

Bayside
Constitution and
Rules & Regulations

Approved May 2021

Constitution

Article 1. The name of this Cemetery located in the Town of Potsdam, St. Lawrence County, shall be "Bayside Cemetery."

Article 2. The officers of the Association shall be fifteen trustees, elected according to the provision of the Act of Incorporation. **Up to five of the fifteen Trustees may be persons not owning a lot at Bayside, and shall have full voting privileges.** In the business meeting that immediately follows the trustee election, the trustees shall elect from their number a president, vice president, secretary, and treasurer.

Article 3. Annual election of trustees shall be by ballot at the annual lot-holders' meeting in May. If the election is not held that day, the trustees have the power to appoint another day not more than sixty days thereafter. Any person over age 21 who owns the rights to a lot or plot in the cemetery, or that owner designated as representative if there be more than one owner, may either in person or by proxy cast a vote during elections and the business meeting of the annual lot-holders' meeting.

Article 4. It shall be the duty of the trustees to give public notice of the time and place of the annual election two weeks immediately preceding such election.

Article 5. The trustees at each annual election shall make reports to the lot-holders of their work on behalf of the cemetery and of the management and condition of the property and the concerns of the Association.

Article 6. Amendments to this Constitution and to the Rules of this Association may be made at any meeting of the trustees by approval of three-fourths (nine) of the fifteen members of the board.

Rules & Regulations for Proprietors of Lots.

1. All lots shall be held in pursuance of the Act entitled "An Act authorizing the Incorporation of Rural Cemetery Associations," passed April 27, 1847 (with the Acts since passed amending it) under which this association was incorporated by recording of the necessary certificate of incorporation on the 30th of October, 1865, and shall not be used for any purpose other than as a place of burial for the dead.
2. All interments in lots shall be restricted to the persons identified on the Right of Interment document, or to the persons specified in writing by the holder or the most immediate descendants, as defined by the New York State Cemetery Board's chart of consanguinity.
3. The individual or individuals who purchase a gravesite or gravesites hold the Right of Interment to those sites, which gives them the authority to specify who will be buried and where on those sites.
4. In the absence of a Right of Interment document and a written interment list, the owner of a grave or graves shall be the living direct descendants of the original purchaser, as defined by the chart of consanguinity published by the Division of Cemeteries, New York Department of State. The persons so determined shall have the same authority over those graves as the original purchaser.
5. A person who can not show a Right of Interment document for a gravesite may request to be buried in an empty grave in a lot purchased by a direct ancestor by filing with the sexton a copy of our notarized affidavit requesting interment. Burial will be conducted unless challenged by other descendants.
6. The Right of Interment document holders of any lot may arrange to erect a monument upon it, subject to the approval of the Grounds Committee.
7. Purchase of a Right of Interment in a gravesite includes perpetual care of the grading and grass. Deed holder is responsible for care of any plantings added. Perpetual care includes monitoring the condition of memorials erected on the site. Deed holder is responsible for repair of memorials.
8. If any tree or shrub situated in any lot, shall by means of its roots or branches, or otherwise become dangerous, the Trustees shall ask the Right of Interment holder to address the problem. If the holder does not act within ten business days, the Trustees have the power, and it shall be their duty to enter upon said lot and remove the said tree or shrub, or such part or parts thereof, as may by them be regarded as detrimental, dangerous or inconvenient.
9. If a monument on a grave or graves must be moved, temporarily or permanently, in order to make room for another interment in those graves, it will be at the sole expense of the Right of Interment holder.

Bayside
Constitution and
Rules & Regulations

Approved May 2021

10. If any monument, vault tomb, effigy, railing, or any structure whatever, be placed in or upon any lot, which shall be deemed by the Trustees to be improper in design or dangerous in condition, the Trustees may, and it shall be their duty, after due notice shall have been given to a Right of Interment holder of the lot to correct the problem, to seek a court order to enter upon such lot and remove the said offensive or improper object or objects.
11. Disinterments shall follow item 1510 € of the Not For Profit Corporation Law. To wit, "A body interred in a lot in a cemetery owned or operated by a corporation incorporated by or under a general or special law may be removed therefrom, with the consent of the corporation, and the written consent of the owners of the lot, and of the surviving wife, husband, children, if of full age, and parents of the deceased. If the consent of any such person or of the corporation can not be obtained, permission by the county court of the county, or by the supreme court in the district, where the cemetery is situated, shall be sufficient. Notice of application for such permission must be given, at least eight days prior thereto, personally, or, at least sixteen days prior thereto, by mail, to the corporation or to the persons not consenting, and to every other person or corporation on whom service of notice may be required by the court."
12. No person shall have any use of or title to any lot, nor may an interment be made or a monument placed, unless the same is paid for.
13. No work may be conducted on monuments or on features installed or buried on cemetery grounds without the permission of the sexton.
14. No glass or plastic decorations may be placed on lots.
15. All plantings such as perennials must be in front of the monument and within 18 inches of it.
16. All permanent decor (statues or flags, for example) must be placed within 6 inches of the side or front monument but retain the 12-inch setback from other holders' lots.
17. Seasonal decor such as flowers must be placed within 6 inches of the side or front of the monument and removed by first frost or when the plants die, whichever is first.
18. Only one above-ground-level monument per lot; other markers must be flush. Veterans' plaques are advised to be mounted on back of monument. Applies only to lots sold after November 13, 2017.
19. There shall be one-foot setbacks on the sides of the lot when bordering lots owned by others; in the setback no monument may extend above ground level. Applies to lots sold after May 30, 2018.
20. At this time Bayside does not permit pet burials with human burials.

Bayside
Constitution and
Rules & Regulations

Approved May 2021

Rules Concerning Visitors.

All persons may have access to the public walks, avenues, and grounds on all days from sunrise to sunset when observing the following rules.

1. The speed limit is fifteen miles an hour. No vehicles are allowed on any portion of the grounds except roadways provided for vehicles.
2. No civilian with firearms or other weapons will be admitted.
3. No money shall be demanded from visitors to visit the Cemetery.
4. All persons are prohibited from writing upon or injuring any monument, headstone, railing, or other structure belonging to the Cemetery.
5. All persons are prohibited from handling flowers, trees, shrubs or plants on a lot that they do not own without consent of the rights holder or cemetery staff.
6. Any person disturbing the quiet and good order of the place, by noise or other improper conduct, or who violates any of the foregoing rules, will be compelled instantly to leave the grounds
7. No fires, boat launching or landing, or fishing is permitted on the burial grounds.

Sale of Lots.

1. All purchasers of Rights of Interment acquire the privilege of exclusive burial on that ground.
2. Rights holders are the sole proprietors of the Cemetery. By their vote in the election of Trustees they control the government of the institution.
3. No Right of Interment for a gravesite shall be sold except for cash at the time of purchase.
4. Current grave sites vary in form according to location. Henceforth grave sites shall be 4.5 feet wide and 10 feet long. Open spaces ("walks") around existing and future lots (sets of grave sites) must be 3 feet wide.
5. Grave sites must be purchased in pairs throughout Secs. A and B and in Sec. H 15-28.
6. Single lots may be purchased in a portion of Sec. G [block of 32 lots with #73 at center] but in this parcel all monuments must be flush with the ground.

Rules for Internments and use of vault.

1. In each case of burial, a statement giving the name, place of nativity, residence, age, cause of death, and such remarks as may be desired to be placed on record, of the body to be interred, should be placed in cemetery's permanent records.
2. No persons other than employees of the association or their contractors shall be allowed to dig, open or close a grave.

Bayside
Constitution and
Rules & Regulations

Approved May 2021

3. One burial per gravesite is permitted without special arrangements. **Interments will be scheduled for Monday through Saturday between 9 a.m. and 3 p.m. Saturday interments will incur a surcharge to defray employee overtime expenses.**
4. Bayside may sell a Right of Second Interment of cremains with prior cremains or a casket. The cremains need not be within an outer container and must be interred beside, not over, a casket. Only one above-ground memorial on the gravesite. No additional human interments permitted in that gravesite.
5. Bayside will inter two sets of ashes in one urn in one gravesite for an additional fee for record keeping.
6. No cremains may be scattered on the cemetery grounds
7. All interments will be performed only by the cemetery staff or their designees.
8. No remains to be removed from the cemetery without a permit.
9. No remains to be placed in or removed from the receiving vault without a permit.
10. Bodies of persons dying of infectious diseases cannot be placed in the receiving vault.
11. All bodies placed in the receiving vault must be removed on or before the 15th of May.
12. Complaints against employees of the Cemetery should be made to the President or a member of the Grounds committee.

General

1. All rules and regulations are subject to change and are retroactive unless specified otherwise.
2. All rules and regulations will be published in some form and copies given to potential buyers of Rights of Interment.