

# Bylaws and Rules of the Riverside Cemetery Association

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## Whitney Point, New York

### Section One – Bylaws - Cemetery Administration

**Article 1** – The affairs and property of the Association shall be managed by the Officers and Directors who may sell and convey the lots designated on the map of the grounds, upon such terms as shall be agreed, and subject to such conditions and restrictions as prescribed by these Rules and Regulations, or such regulations as the Directors may hereafter prescribe. All conveyances shall be executed in the manner provided by State law and Regulations.

**Article 2** – To be eligible for Office or the Board of Directors, the candidate must be a lot owner. No director shall receive any salary for his or her services as a board member or Officer except for the position of Secretary or Treasurer. Compensation for those positions will be defined by the Board.

**Article 3** – The Directors shall annually appoint from their number a President and a Vice-President, and shall also appoint a Secretary and Treasurer, who shall hold their places during the pleasure of the Board of Directors. Vacancies in office of the board of Directors will be filled by vote at the Annual meeting.

**Article 4** – The Annual Meeting of the association will be held the Third Tuesday of April in each year. Such meeting will be held at a time and place determined by the directors.

**Article 5** – It shall be the duty of the Secretary to give public notice of such meeting by publication of the same in the Whitney Point Reporter, **or** other local paper.

**Article 6** – It shall be the duty of the President at each annual election (meeting) to make a report to the lot proprietors of Association doings, and of the management and condition of the property and concerns of the Association.

The general order of business will be:

- a. President's call to order and approval of previous meeting minutes
- b. Treasurer's Report
- c. Election of Officers and Directors
- d. Appointments of Maintenance Personnel and Sexton
- e. Discussion of Issues and Problems from the previous year
- f. Discussions of Proposed New Business for upcoming year
- g. Open discussion of any other items not covered above
- h. Open floor to Lot Owner's questions or concerns

**Article 7** – At all meetings, in the absence of the President and Vice-President, the Secretary/Treasurer will conduct Association meetings.

**Article 8** – The board of directors will meet as required. The Secretary may call a meeting on request of the President or two directors by giving notice to all directors within one week. A majority of the directors will constitute a quorum.

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**Article 9** – At board meetings, Lot Owners are allowed one vote for each Deed when issues are brought before assembled lot owners. Only *one vote per lot/deed* will be accepted and recorded.

**Article 10** – The President, with the approval of the directors, may appoint two of the Directors as an Executive Committee, the President being ex-officio one of said committee. The President may appoint, subject to the approval of the directors, such other committees as may seem best to assist in the management of the affairs of the Cemetery Association.

**Article 11** – The Secretary shall keep the records of the Association and the minutes of all meetings of the Directors.

**Article 12** – The Treasurer shall safely keep all funds of the association and pay out funds on the direction of the President. The Treasurer shall keep an account of all funds received and paid out and render a true report thereof at each annual meeting and whenever called upon by the Directors for the same.

**Article 13** – The general charge for day to day maintenance and supervision shall be under the control of the Association President and Secretary/Treasurer. They will:

- Maintain maps of the cemetery layout
- Maintain a list of Lot Owners and Interments
- Have control of Association property and tools
- Insure that the regulations of the Association are adhered to

**Article 14** – All work done in the Cemetery shall be done by Cemetery employees or under the control of the Superintendent or Board of Directors. This includes:

- Burials
- Foundations
- Memorial Placements
- Any physical changes (except individual grave decorations)

**Article 15** – The Directors shall appoint a Superintendent of the Cemetery ground who is required to be in attendance at every interment. In the absence of the Superintendent, an Association Officer must be in attendance.

**Article 16** – A permanent fund shall be established by the Association from payments, fees, sales or bequests received, which shall be kept invested in interest bearing securities, the income from which shall be used for the care, keeping, maintenance and improvement of the cemetery. Any funds belonging to the Cemetery Association, when not invested in securities, shall be deposited in such bank or banks as may be designated by the Directors.

**Article 17** – All funds received by the Association other than those to be applied to the permanent fund, may be used for the care, keeping and improvement of the Cemetery and such other purpose as the Board of Directors may approve.

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**Article 18** – All Association funds will be managed in accordance with New York State Department of Cemeteries rules and guidelines.

**Article 19** – All permanent fund investments other than certificates of deposit or savings accounts shall be made only by direction and vote of the Directors.

**Article 20** – Perpetual care will be given by the Association to lots in the cemetery whose owners shall pay or cause to be paid by gift or bequest to the permanent fund of the Association, a sum to be fixed by the Directors, which shall be at least \$5000. All said lots shall be identified as Perpetual Care on the Cemetery Maps.

**Article 21** – Lot Sales:

- a. The full purchase price must be paid before a deed will be given or burial allowed on the lot.
- b. Lot sales of more than 8 graves will require approval of the Board of Trustees.
- c. Lots may be saved or placed on hold for a period of 90 days only. The lots will be returned to the “available” list at the end of 90 days with no refund of payments made.

## **Section Two - Cemetery Rules & Regulations**

**Article 1** – All lots in the Riverside Cemetery are sold and held in accordance with the provisions of the laws of the State of New York and shall not be used for any other purpose than as a burial place for dead human beings.

**Article 2** - Burial must be scheduled in advance by contacting the Association Officers or the Superintendent.

**Article 3** - Any burial or attempted burial not coordinated with Riverside Cemetery Association personnel may cause the burial rights to that Lot to be rescinded. Burials will not be allowed in that Lot until all issues have been resolved.

**Article 4** - Cremains - All cremain Interments must be made in accordance with NYS Cemetery Law and Riverside Cemetery Bylaws and Rules. These Interments are treated the same as any other Interment and must be properly recorded by the Cemetery Association. The Administrative Fee, State Mandate and in some cases, the State Vandalism Fee must be paid prior to the Interment according to NYS Cemetery Law.

**Article 5** - No vault or mausoleum shall be built above ground without the permission of the board of directors and then only in such location as they may approve.

**Article 6** - All foundations will be constructed by or under the direction of Riverside Cemetery Association.

**Article 7** – Memorial Requirements

- a. Provisions must be made in advance for permanent grave markers, providing the name of the deceased and the date of death. It must conform to the size, shape and

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material specified by Riverside Cemetery. The request may require the signatures of the lot owners or appropriate heirs.

- b. Monuments must be constructed of appropriate natural material, such as granite or marble.
- c. All foundations will be installed under the control of Riverside Cemetery. There will be no exceptions without approval of the Cemetery Officers and Trustees. Monuments cannot be delivered until approved by the Superintendent or a cemetery officer.
- d. Monuments must be placed at the head of the grave except for horizontal monuments such as Veterans Plaques.
- e. Grave plots intended for Cremains (See Appendix A) can have a vertical monument at the head of the grave and a horizontal monument in the center of the plot. This center marker cannot exceed 3'W x 1'D.
- f. Monument size limit is dependent on the number of contiguous plots. Maximum width is 36" on a single lot, 48" on a double lot, and 60" on a triple lot and 72" on a quadruple lot. Maximum height is not to exceed 36" on a single lot.
- g. Veterans Military Memorials, furnished by the Veterans Administrations are exempt from any of the above.
- h. No part of the monument can extend into the lot mowing lane.

**Article 8** – The Orientation of remains in the graves may vary from Tract to Tract but the same orientation is to be maintained as others within the tract.

**Article 9.** Requirements for graves with cremains are as follows:

- a. A maximum of two cremains are allowed under normal conditions. The first cremains burial will be at the head of the grave 1' from the area of any memorial and the second 1' below the center of the grave. They are identified as Upper (U) and Lower (L) in cemetery records.
- b. Special considerations for more can be allowed under special agreement with the cemetery board with additional fees and conditions as necessary. See Appendix A.
- c. Each of the two Cremain sites can contain a Cremain Vault or Urn. Each Vault/Urn is limited to a maximum of 18" (width, length and height).
- d. If total weight of Urn(s) and Vault exceeds 25#, advance permission must be obtained from the Cemetery officials.
- e. In cases of Cremains burial in a grave containing a casket, special arrangements must be made in advance with Cemetery officials.
- f. To allow for more than two cremains, this must be disclosed when purchasing the lot. Additional charges may apply.

**Article 10** – Burials:

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- a. No interment is allowed to take place without the Superintendent or other Association Officer present.
- b. Burials will supersede any other activity within the cemetery.
- c. Administrative information must be provided prior to or at the time of the funeral. It will include Full Name, Date of Birth, Date of Death, Place of Death, Tract/Site/Grave#, Funeral Home name, Military Service Branch and Service Dates. other information can be accepted by the Association for their records at the family's discretion.
- d. All fees are due prior to the burial according to NYS Law.
- e. Except for allowances for Cremain Plots (Article 9.), a maximum of **one** full burials per grave or two cremains per grave are allowed. Special approval must be obtain from the association for more than one full burials.

**Article 11** - No monument will be allowed to be delivered to the Cemetery until the foundation is installed and ready to receive the monument.

**Article 12** - Concrete vaults or concrete grave liners are required for interments in all graves purchased on or after March 20, 1997.

**Article 13** - The grade of all lots will be determined by the board of directors.

**Article 14** - To encourage the use of natural decorations, artificial flowers and arrangements will only be allowed between November 1 and April 15 - Grounds-keeping personnel will remove any remaining artificial decorations prior to Memorial Day.

**Article 15** - Riverside Cemetery reserves the right to remove all flowers, wreaths, or other decorations from lots as soon as they become unsightly.

**Article 16** - Placing of glass blocks or vases as receptacles for flowers, either artificial or grown, on graves or plots, is prohibited.

**Article 17** - Riverside Cemetery reserves the right to remove, after due notice to the lot owner, any embellishment on the lot, effigy or inscription which, in the opinion of the majority of the directors, is unsightly or dangerous.

**Article 18** - Riverside Cemetery reserves the right to restrict the planting of shrubs and trees and to remove, after due notice to the lot owner, any shrub or tree deemed dangerous to the public or grounds-keeping personnel. Any plants with thorns are prohibited.

**Article 19** - Any stones or other material, which project away from the headstone (*Maximum of 18"*) and interfere with grounds-keeping are also prohibited.

**Article 20** - The proprietors of lots and their families shall be allowed access to the grounds at all times between dawn and dusk, observing the rules which are or may be adopted for the regulation of visitors.

**Article 21** - Scheduled Funerals In-Progress have full priority over other visitors.

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**Article 22** - Children are not permitted to visit the grounds unless accompanied by their parents or Adult Leader entrusted with their care.

**Article 23** - Appropriate respect for persons mourning at gravesites will be observed at all times.

**Article 24** - No dogs are permitted unless leashed and the owner equipped with devices/material to immediately remove any droppings.

**Article 25** - Visitors will not be permitted to enter lots that are fenced, unless the gates are unlocked; nor to walk over or upon any graded lots without the consent of the owner thereof.

**Article 26** - If any person leaves any rubbish or other items on any road, alley or lot, it may be removed by cemetery personnel and the lot owner billed for any costs.

**Article 27** - Association retains the right of first refusal to buy back unused lots in according with NYS Cemetery Law.

**Article 28** - If, in the opinion of the superintendent, winter conditions such as frost, snow or other weather issues may cause damage to the cemetery or increase the risk of injury to attendees; graves will not be opened. If the superintendent does allow burials during the winter months, any additional costs incurred (e.g. snow clearing, etc) will be the responsibility of the family and must be paid prior to the burial.

## **Section Three - Responsibilities of Lot Owners**

**Article 1** - All lot owners are required to notify the Cemetery of any change in address. All notices required to be sent shall be sent to the last recorded address and such notices shall be deemed adequately serviced.

**Article 2** - Lot owners are prohibited from allowing interments to be made on their lots for compensation.

**Article 3** - Permission by a lot owner to inter in his/her lot, given to other than members of his family, must be made in writing, duly witnessed and delivered to the association by the lot owner. Lot owners cannot transfer or assign lots without written permission from the association. Ancestral tracing may be required by the association (e.g., marriage records, birth certificates, etc)

**Article 4** - The proprietor of each lot may erect any proper monument or sepulchral structure thereon, and with the consent of the Directors, cultivate trees, shrubs or plants on the same; except that no slate stone shall be set in any other than a horizontal position; and no tree growing upon the lot, or border, shall be cut down or destroyed, without the consent of the Directors. Foundations for monuments shall not be less than Three and a half inches thick. Larger monuments may require thicker foundations and must be approved by cemetery officials. Foundations shall be constructed of concrete.

**Article 5** - To minimize cemetery maintenance costs, lot owners and their families are

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encouraged to make every attempt to remove dead flowers in a timely manner, trim shrubs and, in general, maintain their gravesites. No obstacles shall be placed in the mowing paths. Any vegetation must be contained in the general confines of gravesite memorials in a way that does not obstruct a clear mowing path.

**Article 6** - If any lot remains in a neglected condition after the owner has been notified, the Association may advise the Superintendent to make the necessary improvements at the expense of the owner.

**Article 7** – Lot owners are encouraged to consider their wishes for future usage of their lots after their own demise. Their legal wills or notarized affidavits to the Association can be utilized to assure that their wishes regarding their cemetery rights are perpetuated.

*Changes approved by the Board of Trustees on May 1, 2021 & NYS DOC July 7, 2021*

## Appendix A

### Multiple Cremains Layouts

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