging fees.

ARTICLE 4.0.0. SUGAR SALEM MOODY CEMETERY SEXTON

- 4.1.0. Public notice shall be made for the sexton position. All applicants for the cemetery sexton shall be interviewed and decided by two-thirds (2/3) of the board members.
- 4.2.0. The board members will determine the compensation and any increases in pay. If the sexton desires any increases in pay it must be submitted in writing to a member of the board for board approval or denial at the next regularly scheduled board meeting.
- 4.3.0. The Sexton shall care for all grounds and foliage including but not limited to mowing of grasses and unsightly weeds, watering, trimming of trees and shrubbery, spraying weeds determined to be noxious weeds, general maintenance of the cemetery and keeping all cemetery equipment in working order.

4.4.0. The sexton is responsible for digging and filling in graves and marking placement of headstones.

4.5.0. The sexton shall not permit burial without first being notified by the secretary the location of the grave and shall notify the secretary of the completion. Also, when grave stones arrive, information on stones shall be transmitted to the secretary for the recording of additional information not already on record. If applicable, the sexton also shall update his personal record book.

4.6.0. The Sexton may be asked to meet with persons interested in purchasing burial plot(s). Spots available will be shown to the purchaser; where on, when the purchaser has decided on said burial plot(s), the Sexton shall review the "burial record" book to determine what plots are available. Sold plots will be recorded in all copies of Master Books and Electronic databases at the time payment is made. The Sexton shall write a receipt for each transaction, and shall deliver all monies and receipts to the Treasurer.

4.7.0. Additional responsibilities:

4.7.1. Standing guard on Halloween night and all other nights as deemed appropriate, to deter vandalism.

4.7.2. The cemetery grounds shall be kept neat, orderly, and in an attractive condition.

4.7.3. All equipment, trailers, and trucks if left over night on cemetery ground, shall be parked in the lot north or the cemetery by the pump house. Any exceptions must be approved by the chairman or a voting board member. The reason for this is for the keeping of the site attractive and able to be used by patrons at all times.

4.8.0. If the sexton leaves town, he/she must notify the secretary and chairman in advance and give the name and contact information of the person taking his place during his absence.

4.9.0. The Sexton, while doing cemetery business, may enter upon any part of the cemetery, including any space, with equipment for the purpose of improving the appearance and condition of the space and the general appearance of the cemetery; to remove anything objectionable that may have been placed contrary to cemetery regulations; to remove any dead or dangerous tree, shrub, vine, or neglected fencing, railings, or enclosures; to remove any floral design or piece, which, in the discretion of the Sexton, has become unsightly or does not conform with this Article. Morticians, undertakers, monument companies, contractors, religious representatives, florists, and other individuals or corporations working within a cemetery shall comply with this Chapter and shall perform all work within the cemetery under the direction and with the approval of the Sexton.

4.10.0. The sexton is hired under a contract, therefore must carry his own workman's compensation insurance which covers him, any and all persons within his employ. This Insurance shall not extend to separate entities of which are hired to perform responsibilities within the cemetery, of which companies shall be required to carry their own insurances.

ARTICLE 5.0.0. CEMETERY OWNERSHIP RECORD

5.1.0. The Secretary shall keep the master record of the ownership of all spaces located within the cemetery up to date.

5.2.0. A record of each transaction shall be recorded in a timely manner in the file of the Sugar Salem Moody Cemetery District. Such record shall state the name(s), addresses, phone number(s), and email addresses of the owner(s), the purchase price paid for the space(s), the date of sale, and the deed number of each sale.

5.2.1. Storage of records shall be scanned, uploaded, and stored as a digital copy at the time of each transaction.

5.2.0. The Secretary shall keep all transactions, persons, personal information discussed in meetings private, and/or detailed information confidential.

5.3.1. Information on the notice board at the cemetery shall show the name and burial location of persons buried in the cemetery.

ARTICLE 6.0.0. ISSUANCE OF LAND DEED

6.1.0. Each person who shall purchase space in a Sugar Salem Moody Cemetery shall complete the Interment Form in Subsection 1 for each person(s) that lots are being purchased for. Upon receipt of the completed Interment Form and payment of the purchase price for the space as determined by the Cemetery Board, the Cemetery Secretary shall execute and deliver the Deed as evidence of ownership. In the event a Deed is lost or destroyed, the Cemetery Secretary may, upon adequate proof of ownership, issue a new Deed upon payment of a fee in an amount set by the Cemetery Board. (ARTICLE F: FEES)

6.2.0. An owner/purchaser who lives within the Cemetery District may purchase up to one (1) full lot (10 burial spaces), furthermore, purchasers that do not live within the Cemetery District may purchase up to 4 burial spaces.

6.2.1. If more spaces are requested, it must be approved by the Cemetery Board prior to the transaction, and prior to submitting it to the Board to be considered, must meet the following conditions:

6.2.2. Each space will have a name attached to it. This name may change after the purchase, and may also include the words, "future spouse of".

6.2.3. Spaces may be gifted but shall not be sold to other persons. If a sale is to take place, the cemetery will have first rights to purchase the burial spaces.

6.2.2. A deed for a lot does not switch to a new person if any plots are given to a friend or family member. A lot is used as the family sees fit and remains owned by the person/family who purchased it, unless a transfer of owner is requested/required. See Article 8.0.0.

6.3.0. If at any time an owner(s) of Burial Spaces is selling a plot, the cemetery shall have first right to purchase said space/lot, and will purchase the plot back for 50% of the original purchased value. The person selling said lots to the Cemetery may choose to take the 50% value as Money, or the Cemetery can give a donation slip for the entire current Plot values. Each person selling lots to the cemetery must provide a deed, or other adequate evidence showing original purchase price. If no evidence is available of purchase price, the cemetery reserves the right to set the price of each lot to be around the similar price at the time the original deed was sold.

6.4.0. After 75 years of non-use, the cemetery has the right to reclaim Lots and Burial Spaces.

6.4.1. If during the 75 years a plot is used, that name shall hold open the deed and restart the 75 years rule.

6.4.2. The date the deed was last used will be added to the Cemetery Record book, and updated on the electronic books to become the purchase/last used date.

ARTICLE 7.0.0. BURIAL RECORD

7.1.0. Anyone desiring to own burial space in the Sugar Salem Moody Cemetery shall obtain a deed from the Cemetery Secretary. Upon payment of the proper fees, the applicant shall be allowed to choose the location of the burial space. The location of the plot shall also be entered in a book to be known as "The Burial Record". Also to be recorded are the name(s) of the deceased or living, the date of burial or still living, and age of the deceased, if known and applicable.

7.1.1. If any person desires a burial to take place in a Block, Lot, or Grave that they do not own they shall be required to have notarized document stating the intent and permission from the owner.

7.1.2. When owners request a replacement of a lost or destroyed deed, a \$50 minimum fee will be charged to the requester and collected by the Cemetery. If research is required, an additional hourly fee amount may be charged where-in the additional fee collected by the treasurer shall be remitted to the Secretary or other person on the board who spent the time to research the deed and set up the required services to be performed.

ARTICLE 8.0.0. TRANSFER OF SPACE BY OWNER; TRANSFER FEE

- 8.1.0. A cemetery space may be transferred from one (1) person to another by surrendering the original or copy of original deed, where available, to the Secretary, and request a new deed for the subsequent owner.
- 8.2.0. To validate the switch of an owner, if the original owner is not able to be present; a document stating the intent and permission from the owner shall be produced and shall be signed by a Notary Public.
- 8.3.0. The Cemetery shall issue a new deed upon the payment of a fee (ARTICLE F), as set by Sugar Salem Moody Cemetery Board, and upon execution by the original owner(s) or legal representatives of an assignment of such certificate.
- 8.4.0. When owners request a transfer of space within the cemetery, ½ (half) of the fee collected by the treasurer shall be remitted to the Secretary or other person on the board who spent the time to research the deed and set up the required services to be performed.

ARTICLE 9.0.0. GRAVE SPACES; GRAVESTONES; DECORATIONS

- 9.1.0. Every grave space shall be a least four (4) feet deep, measured from the surface of the ground to the bottom surface of the grave space opening.
- 9.2.0. All winter decorations, including artificial wreaths and sprays, shall be removed by April 1 of each calendar year. (Artificial flowers, ornamental decorations, and the like.) Decorations and flowers are allowed at the Sugar Salem Moody Cemetery between April 15 and October 30 annually, but must not hinder the mowing of the area surrounding the grave. If décor is not kept up and becomes less desirable to the cemetery, the Sexton will place items in a designated area for a period of time, not to exceed 10 days. Owners or designated persons may improve, cultivate, and care for spaces and existing trees, shrubs, and plants, approved by the Sexton and board. No trash shall be left on the Cemetery grounds or adjacent spaces to the cemetery. Owners may set out plants and flowers in sound wood, concrete, or metal containers of such kind or size on their space(s) as do not interfere in any way with the general landscaping of the cemeteries, as solely determined by the Sexton. During The Memorial Day holiday, all plants shall be picked up and/or removed before the following Monday of the Holiday. All decorations will be removed to facilitate grounds care 7 days after each holiday decorations are placed.
- 9.3.0. The owner of any space in which a deceased person(s) is buried may install a gravestone at the head of such space with the name of the deceased plainly inscribed thereon, as approved by the rules set up as follows.
- 9.3.1. All gravestones shall have a foundation.
- 9.3.2. All gravestones, including foundation for individual spaces, shall be no more than forty inches by twenty-four inches (40"long x 24"deep).
- 9.3.3. The location of all gravestones and construction foundations shall be approved and laid out by the Sexton prior to installation.
- 9.3.4. Gravestones shall not be altered or moved without permission of the Sexton. No person shall erect any additional monuments, or grave marker without prior written approval of the Sexton and Board.
- 9.4.0. The Sugar Salem Moody Cemetery is not responsible to keep items left at or on a grave safe. These items are left with the understanding that they may be moved as required to keep Cemetery ground maintained. If items are damaged or stolen, the Cemetery will not be held responsible.

ARTICLE 10.0.0. IMPROVEMENT OF CEMETERY SPACES; GROUND MAINTENANCE

- 10.1.0. No person shall erect or maintain any fence, corner post, coping, wall, hedge, or boundary of any kind upon any space in the Sugar Salem Moody Cemetery. No trees or shrubs shall be planted without the advanced written permission of the Cemetery Board. No trees or shrubs shall be removed without the consent of the Sexton. ANY Tree removal requested by the owner shall be at the space owners' expense, and will be performed

by a professional tree cutting service that is insured and approved by the Sexton. Any trees or shrubs in the Sugar Salem Moody Cemetery may be removed at the directive of the Sexton. No steps, structures, or landscapes are allowed in the Sugar Salem Moody Cemetery, except for the following when approved by the Sexton: At-grade concrete, concrete or similar durable material benches attached to an at-grade concrete or similar durable material foundation that extends at least four (4") inches beyond the bench in all directions, and located within the space boundary.

10.1.1. If permission is given by the board for the planting of a tree(s), the only tree approved for planting within the cemetery is a Fastigiata Mountain Ash tree.

ARTICLE 11.0.0. BURIALS

11.1.0. Burial spaces are for human remains only. There shall be no animal remains in the Sugar City Salem Moody Cemetery.

11.2.0. No burials, that of body's or Cremation remains, shall occur without the prior permission of the Secretary and Sexton and shall be placed in the designated burial plot as determined from a Cemetery Deed. The Sexton shall be given no less than forty-eight (48) hours or two (2) business days advanced notice of any burial (in order to allow opening of the cemetery space). The opening and closing of a cemetery space shall be done by the Sexton. Winter burials (during extreme weather conditions) will occur only at the discretion of the Sexton. Burials will occur only on days the Sugar Salem Moody Cemetery is conducting business (i.e. including Saturdays but excluding Sundays and Government-recognized holidays), unless specifically authorized by the Sexton and the Cemetery Chairman. The Cemetery shall receive reimbursement for all expenses related to such a special burial.

11.3.0. The maximum following burials are allowed per burial space:

1. One (1) Coffin burial;
2. One (1) Coffin burial and up to two (2) cremation burials without vaults;
3. Two (2) cremation burials with vaults;
4. Three (3) cremation burials without vaults.

11.4.0. Every wooden casket shall be enclosed in a vault. All burials shall be within a standard durable vault installed or constructed in each burial space before burial.

11.5.0. All cremation burials shall be in a permanently sealed container approved by the Sexton. All burial spaces shall be opened and closed under the direction and control of the Sexton, except removals and re-interments supervised directly by the local health department.

ARTICLE 12.0.0. DISINTERMENT

12.1.0. No disinterment of an occupied grave space shall occur until and unless any and all permits and licenses and written authorization required by law for such disinterment on an occupied grave have been obtained from any applicable state or county agency, government unit or official, and a copy of the same has been filed with the Cemetery. The Sugar Salem Moody Cemetery reserves its authority to refuse to allow a disinterment of an occupied grave (and to refuse to issue a Cemetery disinterment permit for the same) when the disinterment of an occupied grave is not done pursuant to a court order issued by a court of competent jurisdiction.

12.2.0. All fees shall be paid for services rendered prior to the rendering of services.

ARTICLE 13.0.0. PROHIBITED USES AND ACTIVITIES

13.1.0. Snowmobiles, off-highway vehicles, and all-terrain vehicles are prohibited in the Sugar Salem Moody Cemetery, unless in use by or at the direction of the Sexton. There shall be no gathering of persons in excess of seventy-five (75) people without prior Cemetery Board approval (except during or incidental to a funeral occurring concurrent with a burial).

13.2.0. Activities non characteristic of a typical funeral shall be approved by the board.

13.3.0 All vehicles must stay on roads, and may park on the edge of the road such that cars may pass as needed.

13.3.1. Any vehicle found traveling off the designated roads, without authorization, are subject to a fine in the amount deemed necessary by the cemetery Sexton, and will be used to cover the cost of damage to the area.

13.3.0. The cemetery is not responsible for any damage incurred upon Cemetery Property or items on Cemetery Grounds. Such damage will be subject to replacement or repair by those parties which whom caused the damage.

ARTICLE 14.0.0. DIVIDENDS AND FINANCES

14.1.0. Bank accounts of the Sugar Salem Moody Cemetery District shall be kept for the purpose of paying the operating expenses of the Sugar Salem Moody Cemetery District, and shall be withdrawn only upon the order of the Treasurer or Chairman.

14.2.0. All monies collected from donations, memorial gifts, legacy, or and other source shall be added to the Perpetual Care Fund unless otherwise designated by the donor for a specific use or improvement.

14.3.0. Interest drawn from the Perpetual Care Fund shall be used for the care of the cemetery shall be reinvested for the benefit of the Perpetual Care Fund.

ARTICLE 15.0.0. DEFINITIONS

Burial: the placement or interment of human remains in a burial space (e.g., full-body interment in a grave or crypt, urn of cremated remains in a niche, crypt or in-ground grave).

Cenotaph: A monument or empty tomb honoring a person buried elsewhere.

Disinterment: The removal of the buried remains of a deceased person.

Grave: A below-ground burial space.

Gravestone: Any object (such as a stone, plaque, headstone, monument, or monolith) identifying or marking a grave, gravesite, or burial place.

Mausoleum: Any large, imposing burial place, where part of the structure is above ground.

Niche: A shelf-like space in a columbarium structure used for burial.

Sexton: Is the Sugar Salem Moody Cemetery employee or independent contractor authorized to be responsible for cemetery operations.

Space: A single space within a cemetery designated for burial.

Vault: A container designed to enclose a casket or urn for burial.