

Falkner Swamp United Church of Christ  
Cemetery By-Laws

These By-Laws also cover The Hollowbush Cemetery.  
No new lots are being sold in The Hollowbush Cemetery.

**PURPOSE**

The following rules and regulations have been adopted as a guide for the use and management of the Falkner Swamp United Church of Christ Cemetery [hereafter called the Cemetery]. All owners of lots, visitors and contractors performing work within the Cemetery shall be subjected to all the rules and regulations, amendments or alterations as adopted by the Trustees and Lot Managers [hereafter called the Cemetery Management] of the Cemetery from time to time.

**COSTS and FEES**

- 1) Prices of graves to be established, from time to time, in sufficient amount, to attempt to maintain the cemetery self-supporting.
- 2) Any work, such as opening/closing of graves, foundations, repairs to markers, tombstones, monuments, etc., shall be at the expense of the lot holder.
- 3) At the time of interment, a cost of \$200 for cremains and \$500 for burials will be paid to Falkner Swamp United Church of Christ Cemetery. This additional charge is to help with returning the grounds to "pre-burial" state. This additional charge is **not** to be thought of as providing perpetual care. Falkner Swamp Cemetery does not have perpetual care.
- 4) Sale of lots will be made by an officer of the Falkner Swamp United Church of Christ Cemetery per the Cemetery Plot Plan and at prices fixed by the Cemetery.
- 5) All fees associated with any interment or disinterment shall be paid in full by the lot owner or their agent prior to the service being provided. The Cemetery shall assume no liability for damage to any body, casket, outer burial receptacle, urn or adjacent lot regarding said interment or disinterment, and the cost of any damage incurred will be borne in full by the lot owner.

**PRICES FOR MEMBERS**

1 grave	\$300	2 graves	\$500
3 graves	\$700	4 graves	\$900
5 graves	\$1,100	6 graves	\$1,300
7 graves	\$1,500	8 graves	\$1,700

**PRICES FOR NON-MEMBERS**

1 grave	\$500	2 graves	\$900
3 graves	\$1,200	4 graves	\$1,500
5 graves	\$1,800	6 graves	\$2,100
7 graves	\$2,400	8 graves	\$2,700

## **LOTS**

- 1) All lots in the cemetery are sold in accordance with the provisions of the laws of the Commonwealth of Pennsylvania and shall not be used for any other purpose than as a burial place for dead human beings. Lots shall be for the privilege of burial only, and lots unused or unclaimed after ninety-nine (99) years shall revert to the Cemetery's ownership.
- 2) Every grave must be kept at least six inches within the entire line of the owner's lot.
- 3) The surface of all lots shall be kept even with the level of the surrounding ground except on interment, whereas ground will be level as soon as practical.

## **GENERAL RULES and PROHIBITIONS**

1. Rules, Regulations and prices for burial spaces and other services are made solely by the Cemetery and become effective upon approval by the Cemetery. The Cemetery expressly reserves the right, at any time, with or without notice to lot owners, to adopt new rules and regulations or to amend, alter or repeal any rule or regulation. The Cemetery reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the Rules and Regulations when it appears advisable, and any temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such.
2. Because of the high cost of returning a grave site to pre-burial conditions, the Cemetery will require burial vaults for all full-coffin burials. This rule will not apply to cremations.
3. No cemetery can refuse an outside monument dealer [Funeral Consumers Alliance of Pennsylvania], but the Cemetery retains the right to require approval of a marker prior to installation to ensure the foundation and size are compliant with the rule in bullet #9 below [General Rules and Prohibitions].
4. Admittance is permitted on all days, to all lot holders and persons conducting business, or visiting grave sites, provided they be responsible for any/all damage done by them.
5. Cemetery hours are from 8 AM to 8 PM Eastern Daylight Time, and 8 AM to 5 PM Eastern Standard Time.
6. The scattering of cremains is prohibited both on common cemetery property and on grave spaces/lots where interment rights are owned. All cremains are to be interred in retrievable containers, with complete cemetery records afforded for each interment. [duplicated under Records of the Cemetery.] Cemetery records become the property of the Cemetery and will be retained in the Falkner Swamp UCC's office.
7. Children (under age 18) are not permitted unless accompanied by a parent or guardian, who in all cases will be held responsible for their conduct.
8. All persons are prohibited from writing, defacing, or injuring any building, fence, tree, monument, shrub, plant, gravestone, corner stone, sign, driveway or walkway in the cemetery.
9. Any/All tombstones and monuments are required to have a cement foundation. This foundation will be 2" (two inches) beyond the footprint of the foundation or monument



and be a minimum of 24” (twenty-four inches) deep (frost line) to prevent shifting and leaning.

10. No mausoleum will be permitted in the Falkner Swamp UCC Cemetery or the Hollowbush Cemetery.
11. The placing of boxes, shells, toys, metal designs, frames, ornaments, chairs, settees, wood or iron cases, glass, anything breakable, and similar articles upon lots shall not be permitted, and, if so placed, will be removed. The Cemetery is not responsible for theft or damage to any personal property, including artifacts, personal effects, etc., placed on or near interment spaces or elsewhere in the Cemetery.
12. Flowers, shrubs and trees may not be planted on the lots, and potted flowers are not permitted on graves or any part of the lot at any time, without the written permission of the Cemetery.
13. The use of the Cemetery land as a thoroughfare will not be permitted. The right to use automobiles or other vehicles in the Cemetery is authorized solely and exclusively for transporting persons to visit burial plots. The speed limit within the Cemetery is fifteen (15) miles per hour. Parking and/or driving on any grassy areas are prohibited for purposes other than those approved by the Cemetery.
14. Bicycles, skates, skateboards, snowmobiles, motorcycles, horses, etc., may not be used on Cemetery lands. Dogs are not permitted except when kept on a leash or in a vehicle. Anyone bringing/permitting an animal in the Cemetery must clean up after the animal and properly dispose of their waste.
15. No signs, notices or advertisements of any kind shall be allowed in the Cemetery unless placed there by the Cemetery.

#### **INTERMENT and DISINTERMENT**

1. No burial will be permitted without permission by the Cemetery and upon receipt by the Cemetery of the properly prepared State forms.
2. Disinterment will be permitted by the Cemetery only with the full and proper authorization and consent of the Certificate Holder, the next of kin of the decedent and appropriate governmental authorities, showing their legal authority to direct the same, or by a court order prior to the time of removal. In no event shall the Cemetery Management authorize a disinterment without the consent of all such persons and authorities. At least seventy-two hours’ notice shall be given prior to a removal. All disinterment’s shall be subject to the prior payment of such charges as shall be fixed by the Cemetery Management.
3. Any interment or disinterment will be made at the convenience of the Cemetery, with consideration to extreme inclement weather, extreme weather predictions, and interment schedules. The Cemetery may defer an interment or disinterment until a more appropriate time for any reason. The Cemetery Management will communicate any such situation promptly to the Funeral Director. All fees associated with any interment or disinterment shall be paid in full by the lot owner or their agent prior to the service being provided. The Cemetery shall assume no liability for damage to any body, casket, outer burial receptacle, urn, or adjacent lot regarding said interment or disinterment, and the

cost of any damage incurred will be borne in full by the lot owner. [repeated in part under Costs and Fees].

4. All openings and closings for full-casket burial and/or cremains, must be performed by a licensed and insured burial vault company. This ensures compliance with the Commonwealth of Pennsylvania's laws regarding such and protects Falkner Swamp United Church of Christ and the Cemetery.
5. Pets shall be permitted to be interred in the Cemetery only if the pet is cremated and buried with the human, at the time of human burial. No separate burial of pets shall be permitted, either alone or with human remains.

## **DAMAGES**

1. Broken, damaged or unsightly markers, tombstones, corner stones, etc., when allowed to remain unrepaired, unreplaced and unremoved by the owner or owner's heirs; upon notification by the Cemetery\* shall be removed and the Cemetery will not be responsible for custody or preservation of materials removed. \* If the Cemetery cannot locate the owner or owner's heirs, the items will be removed, and the Cemetery will not be held accountable for their loss.
2. The Cemetery is not responsible for theft or damage to markers, tombstones, corner stones, monuments, plants, trees, shrubs or any items placed by the lot holder.

## **LOT OWNERSHIP and RESPONSIBILITIES**

1. The Cemetery issues to each owner (original purchaser) of cemetery lots, a Certificate of Ownership describing the location and naming the owner or owners of the said location. The naming of more than one owner is indicative of joint ownership in common with the rights of survivorship. The issuance of such a certificate is the Cemetery's sole form of recognition of ownership. Possession of the Certificate by a person whom is not listed on the Certificate is not in itself evidence of ownership. Purchasers of lots simply acquire the right of burial.
2. In the event of loss or destruction of a Certificate of Ownership and upon presentation of a written request, accompanied by a properly executed affidavit by the owner setting forth the circumstances of the loss or destruction and indemnification for the Cemetery, the Cemetery will prepare a duplicate Certificate from its records. The duplicate will be like the original. No changes may be made to the duplicate that changes any of the original certificate's meaning.
3. **Change of Address:** It shall be the duty of the lot owner to notify the Cemetery of any change in post office address. Notice sent to a lot owner at the last address on file in the office of the Cemetery shall be considered sufficient and proper legal notification.

## **MAINTENANCE**

1. **The Cemetery shall direct all improvements within the grounds and upon all lots before and after interments have been made.** No person, other than members of the Cemetery Committee, shall be allowed to perform any work within the Cemetery without permission of the Cemetery Committee.



2. Anything deemed by the Cemetery to be breakable, and a possible hazard, shall be removed for the safety of all.
3. No product containing glyphosate may be used on or around the Cemetery or the Hollowbush Cemetery for any purpose. Independent research points to its negative impacts on bees, soil health, aquatic life and biodiversity in general. The widespread use of the herbicide poses a threat to human health caused by genotoxicity, disruption of the microbiome, potential neurotoxicity, liver damage and endocrine-disrupting properties. [https://www.consumernotice.org] Because of mounting cancer concerns, a growing number of cities and counties are banning or limiting glyphosate including municipalities in California, Connecticut, Florida, Illinois, Iowa, Maryland, Massachusetts, New Mexico and Washington.] [https://www.cooneyconway.com] Bayer was to pull Roundup from all shelves in 2023 to avoid further lawsuits. The herbicide Roundup is banned in other countries, but it's not currently banned in the U.S. Research links prolonged or high levels of exposure to its main ingredient, glyphosate, with potentially increased risks of non-Hodgkin lymphoma and other cancers.
4. Flowers and decorations will be removed when they detract from the appearance of the Cemetery or interfere with the regular maintenance of the Cemetery. The graves will be cleaned off for spring no sooner than March 10<sup>th</sup> and no later than April 30<sup>th</sup> each year. If a family wants to save any decorations placed on a grave, the decoration should be removed prior to the earliest of these dates. When removing decorations, please take everything with you, nothing may be left at the Cemetery.
5. Mowing and trimming will be done at the discretion of the Cemetery.

## **RECORDS of the CEMETERY**

1. Complete records of all lot owners and interments will be kept at the Cemetery office, located in the office of Falkner Swamp United Church of Christ, 2077 Swamp Pike, Gilbertsville, Pennsylvania 19525. The permanent documents: files, papers, reports, ledgers, maps, lot cards, correspondence and other written records maintained by the Cemetery, are the sole and exclusive property of the Cemetery, and except where disclosure is required pursuant to the Pennsylvania Freedom of Information Act, all information contained therein is for the exclusive use of the Cemetery. Because the Cemetery is a church cemetery, the information contained in our records is public. Information about property owners and interments shall be provided to those who inquire. Record requests may be subject to an administrative fee, the set fee is based on the time to search for and gather the amount of information asked for.
2. The scattering of cremains is prohibited both on common cemetery property and on grave spaces/lots where interment rights are owned. All cremains are to be interred in retrievable containers, with complete cemetery records afforded for each interment. [duplicated under General Rules/Prohibitions.]

\* *As a point of reference:*

*There are no rules that govern specific burial or maintenance practices in Pennsylvania. Private, for-profit cemeteries (there are about 600 out of 10,000) fall under the jurisdiction of the Real Estate Commission because they are involved in the buying and selling of deeds. The other cemeteries, run by churches and fraternal organizations, are exempt from state licensing requirements.*

Consumers Guide to Cemetery Purchases, Funeral Consumers Alliance  
Consumer Guide to Cemeteries, Pennsylvania Cemetery Cremation and Funeral Association

**These Cemetery By-Laws have been approved today, March 7, 2024, by the Falkner Swamp United Church of Christ Cemetery Committee. Kevin Brennan, Trustee; Susan Dickey, Trustee; Bob Erb, Lot Manager, Mary Ann Erb, Treasurer/Secretary and Acting President and Trustee; Rob Erb, Jr., Lot Manager, Sharon Schnaars, Trustee; and Ed Thierolf, Lot Manager. Copies of these By-Laws will be printed and may be distributed to the Consistory, the Church Office, Committee Members and Lot Owners (as their addresses are known). These Cemetery By-Laws should be on the Falkner Swamp UCC web-site under the "Cemetery" tab.**