
**RULES AND REGULATIONS
OF THE
MUNICIPAL CEMETERIES
WAVERLY, NEW YORK**

It is the desire of the Village to make the Cemeteries in Waverly a quiet, beautiful resting place for the deceased. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained at all times. It is to this end that these Rules and Regulations have been adopted.

These Rules and Regulations are hereby adopted by the Village Board of Trustees and Mayor, All owners of interment rights, visitors, and contractors performing work within the cemeteries shall be subject to said Rules and Regulations and amendments as shall be adopted by the Village Board of Trustees and Mayor

ARTICLE 1 - DEFINITIONS:

1.1 The term "cemetery" shall mean any of the following cemeteries in the Village of Waverly: Factoryville / East Waverly Cemetery, Forest Home Cemetery, Glenwood Cemetery, and any other cemeteries that may come under the direction of the Village of Waverly.

1.2 The term "Cemetery Commissioner" shall mean any person appointed by the current elected Village Officials.

(a) Cemetery Commissioner will be appointed each year by elected Mayor and Village Board of Trustees; He/She will be the overseer of the selling of plots within the cemeteries.

(b) One member of the Village Board of Trustees shall be appointed as the Village Board Cemetery Commissioner each year.

1.3 The term "Owner" shall mean the owner of rights of interment.

1.4 The term "interment" shall mean cremation, entombment, or burial of the remains of a deceased person.

1.5 The term "Memorial" shall mean any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.

1.6 The term "Contractor" shall mean any person, firm, corporation or anyone engaged in placing, erecting or repairing any memorial, or performing any work in the cemetery grounds, other than a village employee.

ARTICLE 2 - ASSIGNMENT OF INTERMENT RIGHTS:

2.1 Persons desiring to obtain interment rights in the Waverly cemeteries are referred to the Village Clerk who will arrange for the Cemetery Commissioner to assist the person by showing the plans and available lots of the cemeteries. Upon having made a lot selection and full payment of fees and charges the clerk will issue an indenture of interment rights which will give title to the cemetery lot. The clerk will then record the title in the Village Clerk Interment Records.

2.2 Assignment of Interment Rights shall be made to anyone at current rates adopted by the Village Board of Trustees.

2.3 All Interment Rights are subject to the Rules and Regulations of said cemetery now or hereafter adopted for the government of said cemeteries.

2.4 No interment rights or contracts for the assignment of interment rights can be sold, assigned, transferred, pledged or hypothecated without the written approval of the Village of Waverly Mayor and Board of Trustees.

2.4 a. Village of Waverly shall have first rights to purchase back any part or all interment plots at price paid by Owner to Village.

2.5 The reassignment of any interment right by any Owner or assignee must be made in writing to the Waverly Village Clerk. The interment right must be submitted to the Village Board for review, only then the Village Board shall reassign interment right to the new Owner. This procedure is required in order that the Village Clerk may at all times have a complete and accurate record of all owners. The Board may refuse to consent to a transfer or to an assignment as long as there is indebtedness due the Village of Waverly from the Owner.

2.6 The Owner of interment rights may dispose of same by will, subject to foregoing conditions. If the owner dies interstate the interment rights will descend to his or her heirs according to the laws of descent. If interment rights are willed or acquired by an heir, the necessary estate documents must be presented to

the Village prior to reassignment of interment rights.

2.7 The subdivision of interment rights is not allowed to be divided without consent of the Village.

2.8 All interment rights are assigned subject to payment of the amount posted in the Village Clerks Office. All work on lots, all opening and closing of lots, all interments and disinterment shall be performed under the direction of the Mayor and Village Board of Trustees, except when permission is otherwise granted.

2.9 All agreements for the assignment of Cemetery interment rights must be on forms approved and signed by the Village Board. All terms and conditions for the assignment rights must be recited in the assignment contract: verbal agreements or representations will not be recognized. All said agreements must provide for payment as posted in the Village Office. At the time of assignment a new indenture will be reissued.

2.10 The Mayor and Village Board of Trustees shall direct all improvements within the grounds and upon all lots and graves, before as well as after interments have been made therein.

2.11 If any memorial, or any structure whatsoever, or any inscription to be placed on same, shall be determined by the Village to be offensive, they shall have the right and it shall be their duty, to enter upon such lot and remove, change or correct the offensive or improper object or objects.

2.12 If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, is or becomes detrimental to adjacent lots or avenues, or if for any other reason its removal is deemed necessary, the Village shall have the right and it shall be their duty, to correct the existing condition.

2.13 No person, unless otherwise authorized herein, shall pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemetery.

2.14 All interment rights not used after 75 years shall revert back to the Village after legal due notice.

ARTICLE 3 - FUNERAL REGULATIONS:

3.1 Funerals, after entering the gates, shall be subject to the direction of the appropriate personnel and all work shall be stopped while services are being conducted.

3.2 There shall be no burial between November 1st and April 30th, or when the ground is frozen or covered with snow, unless authorized by the Trustees. Exceptions may be made by the Cemetery Commissioner and the Village Mayor and Board of Trustees.

3.3 Graves must be located by the family, Village and Cemetery Commissioner, Proof

of ownership, Proof of payment in full or right to burial must be shown by owner(s) or legal heirs to the Village Office or Commissioner before any burials.

3.4 When remains are disinterred from a single grave to another grave within the Village Cemetery, the formerly occupied single grave space and all rights thereto revert to the Village. If no steel or concrete vault has been used for this interment, one must be furnished by the party requesting the change. If there is a steel or concrete vault which is in a removable condition, charge for removal of the vault must be paid in advance. This charge shall be based on cost of equipment, materials and labor. Application for a removal permit must be signed by the family or its representative and properly notarized prior to time of removal.

3.5 Disinterment of remains being moved out of the Cemetery requires Funeral Director to provide to the Village a certified copy of the New York State Dept. of Health permit.

3.6 No opening of any kind maybe made on graves by anyone other than Village personal or its agent.

3.7 One grave lot may contain one body burial and up to one cremation remains, all work to be done by village employees or village contractor.

3.8 Two cremations are allowed per one grave lot with no body burial, all work to be done by village employees or village contractor.

3.9 Concrete or metal vaults are required for all full interments, and non-degradable containers are required for all cremations.

3.10 All interments shall be marked by a permanent marker as set forth in 4.0

ARTICLE 4 - REGULATIONS:

4.0 Prior to placing a marker or monument / headstone or foundation an application to erect must be filled out and submitted. Also a certificate of liability insurance, by bonafide license contractor or monument company to the Village of Waverly for approval. Markers and monuments must be of traditional stone or metal composition and shall not exceed three feet in width. All monuments must be placed with an appropriate footing at the head of lots and be safety secured. All monuments foundation must be installed to meet frost line specifications. Foot stone will be allowed only if ground flush. All work shall be under the supervision of the head of D.P.W or the Cemetery Commissioner.

4.1 No dogs shall be permitted in the cemeteries. Violators will be prosecuted.

4.2 No person shall be permitted in the cemeteries on a bicycle, except on designated roadways. No

three / four wheeler will be allowed anywhere in the cemeteries. All vehicles shall remain on said roadways and observe a maximum speed of 10 mph.

4.3 Alcoholic beverages in the cemeteries are strictly forbidden.

4.4 All decoration flowers (real / artificial) must be secured by a bracket or on a stand (no more than 4 ft. in height) and be removed before Oct. 1 of each year. Memorial insignia and veterans flag holders are permitted as grave decoration. A maximum of two flower receptacles per grave. No glass container will be allowed. Wreaths and Winter evergreen blankets are allowed from Nov.1 to April 15 and must remove by family and properly disposed of.

4.5 All work and all planting of any kind on all lots and graves is prohibited, with the exception of the planting of flowers in urns, which may be done close to monument stones and must be maintained by the owners or family. The Village has the right to direct the removal of any inappropriate decorations, flowers, potted plants, and wreaths when they become withered. Trees and shrubs which have died or become unsightly shall be removed by the Village. The Commissioner is ordered to make such removals when in his judgment it is in the best interests of the cemetery.

4.6 Urns must be placed close to the side of monument stones and be maintained; also these can not be placed on other parts of lots.

4.7 The Village is not responsible for theft or damage to anything placed on graves or lots.

4.8 Any person found on the grounds 1/2 hour before sunrise and 1/2 hour after sunset dark will be considered a trespasser.

4.9 All persons are reminded that the grounds are sacredly devoted to the burial of the deceased, and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules. Act of vandalism is classified by State Law as Criminal Mischief under Paragraph 14.00 of Penal Law, a class A Misdemeanor.

4.10 No person or persons other than an employee of the Law enforcement shall be permitted to bring or carry fire-arms within the Cemetery, except a military guard of honor and then only when in charge of an Officer and during a Military Service.

4.11 Planting, maintenance of lots, and placing of monuments contrary to the Cemetery Rules and Regulations will be corrected at the direction of the Village at the Owner's expense.

4.12 Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Village therefore reserve the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable.

ARTICLE 6 - RULES and REGULATIONS

6.1 The Mayor and Village Board of Trustees reserve the right to amend without notice these Rules and Regulations.

6.2 Copies of these Rules and Regulations shall be distributed to Owners of lots at time of purchase, to persons making general inquiries or interment arrangements, and to local funeral homes and monument companies.

Temporary exceptions, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

4.13 Future grave lots are to be laid out in such locations and sizes as the Village shall designate.

4.14 No trees, shrubs, fences or benches will be allowed without permission from Village Mayor and Board of Trustees.

ARTICLE 5 - FEES, CHARGES AND PAYMENTS:

5.1 Please be aware that even if a lot was reserved prior to the time it is to be utilized for interment, the lot, must be paid for in full before it can be used.

5.2 The following cost schedule is in effect and applicable to all of the Village of Waverly, N.Y. Municipal Cemeteries. The payment of all fees and charges shall be made at the Village Municipal Office where receipts and proper title will be issued for all amounts paid.

5.3 Cost Schedule (includes Perpetual Care)