

## RULES AND REGULATIONS

### **RIVER BEND CEMETARY COMPANY**

INCORPORATED IN 1849

117 Beach Street

Westerly, Rhode Island 02891

401-596-2724

[Riverbendcemetery.org](http://Riverbendcemetery.org)

### **CEMETERY REGULATIONS**

For the protection and benefit of all persons having a property interest in River Bend Cemetery Company, the following rules and regulations have been adopted. All lot owners and visitors within the cemetery shall be subject thereto and to such other rules and regulations, amendments or alterations as may be adopted by the Board of Trustees from time to time.

### **DEFINITIONS**

1. **Trustee:** The term "Trustee" means a member of the Board elected to direct the funds and policies of the cemetery.
2. **Cemetery:** The term "Cemetery" is hereby defined as a burial ground for earth interments, a family mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more.
3. **Crypt:** The term "Crypt" is a place in a mausoleum or building for burial of a casket.
4. **Lot:** The term "Lot" or "Plots" shall apply to the numbered land divisions as shown on the cemetery land records.
5. **Interment:** The term "Interment" shall mean the permanent disposition of the remains of a deceased person by either entombment, casket burial, or burial of cremated remains.
6. **Entombment:** The term "Entombment" means to inter in a crypt.
7. **Memorial:** The term "Memorial" is a monument, marker, tablet, bench, headstone, private mausoleum or tomb for family or individual use.
8. **Monument:** The term "Monument" means a memorial which shall extend above the surface of the ground.
9. **Marker:** The term "Marker" means a memorial which identifies a particular grave, and is placed at the foot end of the grave.
10. **Lot Marker:** The term "Lot Marker" refers to any means used by the cemetery to locate corners of lots.
11. **Lot Deed:** The term "Lot Deed" is an instrument giving the lot purchaser the right to one interment per grave purchased.
12. **Perpetual Care Deed:** The term "Perpetual Care Deed" is an instrument giving the lot purchaser proof that a one-time fee to cover the maintenance of the purchased lot has been paid.
13. **Superintendent:** The term "Superintendent" is a person appointed by the Trustee's to manage the Cemetery on a day-to-day basis and carry out the policies adopted by the Trustees.
14. **Columbarium:** The term "Columbarium" is a building or feature with spaces called niches in which cremated remains are placed and memorialized.

## **USE OF GROUNDS**

1. No person shall drive any vehicle in the cemetery at an unreasonable speed, or make unnecessary noise such as horn noise or loud engine noise.
2. No person shall injure or disturb any structure, tree, shrub, plant, or anything in the cemetery.
3. No flowers shall be disturbed or taken from the grounds.
4. No dogs shall be allowed in the cemetery.
5. No firearms shall be brought into the grounds except for use at Military funerals, or by special permission by the Superintendent.
6. All persons at any time on the cemetery grounds shall be subject to the control and supervision of the Superintendent, or his designee.
7. During committal services, workmen employed in the vicinity shall suspend their work. They and the funeral home personnel shall refrain from smoking and loud conversing.
8. Visitors must refrain from inappropriate activities such as baseball, kite flying, sunbathing, picnicking, wedding pictures, etc.

## **BURIAL LOTS**

1. Person(s) desiring to purchase lots should communicate with the Superintendent or the Secretary in the office of the cemetery. Lots will be shown and all necessary information shall be given regarding size, location, prices, etc. When a lot has been selected, a plat showing the location and description thereof, and a statement of the price, shall be sent to the Treasurer who, upon receiving payment in full, shall complete, record and deliver two deeds for the selected plot, 1. A refundable lot deed, and 2. A non-refundable perpetual care deed.
2. In the cemetery office there will be on file a plan of each lot with a record of every interment, showing names, dates of burials and location.
3. No interment will be permitted in any lots, until satisfactory arrangements for payment have been made.
4. Before interment can be made, the cemetery office must have a completed interment order form from the funeral home and other necessary papers as required by Rhode Island law.
5. The owner or co-owners of a lot may designate and change from time to time, by written notice, filed with the Trustees, the person or persons who have right of burial in the lot. These forms may be secured at the cemetery office. They must be notarized and returned to the cemetery office.
6. Burial rights may be defined by a specific reference in the owner's will. In absence of a valid provision in the owner's will, duly presented to the office, or of written designation previously filed with the Trustees, the following order shall govern the succession of the owner's rights, subject to a vested right of interment of the surviving spouse, as follows:
  - a. the children of the owner and any children of a deceased child,
  - b. the parents or surviving parent of the plot owner,
  - c. the brothers and sisters of the plot owner, and the children or grandchildren of the deceased brother or sister.If no person above categories survives, then the lot or lots shall pass to the former owners more remote heirs in accordance with Rhode Island law.
7. Co-owners of a lot have right to interment in a vacant grave in the order of their deaths until all spaces are used. Accordingly, the Trustees shall have right to recognize the first order received.

### **BURIAL LOTS, CONT'D**

8. By Rhode Island law, heirs inherit burial rights, land, perpetual care, markers, and monuments. Markers, monuments and niches can be added to, resurfaced or changed, provided all the heirs agree, and the changes are in accordance with current policy.
9. The cemetery reserves a perpetual right of ingress and egress over lots for the purpose of mowing and for convenience in passing to and from other lots and for any other necessary purpose.

### **INTERMENTS AND DISINTERMENTS**

1. All interments, disinterments, and removals will be subject to the rules and regulations of the cemetery and subject to the law, ordinances and regulations of the State of Rhode Island and the Town of Westerly which now are in force, from time-to-time hereafter may be in force.
2. No interment will be permitted in any lot if any previous charge remains unpaid.
3. An order for interment requires twelve working hours' notice prior to an interment and a one week notice prior to a disinterment or removal.
4. Every earth interment must be enclosed in an outer container of concrete. The structural design and installation method shall be approved by the Superintendent.
5. Interments, disinterments and removals on Saturdays and holidays when necessary are subject to additional charges. Burials are not permitted on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and such other days as the Trustees may establish from time to time.
6. Before interment is made in any lot, the Superintendent shall require that a sum to be paid to River Bend Cemetery for the perpetual care of said lot if inadequate provision has not been previously made.
7. No disinterment or removal of remains will be allowed without a written order from the lot owner or his authorized representative, and from all next of kin of the person whose body is to be disinterred or removed. No disinterment or removal will be made except upon approval of the Superintendent and the payment of the fee established by the Trustees. The office must be in receipt of all legal permits before disinterment can begin, and a funeral director must be present.
8. Each grave in the cemetery is for interment of one person, either as a casket burial or as a cremation burial. The cost of the first Right of Interment is included in the original cost of the graves.
9. A second burial is permitted in a grave only with the purchase of a Right to Additional Interments for that grave. A maximum of six burials can be allowed per grave, at least five of which must be cremations.
10. The cost of the Right to Additional Interment shall be paid anytime prior to the actual placement of the additional interment grave.
11. If a Right to Additional Interment is purchased and a cremation burial is to precede a future casket burial, the cremation burial must be positioned on the grave in a manner to not interfere with the future casket burial, at direction of the Superintendent.
12. Only one foot marker is permitted for each grave. Therefore, provisions should be made for the memorialization of more than one person on one marker in cases where multiple burials are purchase for a given grave.

### **LOT PLANTINGS AND DECORATIONS**

1. No planting of any shrubs, trees or perennial bushes by lot owners. Perpetual care is required for trees or shrubs planted by cemetery personnel, and the lot owner(s) must make the required deposit.
2. No shrubs, trees, or flowers, growing upon the lot shall be cut down or removed without consent of the Superintendent.
3. The cemetery shall have the right to remove from any lot shrubs, trees, baskets, urns, flower boxes, pots, vases, wreaths, or other form of floral decorations, the retention of which in the Superintendent's judgement, are dangerous, inconvenient, or detrimental to the appearance, conditions or upkeep of the cemetery. Nothing contained in the provision shall be construed as an intention to assume any liability or obligation for any damages which may result from the failure of this company to act.
4. No lot shall be enclosed by curbing, railings, hedge or otherwise, without the approval of the Trustees.
5. No artificial decorations will be permitted from April 1<sup>st</sup> to November 1<sup>st</sup>.
6. One moveable flower box or flower tub will be allowed on each lot. These receptacles are to be made of durable material. Glass containers of any kind are not an acceptable container.
7. No flower curbing of any kind are allowed.
8. In ground plantings are only allowed in front of the monument and no farther than 12 inches from the monument.
9. Articles such as shells, stone chips, mulch, glass receptacles, pictures, lights, wooden crosses, statues, emblems, flag stands, or any other object which may be inappropriate, are not allowed, and will be removed by the Superintendent without notice.
10. If there is no provision for the perpetual care of the grass on a lot, the Superintendent may take steps to reduce the cost of the care of the grass on the lot by the following:
  - a. lowering markers flush to the ground.
  - b. burying broken markers and giving their location on the lot card.
  - c. removing curbing, however the central monument shall not be disturbed.

### **MONUMENTS**

1. All monuments shall be appropriate and blend into the general environment of the cemetery. It is a requirement that all designs be approved by the Superintendent and an order for memorial work received by the office from the monument company.
2. Any lot not under perpetual care will not be allowed any monument, or marker, until a perpetual care deposit has been made on said lot.
3. All monuments and markers require a foundation, and may be performed by the cemetery at a charge determined by the Trustees.
4. Any foundation not installed by the cemetery, for example a foundation for a mausoleum, must be installed under supervision of the Superintendent for which a fee will be charged. The cemetery will not be responsible for any foundations installed by a private contractor, unless a Contract for Perpetual Care of Memorials has been executed, the cost of which will be set by the Board of Trustees.
5. All foundations must be paid in full before a monument or marker can be placed on it. Failure to make full payment for foundations may result in removal of the monument or marker as determined by the Board of Trustees.

### **MONUMENTS, CONT'D**

6. No monument or marker shall be removed from the cemetery without the permission of the lot owner and the cemetery is in receipt of a written notice.
7. Only one main monument shall be allowed on a lot, at the head of the grave. It shall be set on the space designated by the Superintendent.
8. Individual grave foot markers must be flush to the ground in many sections of the cemetery, as designated by the Trustees.
9. Any person or firm engaged in the memorial business, including sub-contractors, letter cutters, sandblast personnel, installers of foundations and persons cleaning memorials, must procure permission from the Superintendent before any work is started.
10. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence to the Superintendent of their ability to perform the work for which they have been engaged. In doing such work, they must comply with reasonable direction of the Superintendent.
11. Repairs and upkeep of all memorials will be the responsibility of the lot owner, unless additional perpetual care has been placed on a memorial. The cemetery will not be responsible for damage by vandal(s), deterioration by age, damage through an act of God, elemental forces, war or civil disorder, unlawful acts, unavoidable accident or forces or causes beyond cemetery control to any memorial within the confines of the cemetery.
12. The cemetery reserves the right to remove any memorial which obstructs the creation of a new interment or the removal of an old interment. Any memorial so moved will be returned to its original location at no expense to the lot owner.

### **MISCELLANEOUS**

1. The cemetery allows for standard burial lots as well as cremation only areas, mausoleum only areas whereby special regulations will be provided to the owners.
2. All grading, landscaping, foundations and improvements of any kind on a lot shall be made by the cemetery unless by special permit in writing from the Superintendent. If such alterations are made without written consent, the Superintendent shall have the right to remove or change such alterations at the expense of the lot owner.
3. The Superintendent shall be consulted in regard to any and all questions which may arise under these rules and regulations, as well as any questions and subjects which are not covered thereby. He will act and advise in such matters with due promptness. In case any decision by the Superintendent is not acceptable to a lot owner, the questions involved must be referred to the Board of Trustees.
4. The Superintendent or, in his absence, his designee, is hereby ordered to enforce all rules and regulations. The Superintendent or, in his absence, his designee, shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic and employees.
5. If in the unlikely event that it is determined that the cemetery has erred or acted improperly either making interments or in the placing of structures or in the inscriptions of records, the cemetery reserves the right to make the necessary corrections.
6. The Trustees reserve the right, without notice, to amend, alter and make exceptions to any of the foregoing regulations when, in their judgment, such action appears advisable. All rules previously adopted which are contrary to these rules and regulations are hereby repealed and are no longer effective.