

Rules and Regulations of the Trustees

For the
Government and Control of

Riverside Cemetery Association Yarmouth, Maine

Riverside Cemetery Association (RCA) encourages families, friends and the community to visit the cemetery. The following rules and regulations have been adopted as a guide to the use and management of the cemetery. The rules and regulations will help protect all who have interest here and preserve the beauty and dignity of the Riverside Cemetery.

These rules and regulations are hereby adopted as the rules and regulations of Riverside Cemetery and all owners of burial rights, visitors, and contractors performing work within the cemetery, shall be subject to said rules and regulations. The cemetery expressly reserves the right, at any time and without notice, to adopt new rules and regulations or to amend, modify, or repeal any section, paragraph, or sentence of these rules and regulations. Riverside Cemetery Association is governed by a Board of Trustees, which has entire charge of the cemetery and is authorized to enforce all rules and regulations as adopted.

Definitions

Grave/Plot: a burial space of sufficient size to accommodate one adult interment.

Lot: the numbered divisions as shown on the record plot.

Memorial: a monument, marker, tablet, headstone, etc. for family or individual use to identify a grave or graves, or a nameplate with inscription identifying a crypt or niche.

Monument: a memorial of granite or marble, which will extend above the surface of the ground.

Marker: a memorial flush with the ground.

Niche: a space in a mausoleum or columbarium used or intended to be used for the inurnment of cremated human remains.

Owner(s): the person or persons to whom the Cemetery has conveyed a burial right or rights or a person or persons who have acquired such rights by transfer in accordance with the rules of the Cemetery or a person or persons who hold such burial right or rights by inheritance.

Urn: a container used for cremated remains.

Cemetery: refers to the Riverside Cemetery, located at Smith Street, Yarmouth, Maine 04096.

General Information

Hours of Operation and Access:

The main entrance to Riverside Cemetery is open to visitors daily including Sundays and Holidays.

- Regular hours: 8am – sunset
- The cemetery maybe closed to foot traffic and vehicles due to weather conditions.

The Cemetery shall be open to the public seven days per week from 8am to sunset. No individual shall walk across lots or lawn unless it is necessary to gain access to a particular burial site. The RCA and Town expressly disclaim responsibility for any property damage or injury sustained by any person violating this rule. RCA officials and their agents, maintenance workers, and funeral workers may enter the Cemetery outside of these hours if necessary for the timely completion of their tasks.

Vehicles:

Motor vehicles must stop when meeting a funeral cortege and only resume movement when the procession passes. Maximum speed is ten (10) miles per hour. No vehicle may be driven or parked across or upon any burial site or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited. Commercial vehicles that are not directly involved in the business of the Cemetery are prohibited. Snowmobiles and unregistered motor vehicles such as motor scooters and all-terrain vehicles are prohibited within the Cemetery except as may be in attendance at funerals.

Waste:

Individuals who enter the Riverside Cemetery must carry out all waste that they create while in the Cemetery. Depositing of waste, rubbish, and debris on the grounds of the Cemetery, or neighboring/adjacent property, is prohibited.

Losses:

Reasonable precautions will be taken to protect Grantees from loss or damage, but the RCA and the Town will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the same be direct or collateral.

Rights of Interment

Purchase of Plots:

The right to purchase plots shall not be limited to residents of Yarmouth but shall be open to all.

Price and Payment of Plots:

Please visit the the website (www.riversidecemeteryme.com) for Pricing Information.

Complete payment of the purchase price for the Right must be made to the “Riverside Cemetery Association” (P.O. Box 16, Yarmouth, ME 04096) before any burial is permitted. No partial payments will be accepted. Upon full payment for the Right, and signing of Grantee Acknowledgement Form, the RCA will issue an executed document signifying the granting of the Right.

Rights of Interment:

The RCA will issue a Right of Interment (“Right”) (right to bury human remains or to bury the ashes of a human being (“cremated remains” or “cremains”), the latter hereinafter referred to as an Inurnment) upon the payment in full of the current price for such rights. Purchase of a Right in no way grants any other rights or privileges to the

purchaser, and a Right is subject to these Rules and Regulations. No Right shall be used for any purpose other than the burial or the memorializing of the human dead, or the remains of the human dead. The statement of any employee or agent of the RCA, unless confirmed in writing by an authorized representative of the RCA, shall in no way bind the RCA or Town.

Grantee:

The Grantee is the individual who has purchased the Right, or has inherited the Right from a deceased predecessor Grantee. The Grantee “owns” the rights, but does not own real property, just the right to use one or more specific burial sites in the Cemetery subject to all of the Rules and Regulations as well as applicable laws and ordinances. The Grantee, in a writing filed with the RCA, may grant permission to other named individuals to utilize a burial space that the Grantee has a right to. Such name or list of names may be amended from time to time or withdrawn at the discretion of the Grantee. Any unused burial permission granted by a Grantee that is not used at the time of the Grantee’s death is subject to potential contest by Grantee’s heirs. To avoid such uncertainty, Grantees should consider transferring their rights to the intended permittee. It shall be the duty of the Grantee (or Grantee’s descendants or assigns) to notify the RCA of any change of address or ownership by inheritance or otherwise. Any purported change in ownership must be supported by adequate evidence to the satisfaction of the RCA.

Transfer of Lots:

A Right of Interment issued by the RCA and its record on the books in the Treasurer’s office is the only evidence of title recognized by the RCA Trustees, therefore, sales or transfers of lots by holders thereof shall not be valid without the consent and approval of the RCA Trustees in writing.

Loss of Right of Interment:

A new Right of Interment cannot be issued to replace one which is lost, stolen or destroyed. A certificate of ownership will, however be issued to the last recorded owner.

Proof of Ownership:

It is very important that on the decease of an owner of a lot, the heir or devisees of such descendent file in the office of the Cemetery full proof of their ownership, for the purpose of being recorded in the books of the Cemetery. Without such proof and record the right of such persons cannot be recognized.

Descent:

The laws of the state of Maine govern the descent of title to Rights. Heirs must prove their legal inheritance before rights to burial spaces can be reassigned. Upon the death of a Grantee, the heirs or devisees of such person should file with the RCA proof of ownership for the purpose of correcting the record. Notarized statements as to relationship (e.g., Affidavit of Heirs) and certified copies of wills or court decrees (if any) are normally sufficient. The RCA shall charge an administrative fee (\$100) for each descent of title of each burial right.

Interments and Inurnments

Timing:

The Cemetery shall be open for interments at the discretion of the Director or a Riverside Trustee. There shall be no interments permitted after December 1 until the following spring thaw is complete. Interments are to occur at the Cemetery by 3:00 p.m., Monday through Friday and by 2:00 p.m. on Saturday or be subject to overtime fees.

Notice Required for Opening Graves:

The RCA Trustees will not be responsible for the proper preparation of a grave in time for a funeral service unless a permit has been filed with the Director and responsible notice given previous to interment. At least five (5) business days notice (not counting Sundays or holidays) must be given to the Director by the funeral or burial service provider prior to all interments or inurnments.

Delay:

The RCA and Town shall not be responsible or held liable for any costs or damages for any delay in an interment/inurnment due to a written, timely protest to the interment or inurnment by a third party, or where the Rules and Regulations or any law or ordinance has not been complied with. The RCA is under no obligation to recognize any protest of an interment or inurnment unless it is in writing and delivered to the Director or the President of the RCA.

Location:

When an interment / inurnment is to be made, the location of such interment/ inurnment shall be designated by the Grantee of the Right or their representative or agent. Should the Grantee or their representative fail to make such designation, particularly when the Grantee owns rights in multiple burial sites, the RCA reserves the right to make or direct the interment/ inurnment in a location designated by the Director. An individual who presents himself or herself as having the authority of the Grantee for this purpose of locating an interment / inurnment shall certify in writing that they have such authority (e.g., Affidavit of Authority) and accept full responsibility and liability for their actions, and will hold the RCA, Director, and Town harmless from any liability, including legal costs, on the account of such authority and disposition.

Prior to the interment / inurnment, Grantees or their heirs or representatives are encouraged to provide the Director a written communication as to the location of the burial. The RCA cannot be responsible for a mistake as to the particular space or location in the plot resulting from lack of precise and proper written instructions (for example, mistake caused by any order given by telephone).

Grave Liners:

In order to maintain a high standard of care and to eliminate sunken graves, all burials must be made using rigid and durable outside containers (commonly known as “vaults,” “grave liners,” and “concrete boxes”) made of natural stone, reinforced concrete, or any

similar container approved by the Director. Cremated remains must be interred in a permanent container approved by the Director.

Limits:

No interment in the Traditional Plots of two (2) or more bodies shall be made in one (1) burial site except in the case of a mother or father and a child, or two (2) infants buried in one (1) casket (or two (2) caskets if small enough to fit within the burial space), or two (2) cremated remains, or one (1) full burial and one (1) cremation. All interments of multiple bodies/cremains shall be located and made by the Director. No double depth standard interments will be made.

Prohibition:

Interments and inurnments are to be performed only by the Director or individuals or entities approved by the RCA. Grantees and other parties not approved by the RCA are specifically prohibited from performing interments or inurnments. The RCA will take all reasonable action to rectify any such prohibited burials and seek damages and costs from violators of this rule. The RCA, Director and Town will not be responsible for recording the unauthorized burial, including the identity of the deceased. The scattering of cremated remains over a family lot is prohibited.

Movement:

Monuments and Markers may have to be moved or removed to gain access to burial sites for purposes on interment or inurnment. The Director will restore the moved items to their initial position as soon as time and weather permit.

Directors:

All funeral or burial parties entering the Cemetery shall be under the direction of a funeral director licensed by the state of Maine who shall abide by the RCA Rules and Regulations.

Casket:

Once a casket containing a body is within the Cemetery, it shall not be opened except by a licensed funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.

Fee:

The RCA will charge a \$300 administrative fee for all interments and inurnments. Fees collected will be used for ongoing maintenance and improvement of the cemetery.

Care of Burial Sites
Traditional Cemetery

General:

The general care of the surface conditions of the Riverside Cemetery is the responsibility of the RCA and includes cutting the grass, trimming bushes and trees, and raking and

cleaning the grounds. The RCA does not assume the responsibility for caring for or planting flowers or ornamental plants, or repairing or replacing Monuments or Markers.

Burial Site and Boundary:

Burial Site is the basic unit of space within the Cemetery used or intended to be used for the burial of human remains. It is also commonly referred to as a single “grave site” or “burial space.” No burial site shall be defined by a fence, railing, hedge, crypt, or enclosure of any description.

Cleanup and Removal:

The Director shall conduct a fall cleanup between October 1 and November 15 of every year, and a spring cleanup between April 1 and May 15 of every year. Any items of value to the Grantees must be removed by the Grantee prior to the cleanup periods. The RCA, Superintendent, or their agent/designee has the right to remove all floral designs, vases, urns, decorations, flowers, shrubs, wreaths, plants, and other materials placed in Riverside Cemetery that, in their opinion, become unsightly, dangerous, detrimental, diseased, or that interfere with normal maintenance of Cemetery.

Monuments:

No monument, headstone, or bench, shall be set in any lot without a foundation of stone at least four feet in depth, to be paid for by the lot owners. All foundations shall be laid in Portland cement or equivalent and built under the supervision of the standing committee and by their agent. The installation of all monuments, headstones, benches, and markers shall be performed by professionals approved by RCA. The cost of this work to be set by standing committee and Director.

Only one monument and up to two markers, will be allowed upon a lot, and this must be placed in the space reserved for it unless special permission is given by the standing committee for placing it otherwise. All designs of monuments must be approved by the Superintendent and RCA.

All memorials must be made of the highest quality standard bronze or of granite approved by the Cemetery except on the monument lots where all monuments shall be made of granite. All markers on individual graves shall be set flush except in limited designated area. The granites which will be accepted at the Cemetery are limited to quality granites and in colors approved by the Cemetery.

The Cemetery shall have the authority to reject any memorial that, on account of its size, type, design, inscription, quality, color or method of construction is unsuitable for the particular lot or grave on which it is to be placed. The Cemetery reserves the right to prevent the placing or to remove any marker or other objects that do not comply with the standards of the Cemetery. Also, the Cemetery reserves the right to require the purchase of any and all markers from the Cemetery or approved producers or retail dealers.

The Cemetery may, at its own expense, without any liability, correct any error that may occur in the placing of a foundation or memorial.

Trees and Shrubs:

If any trees or shrubs, situated in any lot, shall by reason of their roots or branches, or in other ways, become detrimental to the adjoining lots, avenues or paths, or unsightly or inconvenient to passengers, it shall or parts thereof to be removed or pruned.

All plantings must be within the limits of plots, so as to avoid crowding or encroachment by branch or root on adjoining lots, walks or drives, requires knowledge of the habits and growth of trees and shrubs.

To prevent injury to adjoining plots and preserve the beauty of the grounds, no trees or shrubs shall be planted on lots or graves or any tree or shrub cut down, removed, or trimmed without permission of the Director.

Who Shall Perform Work on Plots:

No persons other than plot owners or members of their families shall be permitted to perform any work on their plots, unless by special permission of the standing committee of the RCA and under the supervision of the Superintendent or his assistant.

Fences, Etc., Are Prohibited:

No lot or grave shall be defined by fence, railing, hedge, trees or shrubs, to describe its corners or boundaries.

Curbing Around Lots:

Curbing around lots is not allowed except where perhaps a fender curb might be allowed upon a special permit issued by the RCA Trustees.

Grade of Plots:

To ensure proper regulations on the grounds, the grade of all lots has been determined by the standing committee of the RCA and their decision in such cases is final.

Vases:

Vases not properly painted or otherwise cared for and such as are not filled with plants by May 30th, will be removed from the lot.

Mounds:

No raised mounds will be allowed in the Cemetery.

Planting Flowers:

No person will be allowed to remove sod in the Cremation Garden. In the Traditional Plots, no person will be allowed to remove sod more than 12 inches from the front of the monument for the purpose of planting, without first making provisions with the Director. Planting flowers on graves or otherwise distributing or destroying the sod, releases the Riverside Cemetery Association from all obligations for re-sodding of the graves or lot without charge.

Flower Fund:

Riverside Cemetery maintains a flower fund for the purpose of the annual planting of flowers on graves for Memorial Day. Lot owners may purchase this service by a one-time contribution to the Flower Fund at a rate set by the RCA Trustees. This service covers the planting of the flowers but does not cover any maintenance or watering of those plantings or imply any warranty of those plantings. Contact the Director for more information.

Failure to Care for Flowers, Shrubs, and Trees:

Plot owners who plant flowers, shrubs and trees and fail to have them properly watered and trimmed and free from seeds, are hereby notified that the RCA reserves the right to remove neglected plants, shrubs and trees from the lots and graves, vases, or urns, as soon as they become objectionable.

Objectionable Articles:

Boxes, balloons, shells, toys, wire screens, artificial flowers, arbors, trellises, tripods, or designs of any description, rustic work and so-called ornaments are considered injurious to the beauty and dignity of the Cemetery, and will not be permitted. For questions regarding what is/is not permissible, contact the Director.

Granite benches as monuments within the Traditional Burial Area will be permitted with permission of the Director and the RCA Trustees.

Care of Burial Sites *Cremation Garden*

The Cremation Garden at Riverside Cemetery is a garden of lawns, trees, shrubbery, flowers, stones, and statues planned in every detail to give comfort and hope to the living and insure the safe and dignified resting place of loved ones for all time. In addition to the policies stated above, the following regulations have been adopted to protect this beauty and dignity.

Monuments:

The installation of all cremation garden markers shall be performed by professionals approved by RCA. The pricing associated this work to be set by standing committee and Director.

All designs of monuments must be in keeping with the standards approved by the Director and RCA.

All memorials must be made of the highest quality granite approved by the Cemetery except on the monument lots where all monuments shall be made of granite. All markers on individual graves shall be set flush except in limited designated area. The granites which will be accepted at the Cemetery are limited to quality granites and in colors

approved by the Cemetery. All decorative stones located in the mounds and along the pathways shall remain free of engraving or markers.

The Cemetery shall have the authority to reject any memorial that, on account of its size, type, design, inscription, quality, color or method of construction is unsuitable for the particular lot or grave on which it is to be placed. The Cemetery reserves the right to prevent the placing or to remove any marker or other objects that do not comply with the standards of the Cemetery. Also, the Cemetery reserves the right to require the purchase of any and all markers from the Cemetery or approved producers or retail dealers.

The Cemetery may, at its own expense, without any liability, correct any error that may occur in the placing of a foundation or memorial.

Planting of any type whatsoever is strictly prohibited. A charge will be made to the Lot Owner for expenses incurred for repairs to the grass.

One living floral arrangement in a pot per interment is allowed during the grass growing season.

All artificial flowers and decorations of any type are not permitted at any time in order to insure the safety of our grounds crew operating power equipment. Flower baskets must be limited to 12 inches in diameter and window boxes to 24 inches in order to facilitate handling at mowing. **Glass containers and clay pots** may not be used at all.

During the grass growing season, **all bouquets must be placed in vase containers and all potted plants in baskets or window boxes.** All others will be removed, including urns and jardinières of all types.

Cemetery employees have the authority to remove any items that are contrary to these regulations or have become unsightly and no longer contribute to the beauty and dignity of the cemetery. Riverside Cemetery is not responsible for items removed.

Miscellaneous

Dogs are not permitted in the Riverside Cemetery unless on a leash.

Enforcement:

Any violation of the Rules and Regulations that govern both the traditional sections of the cemetery and cremation garden will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Police Chief accordingly.

Violation of the Rules and Regulations may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of Rules and Regulations by anyone may result in a request to leave the Cemetery.

Amendments:

The Board of Trustees reserves the right to amend, modify or make additions to these rules and regulations at any time with-out notice.

Contact information:

- Lot Sales / Burials / Monuments: Director, Leslie Hyde, 207.415.0982, riversidecemeteryme@gmail.com
- Website: www.riversidecemeteryme.com

Thank you for helping us maintain a safe and beautiful cemetery.