

**BYLAWS  
of the  
EVERGREEN CEMETERY ASSOCIATION  
of KILLINGWORTH, CONNECTICUT**

**Preamble**

We declare and establish these bylaws for the orderly administration and continuation of the Evergreen Cemetery. These bylaws will insure the proper care of the cemetery, provide channels of communication and responsibility and will help safeguard the good name of the Evergreen Cemetery Association.

**Article I.  
Name**

The name of this association shall be **THE EVERGREEN CEMETERY ASSOCIATION**, hereinafter referred to as the "Association".

**Article II.  
Objectives**

**Section 1.** The objective of the Association shall be to operate and maintain the Evergreen Cemetery in Killingworth, Connecticut.

- a. To provide a suitable resting place for the deceased.
- b. To provide continuing care for the burial plot of the deceased person.
- c. To provide opportunity for members and non-members to purchase lots at the rate, at the time of purchase, as established by the Board of Directors and approved at the regular meeting.

**Section 2.** Ownership of Evergreen Cemetery: said ownership being vested in the purchased plot or plots as of September 12, 2004 that may not be sold, leased or otherwise disposed without the express approval of the Evergreen Cemetery Association at a regular meeting. Unless emergency action is necessary, such proposed action will be announced and presented in writing to the Board of Directors to be voted on at the next regular business meeting.

**Article III.  
Members**

**Section 1.** There is no limit to the number of members in this Association.

**Section 2.** Any adult who has purchased or owns a plot or plots in the Evergreen Cemetery automatically becomes a member and may attend Association meetings.

**Section 3.** There shall be no initiation fee, nor shall there be any membership fee charged or otherwise assessed for membership.

**Section 4.** Members may vote at the association meetings and/or special meetings.

#### **Article IV. Board of Directors**

**Section 1.** The Board of Directors, also referred to as the “Board”, consists of the officers of the Association and the Superintendent. The Officers of the Association must be lot owners and shall be a President, two (2) Vice Presidents, Secretary and Treasurer. These Officers and the Superintendent shall perform the duties prescribed by these bylaws and the parliamentary authority adopted by the Association.

**Section 2.** The Board shall have general supervision of the affairs of the Association between its regular meetings, fix the hour and place of meetings, make recommendations to the Association and shall perform such other duties as specified in these bylaws.

**Section 3.** The President, Vice Presidents, Secretary, Treasurer, and Superintendent shall be elected by majority vote to serve for one (1) year terms, or until their successors are elected. Newly elected officer's term of office shall begin at the close of the regular meeting.

**Section 4.** At any regular meeting of the Association, any member of the Board may be removed from office by vote of two-thirds (2/3) of members present and another may be elected by the Association to fill the unexpired term of the Board member so removed.

**Section 5.** Special meetings of the Board may be called by the President, and/or shall be called upon the written request of three (3) members of the Board.

**Section 6.** Meetings of the Board shall be held as the business of the operation of the Association demands. Three (3) officers of the Board of Directors shall constitute a quorum for the transaction of business provided, however, that the other members of the Board are notified in advance of such a meeting and provided an opportunity to attend.

**Section 7.** In event an office is vacated by resignation, death, removal, or otherwise, the remaining officers shall either assume those duties or appoint an existing director to attend the duties of the vacated office until the next scheduled regular meeting of the Association, at which time there shall be an election to fill the vacated office. The partial term officer may be elected to a full term of the same position.

**Section 8.** No member shall hold more than one (1) office at a time.

**Section 9.** The Officers and Superintendent are elected by the Association only after a majority vote of members present at a regular meeting.

**Section 10.** President presides over meetings and coordinates and oversees activities of the Board of Directors.

**Section 11.** One Vice President oversees the planning and development of the cemetery including mapping of future lots.

**Section 12.** Second Vice President is in charge of information and technology including web page development and updating.

**Section 13.** Both Vice Presidents preside when President is unable to attend.

**Section 14.** Secretary records and distributes minutes of meetings and makes issuance of burial rites.

**Section 15.** Treasurer collects monies, pays and reports all bills and payments, maintains accurate and detailed financial records, and makes report to Board of Directors at special meetings when necessary and at all regular meetings.

**Section 16.** Superintendent manages cemetery operations, works with funeral directors, oversees landscape/maintenance contractor and excavator contractor, maintains and safeguards a digital copy of the historical records and maps, obtains bids for contractors when necessary, and directs bills to Treasurer for payment upon approval of the President. The Superintendent also makes sure that the hard copy of historical records and maps are secured in a vault with excavator who can sell lot or lots under emergency situations. The Superintendent also completes lot paperwork, receives checks, records transactions with Town of Killingworth, and makes monthly file reports of all burials with the State of Connecticut at the Town Hall in the office of the Town Clerk.

## **Article VI. Meetings of the Association**

**Section 1.** The Association shall meet twice during the calendar year, dates to be determined.

**Section 2.** The regular meeting of the year of the Association shall be for the purpose of electing officers, receiving reports of the officers and committees, and considering such other business that may come before the Association.

**Section 3.** Special meetings of the Association may be called by the President or by the written request of five (5) members of the Association. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least ten (10) days' notice shall be given.

**Section 4.** For the regular meeting of the Association, two (2) officers and at least ten (10) members of the Association shall constitute a quorum for the transaction of business. If within fifteen (15) minutes after the time appointed for a meeting a quorum is not present, the meeting stands adjourned to such day, and at such time and place, as the Board; and if at the adjourned meeting a quorum is not present within fifteen (15) minutes from the time appointed for the meeting, at least one (1) officer and five (5) members of the Association present shall constitute a quorum.

**Section 5.** Regular meetings shall be held proximate to the Evergreen Cemetery. Location of called meetings shall be stated in the call.

## **Article VII. Committees**

**Section 1.** The Board shall have the power to establish and dissolve standing and special committees. The President, as directed by the Association or the Board, shall appoint committee chairs, for which the terms of service are not time limited. Committee Chairs shall have the authority to establish ad hoc groups and schedule meetings as necessary to fulfill their charge to carry on the work of the Association.

**Section 2.** Nominations for officers will be made at the second regular. Nominations will be made from the floor.

**Section 3.** The Treasurer shall prepare a regular budget for the coming year and report on income and expenditures of the previous year.

**Section 4.** An Auditing Committee of at least three (3) members shall be appointed by the President as deemed necessary at the regular meeting to review the Treasurer's accounts. The goals of the review should be to assure, insofar as feasible, that all financial transactions have been recorded and appropriately included in the Treasurer's Reports to the Association during in the past year. Upon completing the review, the committee should provide a signed written statement to the Board with appropriate comments with respect to significant irregularities or recommendations made during the review process.

**Section 5.** The Executive Committee consists of the six (6) Officers and Superintendent of the Association. Except for power to amend the Bylaws, the Executive Committee shall have all the powers and authority of the Board of Directors in the intervals between meetings and is subject to the direction and control of the full Board.

**Section 6.** The Board Superintendent shall be appointed by the President, with the approval of the Board to enforce the Association's cemetery rules and guidelines concerning the use, care, control, management, restriction, and protection of the cemetery property, and to over-see maintenance operations. The Board Superintendent shall have the authority to establish ad hoc groups and schedule meetings as necessary to fulfill their charge.

**Article VIII.  
Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Association may adopt.

**Article IX.  
Amendment of Bylaws**

The bylaws may be adopted, amended or repealed, in whole or in part, at any regular meeting of the Association by a two-thirds (2/3) vote, provided the amendment has been submitted in writing at the previous regular meeting.

## **Rules and Regulations Purchase and Maintenance of Lots**

### **Purchase**

**Section 1.** Purchase of lot or lots are to be made after advisable visit to the cemetery and the selection after personal inspection. The Superintendent will be in attendance at the cemetery and provide attention, need assistance, and information regarding regulations, prices, and terms of payment. Upon selection and payment, the party will receive a certificate from the Superintendent specifying the number and location of the lot. Actual issuance of the certificate of burial rights will be made by the Secretary upon payment. All conveyances of lot or lots must be signed by the Superintendent and countersigned by the Secretary, and no certificate shall be executed until the lot or lots have been paid for in full.

**Section 2.** Prices of the lots are fixed by the board of Directors and may not be varied from under any circumstance.

**Section 3.** Lot or lots may not be used until payment is received and recorded.

**Section 4.** All lots will be sold in the forms and dimensions decided upon by the Board of Directors. The Grade is fixed at the time of the laying out of the ground, and no change will be allowed.

**Section 5.** All lots conveyed by the Association shall be held pursuant to the laws of the State of Connecticut and shall not be used for any other purpose than as a place of burial for the dead.

**Section 6.** At no time shall a sign indicating that a lot or lots is/are "For Sale" will be permitted to be placed in the cemetery.

**Section 7.** Excavator, named contractor, may sell lot or lots if an emergency situation exists.

**Section 8.** When an owner(s) of lot(s) sells or gives said lot(s) to another individual(s), the Superintendent must be notified of change and/or transfer of ownership or this transfer will not be recognized by Evergreen Cemetery Association. An administrative fee will be charged for this transfer of ownership. (Ratified October 17, 2014)

### **Corner Markers**

**Section 1.** All enclosures of lots with corner posts must be placed on the lot and not over the outer line thereof.

**Section 2.** All posts will be placed only by named contractor serving as the Association's excavator.

### **Markers**

**Section 1.** Only one (1) monument is permitted per grave lot.

**Section 2.** Any other marker, head or foot stone, must be flush with the ground. Any lot subdivided between families will be subject to this requirement and only one (1) monument will be allowed.

### **Burial**

**Section 1.** All burials, per Connecticut State Law, require a cement vault.

**Section 2.** Funeral Director will send an interment fee as established by the Board of Directors by vote at the regular meeting to the Superintendent.

**Section 3.** If any monument or effigy or any structure whatever or any inscription be placed in or upon any lot which shall be adjudged by the Board of Directors to be offensive or improper, they shall have the right and it shall be their duty to enter said lot and remove said offensive or improper object after giving due notice thereof.

**Section 4.** Cremation will be allowed up to four (4) per grave lot.

**Section 5.** Burials under extreme environmental and/or weather conditions will be allowed under the supervision of the Superintendent, or appointee(s), at the direction of Officers, after consideration of the prevailing conditions relative to public safety and preservation of the cemetery property.

### **Workmen**

**Section 1.** Contractors and workmen, in whatever capacity utilized by the Association, shall be at all times under the supervision of the Superintendent acting on behalf of the Board of Directors.

**Section 2.** Contractors and workmen must carry off all rubbish and restore any avenues or paths injured by their operations, as the Superintendent shall direct. If the cleaning up is not done immediately by those having the work in charge, it will be completed by the Association at the contractors' and workmen's expense.

**Section 3.** Any contractors and workmen failing to conform to these stipulations may forthwith be excluded from the grounds, and will be responsible for the injuries sustained through such neglect. Said contractors and workmen will not be permitted to perform work any future work in the cemetery or for the Association.

### **Flowers, Trees and Shrubs, Decorations**

**Section 1.** Flowers may be planted on graves but must be low blooming so as not to be destroyed by mowing.

**Section 2.** No trees or shrubs will be planted in the cemetery. Any pre-existing shrubbery may not exceed the height of the monument stone, not extend beyond the lot line. In either event they will be removed by the Association at the cost to the lot owner or lot owner's family.

**Section 3.** No breakable containers are permitted and will be removed by the Association. No plastic or artificial flowers will be allowed as they present a severe hazard to people mowing the grass or who may be present in the cemetery when mowing is being done. Exception: artificial flowers which are firmly secured in an unbreakable container (cement, wooden, etc.) and do NOT include vases, plastic pots of any kind, or the like. Regular maintenance is required in order to remove old, broken, unattractive arrangements. Natural flowers are permitted and encouraged and may include unbreakable containers and vases (i.e. metal, cement).

**Section 4.** In order to maintain an attractive, respectful decorum and atmosphere, no lights may be placed on a lot or lots. Exception: Two (2) non-blinking, solar lights are permitted per marker or monument.

**Section 5.** No burial will be permitted on a lot that has no perpetual care. The Association must be informed of permission for others to be buried in a lot. The following is suggested as a form:  
"I give permission for the following and heirs to be buried in my cemetery lot # \_\_\_ in the Evergreen Cemetery of Killingworth, CT."  
Signature and Notary

**Section 6.** Two semi-regular cleanups will take place in spring and fall in order to maintain and upkeep the cemetery. Items that do not conform to the rules and regulations listed will be removed including such things that are worn-out, broken, artificial, overgrown.

### **Miscellaneous**

**Section 1.** No horses are permitted in the cemetery without express permission of the Board of Directors as part of the burial ceremony.



**Section 2.** No dogs are permitted in the cemetery unless confined to a vehicle or on a leash. Free running dogs are not permitted. Owners are responsible for pet clean up.

Approved November 1, 2013