

***Rules and Regulations of Churchyard at St. Mary's Episcopal Church
324 East Main Road, Portsmouth, RI 02871***

Approved by the Rector & Vestry

Date: September 27, 2018

For the mutual protection and benefit of plot owners, and the Churchyard, the following Rules and Regulations have been adopted for the private Churchyard of St. Mary's Episcopal Church. All plot owners and visitors within the Churchyard, and all plots sold, shall be subject to said Rules and Regulations, amendments or alterations shall be adopted by the Vestry and Rector from time to time. To purchase a plot, contact the Parish Administrator. Plot sizes are approximate.

In order to maintain the churchyard the following Rules & Regulations are enforced.

Definition of Terms

The following definitions apply in the interpretation of these Rules and Regulations, unless the context requires another meaning:

1. The term "Committee" shall mean the Churchyard Committee members of St. Mary's Episcopal Church, duly appointed by the Vestry, hereafter, singly or jointly referred to as the Committee.
2. The terms "plot", or "burial space" shall be used interchangeably, and shall apply with like effect to one or more than one adjoining grave.
3. The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation or full body burial.
4. The term "memorial" shall include a marker or headstone for the family or individual use.
5. The term "deed" shall mean the "right to use", not to own.
6. The term "income" shall mean money received from plot sales, churchyard fees, and miscellaneous income.

A. General Supervision within the Churchyard

1. All persons, vehicles and funerals within the Churchyard are subject to the control and order of the Rector.

B. Interments and Disinterments

1. Besides being subject to these Rules and Regulations, all interments and disinterments are made subject to the orders and laws of the properly constituted authorities of the town, county and state.
2. All interments and disinterments must be made in accordance with these Rules & Regulations.
3. At least forty-eight (48) hours' notice prior to any interment and at least one week's notice prior to any disinterment is required.
4. When the location of an interment space in a plot cannot be obtained, or the precise location not identified, or when, for any reason the interment space cannot be opened where specified, the Rector may, in her/his discretion, open it in such location in the plot as she/he deems best

and proper, so as not to delay the funeral; and the Committee shall not be liable in damages for any error so made.

5. The Churchyard Committee reserves, and shall have the right to correct any errors that may be made in relation to interments and disinterments. Other interment property of equal value and similar location as far as possible, may be selected by the Committee, or, in the sole discretion of the Committee, by refunding the amount of money paid on account of such purchase. In the event such error shall involve the interment of the remains of any person in such property, the Committee reserves, and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar location.
6. The Committee shall not be liable for the interment permit nor for the identity of the person sought to be interred.
7. No interment shall be permitted or memorial placed in or on any property not fully paid for except by special consent of the rector. In the event consent is given, any and all memorials cannot be placed in or on said property until payment is received in full.
8. One full casketed burial plus one cremated remains allowed in one grave or two cremated remains are allowed in one grave.
9. No animals or cremated remains of animals are to be interred in the Churchyard.
10. Undertakers must remove their equipment immediately after interments.
11. The Committee reserves the right to refuse the interment of any person in order to preserve the serenity of the Churchyard.
12. All full body burials must have a liner or a vault.
13. All cremated remains must be placed in a liner and buried. Under no circumstances shall cremains be placed on the surface of the soil or scattered anywhere in the churchyard.

C. Disinterments

1. Removal, by the heirs, of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the express or implied wish of the original plot owner, is absolutely forbidden.
2. A body, or cremated remains, may not be removed from its original plot to another plot in the Churchyard.
3. The utmost care will be exercised in making a removal but the Committee, or those working on their behalf, shall assume no liability for damage to any casket, outer burial container or urn incurred in making the removal.

D. Control of Work within the Churchyard

1. No trees, no shrubs and no flowers of any kind shall be planted. No synthetic flowers or plants shall be left on graves. No planting containers or pots of any kind shall be left on graves or in the churchyard.
2. All improvements or alterations of individual property in the Churchyard shall be under the direction of and subject to the consent, satisfaction and approval of the Churchyard Committee. The Committee shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner, or, in any event, at any time, in their judgment, they become unsightly.
3. The Committee shall have the right to enter said plot and remove said trees or shrubs or such parts thereof as they shall determine to be detrimental, unsightly or inconvenient.

E. The Care of Plots

1. All plots are under perpetual care.
2. The term “perpetual care”, used in reference to plots, shall be held to mean the cutting of the grass upon said plots at reasonable intervals, the raking and clearing of plots. Said grounds shall remain and be reasonably cared for as Churchyard grounds forever.
3. It is agreed between the purchaser and the Vestry that a portion of said funds, not less than 20% of payment for plot will be deposited with others of like character and intent, to the end that the income from such perpetual care fund/churchyard fund shall be used in the general improvement and perpetual care as above defined. In no case shall their deposit be construed as a contract to care for any individual property or space.
4. The deed issued shall show the amount paid to the perpetual care fund.

F. Decoration of Plots

1. No items with the exception of headstones, markers and fresh flowers, wreaths and arrangements may be left on grave.
2. The Committee and those working on their behalf, shall have the authority to remove anything on the grave.
3. The only flags permitted are American flags.
4. Flags are restricted to one (1) American Flag per veteran grave.
5. All items placed at graveside burial shall be permitted for only two weeks after interment.

G. Changes in Grade and Replanting

1. The rights to enlarge, reduce, replant or change the boundaries or grading of the Churchyard or of a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks or any part thereof, are hereby expressly reserved by the Committee. The right to lay, maintain, and operate or alter or change pipe lines or gutters for drainage, etc., is also expressly reserved, as well as is the right to use Churchyard property, not sold to individual plot owners, for Churchyard purposes including the interring and preparing for interment of deceased person/s or for anything necessary, incidental or convenient. The Committee reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.
2. No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Churchyard, but such road, drive, alley or walk may be used as a means of access to the Churchyard or buildings as long as the Committee devoted it to that purpose.
3. The grade of plots shall not be changed.

H. Regulations of Memorial Work

1. Workmen engaged in placing or erecting headstones and other structures, or bringing in materials, shall as to the Committee, operate as independent contractors.
2. Workmen engaged in erecting headstones or markers are prohibited from attaching ropes to headstones, trees and shrubs or from scattering their material over adjoining plots, or from blocking roadways and pathways, or from leaving their material on the grounds longer than is absolutely necessary.
3. They must do as little damage to the grass, trees and shrubs as possible.
4. While a funeral or interment is being conducted nearby, all work of any description must cease.
5. Approaching the bereaved and soliciting memorial business within the Churchyard is not permitted.
6. Memorial dealers shall abide by all Rules and Regulations of the Churchyard.

7. Independent contractors are liable for any damage caused.

I. Headstones and Markers

1. Only one central or family headstone shall be allowed on a 4 grave plot placed centrally over the 4 graves. Headstones are not allowed on 2 grave plots.
2. Markers shall be flush with the ground.
3. While the Committee shall exercise all possible care to protect the headstone or other structure, on any plot, and the raised lettering, carving, or ornaments on such headstone, or other structure, it disclaims responsibility for any damage or injury thereto.
4. Only 1 marker allowed on each grave. Two grave plot maximum is 2 markers. 4 grave plot maximum is 4 markers. Veteran markers do not count against the total markers.
5. No urns may be placed on the grave above ground. Headstones and markers must be properly set by St. Mary's designated contractor.
6. No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any plot and/or memorial; and no walks or covering of brick, cinders, tile, stone, marble, terra-cotta, sand, cement, gravel, or wood shall be allowed on any plot. The Committee reserves the right to remove the same if so erected, planted or placed.
7. All stone fronts and markers shall face East Main Road.
8. Churchyard Committee shall not take any responsibility as to the conditions of headstones or markers.
9. Headstones on a four grave plot may not be erected or placed until payment for plot is complete. Markers may not be placed on plot until payment for plot is complete.
10. All companies or workmen engaged to erect headstones, install foundations, etc. must secure permission from the Committee before undertaking any kind of work in the Churchyard. All companies and workmen must be properly insured.

J. Plan Design and Finish

1. The Churchyard Committee shall have authority to reject any plan or design for any headstone or marker which, in the opinion of the Committee, because of continuity of presentation, placement, size, design, inscription, kind or quality of stone is unsuited to the plot on which it is to be placed, or is not in conformity with the Rules and Regulations.
2. The Committee reserves the right to stop all work of any nature whenever, in its opinion, proper preparations have not been made, or when tools and machinery are insufficient or defective, or when work is being executed in such a manner as to threaten life or property; or when the headstone/marker dealer has misrepresented its work; or when a reasonable request on part of the Committee has been disregarded.
3. The completed work is subject to the approval of the Committee, and if unsatisfactory, it may be removed.
4. Design, size, locations and material for all headstones must be submitted for approval. The Churchyard Committee shall have the right to decide upon the height, length or width of any headstone on any plot. Under no circumstances shall an upright stone and base be larger than four feet long, three feet six inches in height from the ground, and fourteen inches wide. The upright position of all stones must be maintained by the family. Limestone, sand-stone, wood or soapstone shall not be allowed for headstones. Flat markers may not be larger than 12 inches by 24 inches.
5. Graves are approximately 3 feet by 8 feet.

K. Foundations and Setting

1. All foundation and setting work will be done by an independent contractor selected by the Committee as a guarantee of good work and as a protection to all plot owners. The cost of the foundation and setting shall be borne by the owner of the plot.
2. Foundations will be made at least as large as the bottom base or first masonry course above ground. The Committee reserves the right to require a larger foundation when, in its opinion, the weight of the structure requires it. Foundation orders must specify the exact size of such bottom base.
3. Headstones will have a six foot deep foundation.
4. Foundation and setting charges shall be payable in advance.

L. Conduct of Persons within the Churchyard

1. Persons when within the Churchyard grounds shall use only the roads and walks and any person injured while walking on the grass or while on any portion of the Churchyard other than walks and roads, shall in no way hold the Committee liable for any injuries sustained.
2. No defacing or otherwise damaging headstones or structures.
3. Receptacles for waste materials are located at convenient places. Throwing rubbish on the drives and paths or on any part of the grounds or buildings is prohibited.
4. Speed limit in churchyard is 5 miles per hour, and cars must be kept to the right side of the Churchyard roadway, unless otherwise directed. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless in attendance at the funeral.
5. Automobiles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. Vehicles must not be left running during the funeral.
6. No vehicle shall be driven across any grave, plot or lawn nor parked or left thereon. It is prohibited to park or leave any vehicle on any road within the Churchyard at such a location or position as to prevent any other vehicle from passing the same. If so parked the vehicle will be removed.
7. The sale of flowers or plants, or soliciting the sale of any commodity, other than by employees of the Committee, is prohibited within the confines of the Churchyard.
8. No firearms shall be permitted within the Churchyard except at military funerals or on special written permit of the Rector.
9. It is important that there is strict observance of all the proprieties of the Churchyard; the Rector shall have the power to prevent improper assemblages or actions.
10. The Rector is empowered to enforce all Rules and Regulations, and to remove from the property any person violating the same. The Rector shall have charge of the grounds and buildings and shall have supervision and control of all persons within the Churchyard, including the conduct of funerals, traffic and employees. To protect and promote the best interest of the Churchyard, she/he is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.
11. The Churchyard is open only during daylight hours to plot holders and visitors.

M. Protection from Loss or Damage

1. The Committee shall take reasonable precautions to protect plot owners and the property rights of plot owners, within the Churchyard, from loss or damage; but it distinctly disclaims all responsibility for loss or damage from causes beyond its 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 damage be direct or collateral, other than as provided.

N. Service Charges and Overdue Indebtedness

1. The charges for the Churchyard services must be paid at the time of the issuance of the order of interment or disinterment.
2. The Committee reserves the right to refuse to do or allow to be done work of any character, including interments in or upon any plot until arrangements have been made for payment of any and all indebtedness due the Churchyard for work performed in or upon the plot.

O. Deed and Rules & Regulations are Sole Agreement

1. The deed and these Rules and Regulations and any amendments thereto shall be the sole agreement between the Committee and the plot owner. The statement of any employee or agent, unless confirmed by Rector or Committee, shall in no way bind the Committee.

P. Modifications and Amendments

1. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The rector therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appears advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.
2. The Vestry may, and it reserves the right, at any time, to adopt new rules and regulations, or to amend, alter or repeal any rule, regulation, section, paragraph or sentence in these Rules and Regulations.

Q. Transfers or Assignments of the Deed

1. Transfers and assignments or interests therein shall be made by original owner(s) of said plot only, unless the death and burial or other disposition of the original owner(s) is proven to the satisfaction of the rector or senior warden, and such be recorded.

R. Buy Back Policy

1. The owner of an unused two grave or four grave plot may sell the plot back to the Churchyard at the original purchase price, plus an administrative fee of one hundred and fifty dollars (\$150).
2. The Committee may refuse to buy back a plot subject to available funds.

S. Miscellaneous

1. Should any headstone or marker become unsightly, dilapidated, or a menace to visitors, the Committee shall have the right to either correct the condition or remove the same, at the expense of the plot owner.
2. No headstone or marker shall be removed from the Churchyard except by the Committee.
3. No advertising of any description, except that placed by the Committee, shall be permitted in the Churchyard.

**St. Mary's Churchyard
324 East Main Road
Portsmouth, RI 02871**

I/We _____ & _____, of
_____ as purchaser(s) of Plot # _____ have
received a copy of the Rules and Regulations of St. Mary's Churchyard prior to purchase/burial.
I/We understand them, and agree to abide by them.

Signature(s)

Date
