

**Riverside Cemetery Association  
Fargo, North Dakota  
Rules and Regulations**

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# **RIVERSIDE CEMETERY ASSOCIATION**

## **RULES AND REGULATIONS**

### **I. General Information**

Riverside Cemetery was established in 1878, and became incorporated as a nonprofit organization in 1903. Riverside is a non-sectarian cemetery that provides burials for persons of any race, color, creed, and religious denomination.

Riverside Cemetery is overseen by a Board of Directors. A portion--20% of all lot, crypt and niche sales are placed in a perpetual care trust fund for maintaining the grounds and buildings. It is the objective of the Board of Directors, Manager, and staff to provide a dignified, attractive Cemetery and service that is personal and caring. Therefore, it is necessary to institute rules and regulations to manage the activity within our Cemetery.

The intention of these rules and regulations is not to restrain, but rather to maintain the over-all beauty, character, and level of trust and reputation we hold at Riverside Cemetery.

The Cemetery Manager and staff have the authority to enforce all rules and regulations and to exclude from the Cemetery, any persons violating or disrespecting the premises and its rules and regulations. In addition to having full charge of the Cemetery grounds and buildings, the Manager and staff are responsible for the supervision and control of all persons visiting the Cemetery including: the conduct of funerals, traffic, lot owners, and visitors.

Riverside Cemetery Association has the right to adopt additional rules and regulations or qualify, alter, or repeal any of the defined rules, regulations, paragraphs, sections, or sentences at any time, and without notice.

Riverside management is authorized to make any exceptions, deferments, or changes to any rule or regulation without notice, when the result of such action is necessary in the enduring best interest of the Cemetery.

### **II. Purpose**

Riverside Cemetery's purpose, under the North Dakota Board of Funeral Directors is restricted to the burial and cremation of the human dead and activities directly related thereto.

### III. Definitions

- Cemetery is defined as all property presently and hereafter owned or otherwise operated by the Riverside Cemetery Association (the association) at 2102 5<sup>th</sup> Street South, Fargo, North Dakota for Cemetery purposes including, but not limited to: common areas, roadways, burial grounds, crematory, mausoleums, and all other buildings and improvements located thereon.
- Lot Owner refers to the owner of interment rights, crypt or niche entombment rights, as granted by the Association to the purchaser or if deceased to the legal successor or next of kin.
- Interment/Inurnment shall mean the burial, crypt or niche entombment, of a deceased person.
- Deed is a notarized document showing evidence of purchase on a lot and by whom it is owned.
- Certificate is a notarized document showing purchase of a niche or crypt and by whom it is owned.
- Burial shall mean the placement of human remains in a grave.
- Entombment is the placement of human remains within a crypt or niche.
- Lot, grave, or burial space (may be used interchangeably) refers to one or more grave, crypt, and or niche.
- Mausoleum is defined as a building used for entombment of human remains in crypts or niches.
- Niche is a recess in the wall in the mausoleum which placement of individual cremation urns are interred.
- Cremaains refers to the cremated human remains also known as “ashes.”
- Association/Manager is defined as the supervisors and or Officers who have the obligation for the administration and operation of the Cemetery.

#### IV. General Rules

- i. The Cemetery will at all times make a reasonable effort to protect anything within the Cemetery against loss or damage. However Riverside Cemetery Association disclaims any responsibility for loss or damage from causes beyond our control, defined as but not limited to: damage caused by the elements, an act of God, thieves, vandals, floods, explosions, and un-avoidable accidents, whether the damage be direct or collateral.
- ii. Visitors within the Cemetery are to remain on the established roads and walking paths.
- iii. Visitors to the Mausoleums are required to be in proper and respectful attire; shoes and shirts are required within our premises.
- iv. The behavior of all visitors within the Cemetery must respect the area as a sacred and respectful place. Any noise or boisterous conduct is forbidden. The following are strictly prohibited within Riverside Cemetery:
  - a. The use of alcohol, illegal substances, or chemicals
  - b. Consuming lunches, refreshments, or picnics of any kind
  - c. Idling or loitering on the grounds or within buildings
  - d. Any signs or notices not approved by the Manager
  - e. Peddling or soliciting
- v. No firearms are permitted within the Cemetery except on the occasion of a veteran's funeral, memorial services, and law enforcement.
- vi. No hunting, fishing, or disturbing of wildlife is allowed within the Cemetery.
- vii. Pets are allowed but need to follow the leash law of the City of Fargo, which requires that your pet remain on a leash when it is not on your property. The leash should not be more than six feet long. When you walk your pet, you must carry along supplies that will allow you to clean up any solid waste deposited by your animal.
- viii. The Cemetery hours are: from May 1<sup>st</sup> through September 30<sup>th</sup>, 8AM to 8PM, and October 1<sup>st</sup> through April 30<sup>th</sup>, 8AM to 5PM. All persons are to enter and leave through the front gates during operating hours. Mausoleums are locked to the public, only visitors of a loved one are allowed within the facility. Any persons found on the grounds after stated closing hours are trespassing and subject to legal action.
- ix. All motor vehicles within Riverside Cemetery must operate with a level of caution and concern for other visitors. No speed over 20 mph is to be driven within the Cemetery. All motor vehicles must remain off the grass and only to be parked on roadway surfaces. Riverside Cemetery reserves the right to ingress and egress over lots for the purpose of care taking and maintenance.

- x. It is the Associations objective to provide a place of beauty and peace. Lot owners and visitors should abide by the following rules for any planting on lots; in order to provide a dignified, respectful cemetery for visitors while meeting the standards of our reputation.
  - a. Designated areas allow planting of flowers or shrubs however they must not extend onto other neighboring owner's lots and are to be planted by the upright monument. Flowers are allowed in containers such as planters or vases, which can be lifted by one person for mowing and trimming.
  - b. Riverside Cemetery is not responsible for watering or maintaining planted flowers, trees, or shrubs on lots, that is the responsibility of the lot owner. Riverside Cemetery has the right to cut down or remove any planted flowers, trees, or shrubs if they become unsightly and not being maintained to Cemetery standards.
  - c. The following flowers/shrubs are prohibited from being planting: Roses, Lilacs, and peonies.
  - d. Artificial/ plastic flowers, plants or displays will be removed by October 1st. Riverside Cemetery staff and management have the right to remove any unsightly, damaged, or unseasonal decorations in their discretion.
  - e. Evergreen wreaths are permitted from November 1 through the Holiday season and will be removed during spring clean-up, or when they become unsightly.
  - f. Riverside Cemetery Association is not responsible for loss or damage to flowers, plants, shrubs, containers, shepherd hooks, statues, wreath or flower holders.
- xi. Photographs for commercial, personal use, or private gain are forbidden; with the exception and approval of next of kin, photographs of funeral services, interments, and memorials by lot owners, family members, and friends are permitted.
- xii. All fees or charges for services may be paid at the Cemetery office located on the grounds during operating hours.

- xiii. Riverside Cemetery Association reserves the right to enlarge, reduce, re-plot, or change boundaries of the Cemetery in any section as well as modify, change or remove roads, drives, and walk ways. The reservation also includes the right to lay, maintain, alter, or change pipelines, gutters, electric lines, sprinkling, and drainage systems. Riverside Cemetery Association holds the right to locate/ relocate, alter, and remove flower gardens, shrubs, trees, and decorative items as deem fit.
- xiv. Lot owners are responsible for notifying the office of any changes in address. Notices will be sent to lot owners with the last given address on file in the Cemetery office, which will be sufficient and proper legal notification.
- xv. The Association shall have the right to correct any errors made in interments, disinterment's, or removals, in the description, transfer or delivery of any interment property; by the canceling, substitution, or conveying in the exchange thereof, other interment property of equal value and similar location, or as selected by the Association, or in the sole discretion of the Association, by refunding the amount paid by the purchaser. If such error involves the interment of remains of any person the Association have, the right without further liability whatsoever to remove, and /or transfer such remains so interred to property as properly conveyed or to such other property of equal value and similar location as substituted and conveyed in lieu thereof. This includes the proper notification as stated in Rule xiv and without further notice to enter upon any other lot other than for sole purpose of disinterment and re-interment to correct errors. No right of action against the Cemetery Association or its officers, directors, and employees will accrue to any person(s) unless wrongful interment and or disinterment was the result of conscious, malicious misconduct.
- xvi. If the association is unable to make an interment or entombment of any lot, crypt, or niche for any reasons beyond its control, or if a burial space in the discretion of the association, is not, at the time of burial, suitable for interment, or entombment; the association may without any further liability convey in exchange therefore, other interment property of equal value and similar location, or in the sole discretion of the association, refund the amount paid by the purchaser.
- xvii. No more than one human remains be interred in a single grave except in the case of mother/child or twin infants can be in one casket. Three (3) cremated remains may be interred on top of a single interred casket.
- xviii. All full body interments are required to be in a vault constructed of steel or concrete for proper reinforcement, to eliminate sunken graves as well as maintain a high standard of care, and comply with North Dakota Law.
- xix. Riverside Cemetery reserves the right to open and close graves; no other person is authorized to be digging on the grounds; except for planting purposes, or assist in the opening and closing of internments/disinterments.

V. **Interment, Entombments, Disinterment, or Re-interment**

- i. All interments, entombments, or disinterments must occur Monday through Saturday between 8:00 A.M. and 5:00 P.M, and be made with a 24 hour notice ahead of time. Additional notice will be needed during winter months due to the thawing of the ground prior to digging. All disinterments and re-interments must be scheduled at least one (1) week in advance.
- ii. Additional opening/closing fees will be charged for Saturday burials. Certain exceptions and provisions may be made with the Manager, and may be subject to additional fees.
- iii. No Interments, entombments, disinterment, or re-interments are permitted on the following holidays: New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Day and Veteran's Day.
- iv. No interment will be allowed if there is an outstanding balance with the Cemetery unless an arranged payment plan has been accepted by the Manager.
- v. A burial permit from the North Dakota Department of Health must accompany all human remains being brought to the Cemetery, to be signed by Cemetery Manager.
- vi. A casket within the Cemetery is not to be opened, except for cremation, without proper authorized family member(s), or family representative of the deceased, or as court ordered.
- vii. Riverside Cemetery Association will exercise reasonable precaution and care in the removal of a casket or urn however, it will not be liable for damage to a casket or urn or the remains during the process. Riverside Cemetery Association is not responsible for any cost if a new casket or urn needs replacement.
- viii. All disinterments or removal of cremains will require authorization, in writing, from the owner of the lot in which the interment is made or by the legal next of kin to the decedent and/or by court order.
- ix. All cost associated with a disinterment or re-interment must be paid in full prior to the removing of remains.

## VI. Mausoleums

- i. Mausoleums remain locked at all times; rightful owners of crypts and niches are given a key to access the Mausoleums at the time of sale. If one was not given please contact the Cemetery office.
- ii. All entombed remains are to be in a durable rigid container approved by the Association.
- iii. All entombments and cremation urns are to be placed by Riverside Cemetery.
- iv. All cremated remains to be entombed in the Mausoleum are to be in an urn or temporary container that is; rigid, permanent, non-combustible, and heat resistant material approved by the Association and of a size that will accommodate the intended space.
- v. Silk flowers are allowed in the Mausoleum however, fresh flowers and/or plants are prohibited inside. We ask that a maximum of two (2) displays per family be observed. Pictures, memorials etc. are not allowed to be attached on any crypt faces or niches. Riverside Cemetery staff reserves the right to remove any decorations to uphold the standards of the Cemetery.

## VII. Cremation

- i. Riverside Crematory is dedicated to the cremation of the human dead and is governed in accordance with applicable laws.
- ii. All permits, authorizations, and other Association requirements to cremate must be completed and brought with the deceased at the time of disposition.
- iii. All electronic devices, implants such as; heart pacemakers, infusion pumps, etc. must be removed from the body prior to cremation.
- iv. All jewelry, plastic, metal, and personal possessions must be removed prior to being brought to Riverside crematory.
- v. The Association requires the deceased being cremated, be brought in a fully enclosed rigid type combustible container. No containers made of fiberglass, plastic, or metal will be accepted.
- vi. The crematory will receive bodies for cremation Monday through Saturday during Cemetery operating hours: 8 AM to 5 PM. Exceptions can be made with the Manager, however additional fees may apply.
- vii. No body is to be received for cremation other than from a licensed funeral home with all proper authorization forms signed by legal next of kin and licensed funeral director.
- viii. Cremated remains will be released in accordance with stated directions on the authorization form, by depositing the remains with the us mail or another authorized carrier or at pick up by an authorized representative. The Association assumes no further responsibility.

### **VIII. Veteran's Section**

- i. The veterans section is open to men and woman who served honorably in the military. The U.S. Government provides a 2' X 1' bronze or granite flat marker for all veterans at no charge. This is a flat marker section only, all up-right monuments are prohibited.

### **IX. Consent and Approval**

- i. No interment other than that of a family member, immediate relative or heir of the lot owner can be made in any lot without the written consent of the lot owner or heirs.
- ii. No sale, transfer, or assignment of any lot shall be valid unless the Manager has been notified in writing with the names of buyer and seller and the amount of the sale. An administration charge may apply for any transaction.
- iii. All monument dealers, vendors, or contractors employed to deliver, construct, install, letter, clean, repair, or do any other work pertaining to monuments, markers, memorials, etc. at Riverside Cemetery must first be approved by the Manager.

### **X. Monuments and Markers**

- i. Riverside Cemetery reserves the right to reject any monument, marker, or memorial which does not conform to the rules and regulations/ and beauty of sections where they are placed. Designated sections of the Cemetery only allow flat markers, while other sections allow either flat marker or upright monuments.
- ii. All lots must be paid in full before a monument can be placed. All monuments are subject to a setting fee.
- iii. The foundation under the monument must not extend onto other lot owner's lots. A four to five-inch margin is ideal.
- iv. No monument is to exceed above a height of 5 Feet, this includes the base, unless otherwise approved by the Manager. All flat markers must, when set, be flush with the top of the sod.
- v. Markers in the infant section are to be a maximum of 8 inches by 16 inches with a 3-inch concrete border. Markers on a single lot are not to exceed 34 inches including the border. Monuments on a single lot must have a base of 30 inches maximum. On 2 grave lots the monument base must not exceed 5 feet in length. Markers on 2 grave lots are not to exceed 68 inches including the border. For 3 graves lots the monument base must not exceed 7 feet 6 inches in length. Markers on 3 grave lots must not exceed 8 1/2 feet including the border.
- vi. Should any monument and/or marker become unsightly, dilapidated or become a tipping hazard; the Cemetery reserves the right to correct it or remove it at the expense of the owner. Any memorial that is top heavy and poses a stability issue must be pinned with steel rods.

XI. **Riverside Cemetery Contact Information**

Riverside Cemetery Association  
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P.O. Box 1703  
(701) 235-2671

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