

EUREKA CEMETERY & MAUSOLEUM ASSOCIATION

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1101 NE Yaquina Heights Dr.
PO Box 1762
Newport, OR 97365-0128
Phone: (541) 265-7282
Fax: (541) 265-8650
Email: ecaor@outlook.com
www.EurekaCemetery.org

EUREKA CEMETERY & MAUSOLEUM ASSOCIATION RULES AND REGULATIONS

PREAMBLE: It is the intent of Eureka Cemetery and Mausoleum Association to be at all times, in compliance with all laws, rules, and regulations made by any official body having the authority to make same. Under Oregon State Revised Statute 97.710, Eureka Cemetery and Mausoleum Association (ECA) adopts by reference Oregon Revised Statute (ORS) 97.710 Power of cemetery to make rules and regulations, ORS Chapter 65 – Non-Profit Corporations, and ORS Chapter 67 – Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts, as they now exist or are modified in the future. Wherever a conflict appears between (ORS) 97.710, and/or ORS Chapter 65, and/or ORS Chapter 67, and/or these Rules and Regulations, the stronger wording will apply.

- 1.** Purchase of all rights of interments (ROI), crypts, liners, vaults, urns and markers from Eureka Cemetery Association (ECA) must be paid in full in advance.
- 2.** ROI owners shall pay the established charge for opening and closing graves or crypts, and all such graves or crypts shall be opened and closed by the Cemetery. There shall be an additional charge for weekends or after 3pm openings, closings, or ceremonies. The Cemetery shall conspicuously post a current schedule of its price list.
- 3.** No ROI to a lot, vault or crypt shall pass to purchaser until the amount of the purchase money or transfer has been paid in full.
- 4.** ROI owners shall not allow interments to be made in their lots for a remuneration, except with the consent of the Cemetery, nor shall any transfer or assignment of any ROI, or of any interest therein, be valid, unless the consent in writing of the Cemetery be first had and endorsed upon such transfer or assignment and the subsequent recording of such transfer upon the Cemetery record.
- 5.** No disinterment shall be allowed except by consent of the Cemetery and with the consent of the additional persons or agencies mentioned in Oregon laws in such cases made and provided, and upon the written consent of order of the ROI owner(s) of the lot or crypt, and the work of disinterment shall be done only by the Eureka Cemetery or person designated by the Cemetery Board.

6. BURIAL CONTAINERS:

IN GROUND: Eureka Cemetery and Mausoleum Association (ECA) requires that all burial or interments in ground be placed in ECA approved urns or outer burial containers. Such containers must be made of concrete or other non-biodegradable materials. In ground containers must withstand location verification probing and assist in preventing the collapse of the grave, either from natural occurrences or when subjected to the pressure of our equipment or other surface vehicles crossing the grave.

IN MAUSOLEUM: Mausoleum interments require that all entombments of casketed remains into a mausoleum crypt, be embalmed before entombment will be allowed. “Sealer Type” caskets must be appropriately vented (or unsealed) at the time of entombment. Interments for mausoleum entombment will only be accepted if the deceased is properly embalmed and placed in a casket with appropriate handles. The cemetery may (at its discretion) accept an un-embalmed body for entombment only if the body has been prepared topically with disinfectant and/or preservative compounds and placed into a medium weight appropriate pouch and placed into a casket with handles. No cardboard caskets or containers will be accepted. The funeral director and/or funeral home delivering such to the cemetery for entombment will certify that such embalming (or preparation) has been properly completed in accordance with the cemetery rules and regulations and all other applicable laws, rules and regulations. All caskets placed in the mausoleum crypt may be required to be placed upon a permanent ‘platform’ or ‘tray’ which shall be left inside the crypt under the casket. Cremated remains must be placed within ECA approved container or urn within the mausoleum.

IN BENCHES: Cremated remains must be placed within ECA approved container or urn within a bench. No cardboard or paper containers will be accepted.

7. In making excavations, the Cemetery reserves the right to use temporarily the adjoining lots and to use such tools, derricks and materials as are necessary to perform all work.

8. The Cemetery may at any time enter upon the lots to keep the same neat, remove the grass and weeds, and appropriate the latter to their own use, but nothing herein contained shall obligate the Cemetery to render such service without compensation therefor.

9. The cemetery is responsible for the general care and maintenance of all developed portions of the cemetery and memorials erected therein.

10. The enclosure or fencing of any grave or graves by any society, family or ROI owner, will not be permitted.

11. To protect the grounds and especially improved lots from injury; all interments, all excavations for tombs and monuments, and all foundations for monuments, must be conducted and built by our grounds keeping staff under the supervision of the Sexton of the Cemetery and must follow the By-laws, Rules & Regulations of, the Eureka Cemetery & be approved by the Sexton. The Cemetery has the right to cross grave sites, to make all necessary repairs and to provide for maintenance and excavation. No person except with the written permission of the Cemetery Board shall make repairs or modifications within Cemetery property.

12. All single graves are to be 4’ x 10’ in dimension.

13. All orders or instructions for special care of lots should be left or mailed to the office on the grounds. Members may request ECA clean or repair their marker(s) at any time for example. This is a special care service we offer that is beyond normal up keep. All such orders or instructions will be fully paid for in advance of the requested work. The work will be scheduled as soon as possible and will be completed on a time available basis. A schedule of charges for work to be done by the Cemetery for ROI owners shall be posted in the office and are subject to change without notice.

14. If any trees or shrubs situated in any lot shall, by means of their roots, branches or otherwise become detrimental to the adjacent lots, walkways, roads, or unsightly or inconvenient to passengers or pedestrians, it shall be the duty of the Cemetery, and it shall have the right to enter upon said lots and remove the said trees and shrubs, or such parts thereof, as they shall determine to be detrimental, unsightly or inconvenient at the expense of said lot owner. In addition, the current flower policy as adopted by the board shall be posted at the office and enforced by the cemetery staff.

15. Headstones, slabs and monuments which do not meet the marker and memorial regulations herein or which have fallen or which require repair will be removed by the Cemetery unless replaced or repaired by the ROI owners within thirty days after notification by the Cemetery to the ROI owner of the lot at the address of record of the said owner.

16. Any disorderly person or persons, who willfully violate any of the rules and regulations of the Cemetery, or persons trespassing on the Cemetery, may be ejected from the grounds and all persons shall be held liable under the law for any damage done by them.

17. The Cemetery from time to time may lie out or alter such roads or walks, or make such rules and regulations for the government of the grounds and Cemetery as it may deem requisite and proper to secure and promote the general welfare and objects of the Cemetery.

18. RESALE LOTS: ECA does not repurchase ROI's. If a member decides to re-sell their ROI, their name and information will be added to the list of the ROI owners willing to sell their ROI along with their contact information. ECA will provide this list to potential buyers who request it. The two parties will negotiate their own agreement. ECA will facilitate a deed transfer for the posted rate when the parties submit all the completed paperwork.

19. There is a fee for any and all ROI changes. This fee is listed on the ECA list of charges.

20. Marker and Memorial Regulations for Eureka Cemetery:

a. In sections 4th, 5th, 6th, 7th, Pacific View, Baby Land and all new additions, all markers shall be flat or lawn mower proof. The original 1st, 2nd, and 3rd. additions will still accept upright markers.

b. Markers of memorials shall be of granite, marble or bronze.

c. Markers on single lots are to be no larger than 2'4 x 1'4". Markers on double lots are to be no larger than 3' 4" x 1'4". All-marker to be set in concrete must be lawn mower proof or have rounded edges. Only one marker will be allowed on each grave lot, with the exception of Urns for ashes or doubles. Only one set of ashes are allowed to be put in with an existing interment.

- d.** All concrete work shall be of good workmanship and quality according to standards of the masonry trade to avoid cracking and breakage and provide a finished or exposed aggregate surface.
- e.** Eureka Cemetery will not be responsible for injury to anyone other than personnel hired by Eureka Cemetery or as stated in the Eureka Cemetery insurance policy.
- f.** Location and placement of memorial markers shall be under the supervision of the cemetery sexton.

21. Up to four urns may be placed within grave sites having had a previous casket burial. Up to eight urns may be placed within grave sites with no previous casket burial. In either case, there must be room for the number and size of urns desired to be placed within the grave site.

22. Eureka Cemetery reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterment's or removals, or in the description, transfer or conveyance of any ROI, either by canceling such conveyance and substituting and conveying in lieu thereof other ROI of equal value and similar location as far as possible as may be selected by the buyer or, at the discretion of the Eureka Cemetery Board, by refunding the amount of money paid in the account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, Seller reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted in lieu thereof after first obtaining written permission of authorizing agents. Purchaser and heirs agree to give written permission for the correction of errors in interment location.

23. In the event of war, riot, strike, act of insurrection, act of God or for any cause beyond the control of Eureka Cemetery, if it should be impossible to furnish services at the time specified, the Buyer will accept delivery and the services as soon as it shall be reasonably possible for Eureka Cemetery to furnish them.

24. These rules and regulations are subject to change without notice by a majority vote of the Board of Directors of the Eureka Cemetery Association.

This document adopted as modified by the Board of Directors on February 22, 2016