

Revised Rules and Regulations for Mountain View Jewish Cemetery
("El HeHarim")¹

January 1, 2014

According to the contractual agreement between Haver and Mountain View Cemetery, a separate section of land has been designated as a Jewish cemetery. The Jewish cemetery will have two sections within its boundaries. The following rules and regulations apply to burials within the Jewish cemetery, which will be called "El HeHarim."

1. General Rules:

- a. Haver aims to eventually certify Mountain View as a green cemetery, following the conditions set forth for green cemeteries by the Green Burial Council.²
- b. The Jewish section must be visibly separate from the rest of Mountain View Cemetery by one of the following:³
 - i. a continuous path of 8 feet in width;
 - ii. a hedge – plants of 40 inches in height (minimum);
 - iii. a fence or other approved natural boundary.
- c. The "Tzur Yisrael Section"⁴ must be separated from the Community section in the manner as the entire cemetery is to be separated from the rest of Mountain View, as stated in 1b above.
- d. Decisions as to the final kinds of boundaries must be approved by Haver.
- e. The entire Jewish section of Mountain View will be closed and interments may not be made on Shabbat or Jewish holidays. Interments on the second days of major festivals in the Community section require specific rabbinic approval. Haver will send an approved list of these dates each year.
- f. Caskets and headstones: All religious symbols must be Jewish.

¹ The burial regulations listed in 2b (The Community Section) apply also to the new Jewish section of Green Mountain.

² This is a tentative goal that needs to be discussed in greater detail with Mountain View.

³ We need to see if this is already the case, or if it is determined that changes need to be made.

⁴ Stricter and more traditional practices are observed in this section. See section 2a.

- g. Only Jewish services may be held and may not be conducted by non-Jewish clergy.
- h. Burial of indigent persons of the Jewish faith will not be done in a way that is inconsistent with Jewish practice.
- i. No embalming or grave liners are permitted.
- j. In all of our dealings with staff and employees of local mortuaries, we will employ the best ethical practices.

2. Burial regulations for specific sections of the Jewish Cemetery are as follows:

- a. "Tzur Yisrael"
 - i. Those who can be buried in this Jewish section must be Jews who have been born of a Jewish mother according to Jewish legal criteria, and/or have ben converted to Judaism by a Beit Din and Mikveh. The halachically observant rabbis of Boulder, in conjunction with Haver, will define eligibility and their decisions are the final word and are to be carried out by Mountain View. All others are not to be buried in this section, even if their family members are interred there. All questions about acceptability must be referred to Haver.
 - ii. *Tahara* (ritual preparation of the deceased) by a Chevra Kadisha and *tachrichim* (burial garments for the deceased) are required for all burials in this section, except under circumstances where an Orthodox rabbi deems it impossible.
 - iii. Only plain, wooden or other natural caskets are permitted in this section.
 - iv. Cremated and embalmed remains are not allowed to be buried or scattered in this section.
 - v. In the event of special circumstance, the Orthodox rabbis of Boulder, in consultation with Haver, reserve the right to override any of the religious stipulations by their mutual agreement.

- b. The Community Section [name?]
- i. Only persons of Jewish faith and/ or their spouses or partners or their non-Jewish child may be buried in this section. For purposes of this section, “Partner” or “Spouse” means any life-partner, regardless of gender and regardless of the legal recognition of their partnership as a marriage under civil or Jewish law
 - ii. In addition, *Kerovei Yisrael*⁵, a non-Jew who is (or in the event of death or divorce, has been) partnered to a Jew and participated in and supported the synagogue community may be interred in this section. Included in this definition are children of *Kerovei Yisrael*, individuals in the process of conversion.
 - iii. Jews of patrilineal descent may be buried in this section.
 - iv. *Tahara* and *tachrichim* are encouraged for all burials in this section.
 - v. Only plain, wooden, or other natural caskets (no metal) are permitted in this section.
 - vi. Limited participation by non-Jewish clergy at funeral services may be permitted with rabbinic discretion.
 - vii. Although Haver does not encourage cremation as a preferred option, in the event a family has cremated a loved one, cremains can be buried in this section according to the following:
 1. Some rabbis may choose not to conduct services at the cemetery, but may do a memorial service at a funeral parlor before the body is cremated.
 2. Burial of cremated remains is permitted in a burial space designated for the burial of the Jewish spouse or parent. Multiple burials of cremated remains allowed per interment space are restricted to first-degree relatives (parents, spouses, children, siblings of the

⁵ Term derived from *A Place in the Tent: Inter-marriage and Conservative Judaism*, co-written by Rabbi Mark Bloom, Rabbi Ted Feldman, Rabbi Gordon Freeman, Rabbi Stuart Kelman, Rabbi Harry Manhoff, Rabbi Mimi Weisel, Rose Levinson and Glenn Massarano (EKS Publishing Co, Oakland, CA 2005).

deceased). Two cremains are allowed per plot, or one cremains and one casket. Only natural biodegradable containers for cremains may be buried. No metal or ceramic containers of cremains are allowed.

3. Urns should have an opening so the ashes come in contact with the earth.⁶
- vi. In the event of special circumstance, the Va'ad will designate a rabbi who has the right to override any of the religious stipulations

3. Changes to these Rules and Regulations

- a. Any changes to these rules will be allowed only with the written approval of Haver.
- b. Should disagreements arise between the rules of the Jewish Cemetery and Mountain View practices, both sides will enter into discussions to resolve the issues. On matters of religious observance and practice, the rules of Haver will prevail.
- c. These rules and regulations will “run with the deed to the land,” that is, in perpetuity regardless of the owner of Mountain View.

⁶ Per Teshuvah of R. Morris M. Shapiro, the Conservative position is as follows: 1) Cremation is against the Jewish tradition, and the family should be so advised by the rabbi; 2) Should the family decide not to follow the rabbi's advice, he may still choose to officiate in the funeral parlor before the body is cremated; 3) The ashes should be interred in a Jewish cemetery; 4) The interment should be private, without the presence of a rabbi; 5) In a situation where the rabbi's ruling has not been defied by the family, but he is faced with a *fait accompli*, the rabbi may choose to conduct services at the cemetery. Per Rabbi Arinna Moon's, *The Burial of Cremated Remains in a Jewish Cemetery*, which summarizes Orthodox, Conservative and Reform movement's positions, the RA's Teshuva (Shapiro, 1986) includes that the urn should have an opening so the ashes come in contact with the earth.