

# MAYVILLE CEMETERY

## Comprehensive Regulations

Adopted 8-11-15

### **100. Purpose of Regulations**

The people of this village have a vital interest in the maintenance and preservation of the Mayville Cemetery and the proper operation and management thereof. These regulations provide equal and consistent treatment of lot owners, village residents, and the public. Additionally they are meant to provide solitude and tranquility and foster a sense of pride in the final resting place for the citizens of this community.

### **101. Definitions**

Meanings as used in these regulations:

Cemetery Commissioners

Means the Village Mayor and Board of Trustees

Cemetery Section

Means a group of lots.

Cemetery Lot

Means a group of grave or cremation spaces.

Grave Space

Means a single space measuring 3.5'x10' for the interment or inurnments of remains.

Cremation Space

Means a single space measuring 3.5'x5' for the inurnments of cremains.

Interment

Means the full burial of a human corpse in a ground grave.

Inurnment

Means the burial of human cremains in a ground grave.

Burial Vault

Means a concrete container that fully encases a casket when it is buried.

Gravestone

Means small structure erected on a space or spaces above ground level for the identification of the deceased. Maximum size 2'wide x 6'long

Grave Marker

Means plaque erected on a space or spaces level with the ground for the identification of the deceased.

#### Monument

Means a structure larger than a gravestone and shall include sculptured forms and statues.

#### Foundation

Means concrete structure extended below grade to firmly support a gravestone or grave marker.

#### Permanent Maintenance

Means the cutting of the grass upon the lot or grave space and the trimming of weeds around gravestones at reasonable intervals. The raking and cleaning of the lot or space, the pruning of shrubs and trees, and such work as may be necessary to keep the graves in good or neat condition.

### **102. Cemetery Commissioners**

The Village of Mayville Mayor and Board of Trustees serve as the Cemetery Commissioners for the Mayville Cemetery.

The Cemetery Commissioners shall set operating budgets, lot/space prices and opening and closing costs.

The Cemetery Commissioners shall make reasonable decisions regarding but not limited to the following:

- Rules for the use, care, management and protection of the property of the cemetery and of all lots, spaces and parts thereof;
- The erection of structures upon lots and spaces and parts thereof;
- The prevention of unsightly monuments, effigies and structures within the cemetery grounds, and for the removal thereof;
- The introduction and care of plants, trees and shrubs within cemetery grounds;
- The burial in a lot, space or part thereof, of a body or cremains not entitled to burial therein;
- The conduct of persons while within the cemetery grounds;
- The exclusion of improper persons and prevention of improper activities and assemblages therein;
- Penalties for the violation of any regulations.

### **103. Clerical Administration**

The Village Clerk's Office processes, records and files all documents associated with the cemetery including but not limited to the sale or purchase of lots, recording of burials, mapping and foundation orders. The Village Office also schedules all burials.

#### **104. Burials & Maintenance**

The Village Department of Public Works conducts all operations at the cemetery including but not limited to grave openings/closings, placement of foundations and maintenance of trees, lawns, roads, buildings and utilities.

#### **105. Right to Burial**

The Mayville Cemetery shall not refuse or deny the right of burial and the privileges incidental thereto in any lot or space or part thereof to those otherwise lawfully entitled to be buried therein, for any reason except for non-payment of interment or inurnment charges and the purchase price of the lot or space or part thereof.

#### **106. Lot Owners' Rights**

Lots in the Mayville Cemetery shall be held indivisible, and upon the death of a proprietor of such lot the title thereto shall descend to his or her heirs-at-law or devisees, subject, however to the following limitations and conditions:

- If survived by a spouse and children, they shall have in common the possession, care and control of such lot during the life of the surviving spouse.
- If survived by a spouse and no children, he or she shall have the possession, care and control of such lot during his or her life.
- If survived by children and no spouse, they, or the survivor of them, shall in common have the possession, care and control of such lot during the life of the survivor of them.

*For the full listing of lot owners' rights refer to the following law:  
New York General Municipal – Article 8 - §163 Lot Owners' Rights*

#### **107. Lot Resale by Owner**

Before any burial shall have been made in any lot, space or part thereof, the lot owner or his or her heirs-at-law may sell or convey title to such lot, space or part thereof subject to the prior approval of the Village Clerk.

Such sale approval shall not be granted unless the lot owner or heirs-at-law of such lot, space or part thereof shall have offered it to the Mayville Cemetery prior to the application for such approval, in writing by registered or certified mail, at the price paid therefor by said lot owner, together with simple interest at the rate of four per centum per annum. Example: If the purchase price is \$700.00 x 4% = \$28.00 - \$28.00 x 10-years = \$280.00 the resale price to cemetery at 10-years \$980.00

If the Cemetery Commissioners fail to accept such offer within sixty (60) days the lot owner or his or her heirs-at-law may sell or convey title to such lot, space or part thereof to the public at fair market value.

For any resale of Mayville Cemetery lots, spaces or parts thereof the seller shall complete and submit an “application for approval to transfer cemetery property” provided by the Village Clerks Office.

**108. Burial Removals**

A body interred or cremains inurned in a lot or space in the Mayville Cemetery may be removed therefrom, with the consent of the Village Mayor, and at the written request of the surviving spouse, adult children, and parents of the deceased.

**109. Burial Vault**

The interment of a body shall require the use of a concrete burial vault.

**110. Burial of Cremains**

The inurnment of cremains shall require encasement in concrete.

Cremains may also be placed in concrete gravestone or marker foundations.

**111. Burials Each Space**

The maximum number of burials on a single grave space shall be limited to the following:

- one (1) interment and one (1) inurnment or;
- two (2) inurnments

The maximum number of burials on a single cremation space shall be limited to the following:

- two (2) inurnments

**112. Gravestone & Marker Foundations**

The Department of Public Works shall install all concrete gravestone and grave marker foundations.

Foundation orders shall be sent to the Village Office for processing and billing.

Foundations shall be installed twice per year, on or around May 1<sup>st</sup> and on or around October 1<sup>st</sup>.

**113. Gravestone & Marker Installations**

All gravestones shall be installed by a contractor experienced and familiar with the work involved.

Grave Markers may be installed by the Department of Public Works when the concrete foundations are poured.

#### **114. Monument Installations**

The placement of monuments shall be pre-approved by the Cemetery Commissioners prior to installation.

Design sketches, construction details and placement plans shall be submitted to the Commissioners prior to any construction activities.

All monuments including foundations shall be installed by a contractor experienced and familiar with the works involved.

The Commissioners reserve the right to refuse or deny the installation of any monument.

#### **115. Gravestone Maintenance**

The cemetery may repair or adjust the foundation of any gravestones that have fallen into disrepair or dilapidation so as to create a dangerous condition.

#### **116. Gravestone or Marker Removal**

No person or organization shall remove a gravestone or marker without authorization in the form of a court order from a court of competent jurisdiction, or without the written authorization of the owner of the burial lot or space, or lineal descendants of the deceased, and without obtaining written approval from the Cemetery Commissioners.

#### **117. Veteran Section Burials**

The United States Veterans organizations located in the Town of Chautauqua shall govern the Veteran's burial sections in the Mayville Cemetery.

The current Post Board of Directors of the American Legion Post 493 shall settle disputes or decisions that need to be made regarding eligibility qualifications, grave markers, monuments and ceremonies.

The Cemetery Commissioners shall act as arbitrator for situations that cannot be resolved by the American Legion.

Veteran Section spaces shall be available for all deceased persons that have served in good standing in the United States Armed Forces, and meet the following requirements:

- Past or present resident of the Town of Chautauqua or;
- Current member of a Veteran's organization located within the Town of Chautauqua.

Veteran Sections and limitations shall be as follows:

Section # 1 shall be closest to East Chautauqua Street.

This Section shall be limited to cremations and markers without remains.

Section # 2 shall be in the Back of the cemetery.

This section shall be limited to cremations and full burials.

Markers without remains will not be permitted.

Section # 3 shall be closest to Honeysette Road.

This section is not in use at this time.

New Veteran markers in all sections shall be limited to flat (4"x12"x24") gray granite gravestones only.

Veteran section burial eligibility verification shall be obtained by Funeral Directors from Veterans Organizations.

#### **118. Burial Availability**

Burials may be scheduled for Monday thru Saturday 9:00 am to 3:00 pm.

Saturday burials shall require additional fees.

No burials may be scheduled for Sundays or Village recognized holidays.

Upon a showing that exigent circumstances exist or that extreme hardship will result, the Mayor is authorized to waive the burial restriction on Sundays and Village recognized holidays upon payment of addition fees and the availability of employees.

#### **119. Public Visitation Hours**

The cemetery shall be open for public use during the daylight hours beginning at sunrise and ending at sunset.

#### **120. Motor Vehicles**

The operation of motor vehicles in the cemetery is limited to purposes of ingress and egress on designated roadways.

The operation of motor vehicles in the cemetery, for instructional purposes, is specifically prohibited.

The speed limit in the cemetery is five (5) miles per hour.

Snowmobiles, mini-bikes, four-wheelers and motor vehicles not having a current registration are not allowed in the cemetery.

**121. Artificial Lighting, Audible Devices & Video Surveillance**

Artificial lighting devices of any type are not permitted in the cemetery; accept when used in funeral or ceremonial proceedings.

Audible electric devices that create sounds of any type are not permitted in the cemetery; accept when used in funeral or ceremonial proceedings. Musical instruments may be played by people as long as complaints are not made by the public at large.

Audio and video surveillance devices of any type are not permitted in the cemetery; accept by authorized law enforcement officials.

**122. Pets**

No pets are allowed to run loose in the cemetery.

Pet dogs shall be leashed and any waste matter produced shall be collected by the owner.

**123. Snow Plowing**

The Department of Public Works shall conduct all snow plowing activities in and around the cemetery.

The Public is prohibited from performing snow plowing or snow removal activities of any type.

The cemetery shall be plowed on a regular basis each winter until the 31<sup>st</sup> of December.

**124. Rules for Grave Plantings and Ornamentation**

The planting of trees, shrubs and bushes will not be permitted, except with the approval of the Public Works Superintendent.

The planting of flowers will be permitted only in beds located on the gravesite and shall not extend more than one (1) foot from the marker or gravestone. The cemetery will not be responsible for the care of such beds.

The planting of vines, ivy, myrtle or any creeping vegetation is specifically prohibited.

The definition or enclosure of a lot or grave space, by coping, fencing, plantings, hedges or any other means is prohibited.

No glass blocks or glass containers are permitted.

The placement of ornamental white marble stone chips, bark chips or any other loose materials around gravestones or markers is not permitted.

Winter wreaths, plastic flowers or other arrangements containing wire or metal must be in containers and can be used only between November 1<sup>st</sup> and April 1<sup>st</sup>.

Planting urns left unused or unmaintained for more than two (2) summer seasons shall be removed without prior notice.

A cemetery wide cleanup or disposal of decorations or ornaments shall be conducted by the Public Works Department each year between April 1<sup>st</sup> and April 15<sup>th</sup>. Anything to be retained by the owner must be removed by April 1<sup>st</sup>, prior to the cleanup.