

NYS Division of Cemeteries Approval Pending

This document outlines the rules and regulations adopted by the Westernville Cemetery Association (WCA) that have been approved by the New York State Division of Cemeteries as being in conformance with the requirements of the law.

THE GROUNDS

1. All persons shall be allowed access to the cemetery during daylight hours, observing the rules that are in effect and giving the respect due the cemetery.
2. The cemetery gate(s) will be closed to vehicular traffic from December to May each year, or as weather permits. Pedestrian gates will still be open, weather permitting.
3. Heavy trucks, large recreational vehicles, all-terrain vehicles (all types), motorcycles, snowmobiles, or other inappropriate vehicular traffic shall be refused entrance to the cemetery when, in the opinion of the Cemetery Manager or the Board of Trustees, damage to roads, driveways, and monuments may occur.
4. Driving or parking on graves is not allowed.
5. Pet owners shall clean up after their pet(s), or if not, the pet(s) will not be allowed in the cemetery. Pet owners shall be responsible for maintaining control of their pet(s) at all times.
6. Hunting, trapping, and metal detecting are not allowed in the cemetery.
7. All trash must be removed from the cemetery. Please take your trash with you.
8. Cremated remains will not be permitted to be scattered in any part of the cemetery.
9. The Cemetery is not responsible for damage or loss of portable articles left on a lot or other parts of the cemetery grounds.
10. All funerals, processions, and vehicles will be under the control of the Cemetery Manager while in the cemetery.
11. Funerals must be concluded one hour before sunset in order that the workmen will have sufficient time to properly close the grave and remove their equipment.
12. All work done in the cemetery shall be done by cemetery employees or contractors with oversight and with the permission of the Cemetery Manager or the Board of Trustees. All contractors must coordinate their planned work in the cemetery with the Cemetery Manager (prior to entering the cemetery) to not interfere with scheduled funerals, other contractors, etc. and so that the Cemetery Manager can provide the necessary oversight of work to be performed. Any contractor that does NOT adhere to this guideline will be subject to losing his/her privileges to perform future work in the cemetery.

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DECORATIONS, EMBELLISHMENTS, AND VEGETATION

1. All decorations are placed at the owner's risk. The WCA is not responsible for damage or loss of any decorations that are placed in the Westernville Cemetery. The WCA is not responsible for decorations that are blown away, damaged, removed, or moved by others. When decorations are placed, care should be given to see that they are firmly in place in the ground.
2. The planting of annuals and perennials in the ground is allowed directly in front of the monument only. Plantings are limited to the width of the monument and shall be placed within a maximum of 18 inches in front of the base. The lot owner is responsible for care and maintenance of the plants. They are also responsible for making sure that the plantings do not exceed the boundaries specified to help prevent unnecessary damage to the plantings due to mowing and weed eating performed by maintenance personnel. WCA will NOT be responsible for any plantings damaged when the plantings do not adhere to these guidelines.
3. On a case-by-case basis, plantings may be allowed in other places. However, these additional plantings will need to be cleared first by the Cemetery Manager and/or the Board of Trustees and be in keeping with the WCA's general cemetery and landscaping plan.
4. Ground-level edging will be allowed around the front of the monument within the 18-inch zone. Maintenance and care of the edging is the responsibility of the lot owners.
5. Wood mulch may be used around headstones and plantings. In fact, its use is strongly recommended to help protect the plantings from mowing and weed trimming damage.
6. Please take all of the tools, containers, and trash associated with planting annuals and perennials with you. This includes all clippings, weeds, disposable plant pots, tags, tools, etc. In addition, please do not leave behind any leftover soil or mulch that you brought in.
7. Lot owners or recognized organizations may place American flags or organization flags on a grave site. Small flags noting military affiliation are permitted. Flags will be affixed to a single staff and should be placed in a recognized plastic or metal holder.
8. The WCA reserves the right to **remove** all flowers, wreaths, or other decorations from lots as soon as they become unsightly.
9. Solar lights are permitted within the planting zone at the front of the monument but should be removed or replaced when not working.
10. The following decorations are prohibited:
 - a. artificial flowers
 - b. balloons
 - c. whirligigs
 - d. metal, plastic, wooden, or ceramic items of any kind
 - e. glass
 - f. glass blocks or vases as receptacles for flowers, either artificial or grown
 - g. rocks or pebbles
 - h. fences
 - i. any metal, plastic, or wood hanging devices above ground level, e.g. shepherd's hooks.

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11. The WCA reserves the right to remove, upon due notice to the lot owner any effigy, which in the opinion of the majority of the Trustees is unsightly, dangerous, discriminatory, or not in keeping with the general character of the cemetery. Removal of such items will be at the owner's expense or be billed to those who placed or caused the inappropriate situation.
12. The WCA reserves the right to restrict the planting of trees and shrubs. No small/dwarf memorial trees or shrubs shall be planted without prior written approval by the Cemetery Manager. Placement of such plantings will be determined and supervised by the Cemetery Manager in keeping with the overall cemetery landscaping plan. Individual lot owners are responsible for caring and maintaining said plantings.
13. If the WCA plants trees and shrubs, then it is the WCA's responsibility to care for and maintain said plantings.
14. The WCA reserves the right to remove any unauthorized or existing tree or shrub deemed dangerous to the public or neighboring monuments, upon notice to the lot owner or the descendants of lot owners. See New York Not-for-Profit Corporation (NPC) Law Section 1510(g). In the case of removal of trees, shrubs, or bushes, lot owners will not plant new trees, shrubbery, or bushes on the lots following removal of prior items unless a request is made and approved by the WCA.
15. Seasonal WCA cemetery cleanups will be completed by the following dates, weather permitting:
 - a. Spring – May 15
 - b. Fall – October 31
16. Lot owners should remove all outdated and/or unsightly seasonal lot decorations by the dates listed above.
17. Routine WCA maintenance and cleanup of the cemetery will be on a daily, weekly, or monthly basis, weather permitting as defined by contracts with approved contractors and/or vendors.

LOT PURCHASE AND TRANSFER

1. A price list for any fees and charges referenced in this document will be made available upon request to the WCA and on the WCA website.
2. All grave lots in the Westernville Cemetery are sold in accordance with the provisions of the laws of the State of New York and shall not be used for any other purposes than as a burial place for dead bodies and/or cremains of humans and pets.
3. The Westernville Cemetery is divided into sections. Each section is subdivided into family burial plots, also known as family burial lots (formerly known as great plots). Each family burial lot contains 8 individual grave lots. Each grave lot is 4 feet by 10 feet in size.
4. Individual or multiple grave lots are available for sale. The purchase of four (4) corner markers per grave lot is recommended. The full purchase price for grave lots and corner markers must be paid before a deed of ownership is issued or burial allowed.
5. All sales of grave lots will be handled by the President or Cemetery Manager, and the President and Treasurer will issue the deed upon approval and payment.

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6. Except as provided in NPC Section 1513(c), no lot owner may transfer ownership of his or her lot. Lot owners are prohibited from selling their lots for compensation and/or profit.
7. Lot owners may bequeath lot ownership to family members, extended family members, friends, etc. in their will. In the situation where an owner of multiple grave lots passes away without a will specifically designating who inherits ownership of the grave lots, ownership shall pass to lineal descendants per NPC Section 1512(b). Please contact the President or the Cemetery Manager for details and further clarification.

INTERMENTS

1. The maximum number of remains permitted to be interred in each 40 square foot grave lot is restricted to one of the following:
 - a. One (1) full casket burial
 - b. Three (3) sets of cremains
 - c. One (1) full casket burial and up to (3) sets of cremains (either inside the casket at the time of burial or placed atop the vault at a later date). Full burial is not allowed after cremains have been interred.
2. No interment shall be allowed without permission being first obtained by the WCA. At the time of application for permission, the following information must be furnished:
 - a. Burial Permit
 - b. Certificate of Cremation from the crematorium, if applicable
 - c. Name of deceased
 - d. Age of deceased, including date of birth, if known
 - e. Place of birth of deceased, if known
 - f. Date of death
 - g. Time and date of interment
 - h. If not an adult, the names of parent(s) or legal guardian(s).
3. Interments in a lot are restricted to those entitled to burial therein according to the terms of NPC Section 1512. Only the lot owners can designate who is entitled to be buried in the lots that they own. This designation must be in writing and submitted to the WCA with all the signatures notarized.
4. Lot owners are prohibited from allowing interments to be made on their lots for compensation.
5. Permission for burial of those not entitled to burial according to the said Section must be filed with the WCA by the lot owner(s). It is necessary to have the request notarized. If a court order is required, the paperwork must accompany the request.
6. All full body burials are required to be conducted with a funeral director present and are the responsibility of the funeral director. Coordination with the WCA President or Cemetery Manager is required.
7. While a funeral director is not required for the burial of cremains, coordination with the WCA President or Cemetery Manager is required. Monuments specifically created for the above ground

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encapsulation of cremains, i.e. a columbarium, are subject to the burial charges outlined in the price list. The addition of cremains to be placed into these monuments must be coordinated with the WCA President or Cemetery Manager.

8. The WCA should receive and may require at least a 48-hour notice for pending interments.
9. Concrete vaults or concrete grave liners shall be required for full burial interments for all graves purchased on or after July 1, 2005, in accordance with the provisions of the New York State Cemetery Rules and Regulations Section 201.6. The approved vault or liner shall completely enclose each burial of human remains.
10. The interment of cremated remains will be permitted only in appropriate rigid receptacles such as wood, fiberglass, ceramic, heavy cardboard, metal, plastic, or in a concrete liner/vault.
11. Previously, animals or pet cremains/bodies were not allowed to be buried in the cemetery. State law now allows pet or animal cremains in a suitable container to be buried with a loved one, inside the casket or on top of the vault lid. Placement of the cremains can be done either at the same time as the interment of the loved one or at a later date. Both situations will require the permission of and coordination with the Cemetery Manager. A fee will be charged for the re-opening/closing of the grave.
12. Interments on Sundays and holidays shall be governed by Cemetery Board Directives 201.8 and 201.12. Burials done on these days will be charged an extra fee. The WCA would prefer to avoid burials on Sundays or holidays. Exceptions can be requested prior to interment but are subject to approval by the President and/or Cemetery Manager.
13. Burials will be conducted in compliance with NPC Section 1510-B. The opening/closing of grave sites will be done by the WCA or designated contractors.
14. Bodies received for interment between November and May shall be placed in the vault until conditions permit burial. All bodies remaining in the vault after May 31 shall be removed and interred. A daily fee will be charged after May 31 if a body remains in the vault. Such notice shall be given in this case as shall be practical under the circumstances.

DISINTERMENTS

1. Disinterments shall be allowed between May and November each year, as weather permits, provided there is compliance with all provisions of NPC Section 1510(e).
2. Requirements for disinterments per NPC Section 1510(e):
 - a. A body interred in a Westernville Cemetery lot may be disinterred with the consent of the WCA and the written consent of the lot owners, surviving spouse, adult children, and parents of the deceased.
 - b. If consent cannot be obtained from all of the above, then a court order will be required.
3. Disinterment of a full burial shall include the removal of the body, casket, vault, monument, monument footings, and reclamation of the plot by filling in the grave site for the purpose of relocation to another grave site.

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4. Disinterment of cremains for the purpose of relocation to another grave site shall include the removal of the urn/burial container, monument, monument footings, and reclamation of the plot by filling in the grave site.
5. A funeral director or undertaker shall make a request in writing to dis-inter a body. The opening/closing of grave sites will be done by the WCA or designated contractors.
6. If the disinterment is unsuccessful, the person(s) requesting the disinterment will still be responsible for all costs involved.

HUMAN DECOMPOSITION

Human decomposition or Natural Organic Reduction, as described under New York State Law, will not be allowed in the Westernville Cemetery. This includes all procedures, storage, and distribution of any compost or other debris.

MONUMENTS AND MARKERS

1. Only **ONE** (1) upright traditional monument, pedestal, or bench shall be allowed per deeded individual grave lot. It shall be set in accordance with the general plan of the cemetery and shall conform with said plan in size and material. Flush mounted footstones or plaques are permitted but must follow the general plan for the cemetery.
2. Traditional monuments, pedestals, and benches are restricted in size to dimensions, which shall not cover more than 10% percent of the surface area of the individual grave lot (4 square feet).
3. Traditional monuments, pedestals, and benches must meet the following size restrictions unless the Board of Trustees approves an exception:
 - a. Width not to exceed 36 inches (3 feet) maximum
 - b. Thickness of 8-inch minimum with a 14-inch maximum
 - c. Height not to exceed maximum of 36 inches (3 feet) including the base.
4. Existing monuments are exempt from this regulation and grandfathered in.
5. All monuments or markers must be constructed of granite or bronze.
6. No monuments or markers shall be permitted which utilize colors other than those of natural stone.
7. All plaques must be constructed of bronze on a granite base.
8. No monument will be allowed to be delivered in the cemetery until the foundation/footing is installed and ready to receive the monument, plaque, or footstone. Delivery of monuments will only be accepted from a monument company with the approval of the Cemetery Manager.
9. All foundations/footings will be constructed by the monument company selling or setting the monument under the direction of the Cemetery Manager.
10. The footing under the headstone's base shall be of solid concrete, reach a minimum of 4 feet deep to the frost line, and be appropriate in size for the proposed monument and base.

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11. Bench style monuments are to have foundation caps to prevent movement or deterioration of the footings.
12. The top of foundations/footings and corner markers will be level with the ground surface.
13. The foundations/footings of all monuments, plaques, or footstones shall be finished true and level so all monuments, plaques, or footstones will fit on the foundation without wedging, sprawls, cement patching, rocks, or other additional devices.
14. All footstones and plaques shall have a concrete footing of at a minimum of 18 inches deep and dimensions appropriate for the size of the plaque or footstone.
15. The recommended corner markers shall be placed/installed by the WCA to designate the corner boundaries of the lot(s). The cost of corner markers will be paid in advance by the lot owner, and they will be installed as soon as practicable. Corner markers shall not protrude above the ground. These markers cannot be made by family or others and placed in the cemetery. If this is done, the homemade markers will be removed.
16. All requests for an exception to the dimension restrictions for monuments shall be submitted in writing to the WCA's Board of Trustees. Following a decision by the Trustees, a reply will be given in writing via certified mail through the United States Postal Service.
17. All requests for changes, additions, moving, or removal of a monument shall be submitted in writing to the WCA's Board of Trustees. Following a decision by the Trustees, a reply will be given in writing via certified mail through the United States Postal Service.
18. Repairs to any footings, pedestals, benches, or monuments will be done by a monument company or reputable contractor under the direction of the Cemetery Manager. Repairs **cannot** be done by the family or any other individual. If any repairs are done without the Cemetery Manager's approval it will be considered vandalism and be open to prosecution. All expenses incurred for the repairs will be at the lot owner's expense. Pedestals, benches, or monuments that are leaning, have fallen, or been toppled over are to be righted by a reputable monument company at the owner's expense.
19. The WCA will not maintain or repair grave markers and is not responsible for damage, wear and tear, deterioration, or weathering of the monuments. Lot owners should check their homeowner's insurance policy for coverage. Monuments and other markers at a cemetery are considered personal property and are covered under most policies. The WCA recommends that lot owners put a rider on their home insurance policy.

MISCELLANEOUS

1. It is suggested that all lot owners notify the WCA of any mailing and/or email address changes. All notices to lot owners will be sent to the last recorded mailing or email address and such notice will be deemed adequate.
2. The WCA shall hold one annual membership meeting during the year. Grave owners will be notified of the annual meeting three (3) weeks in advance. The notice will be posted in the local newspaper once a week for three weeks. The notice will also be posted at the cemetery's main gate.

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3. The general care of the cemetery provided by the association includes the cutting of the grass at reasonable intervals, the clearing of the grounds, and the pruning of shrubs and trees that have been placed or planted at the direction of the cemetery association. After a burial, all lots will be graded and seeded down.
4. The Board of Trustees of this association shall have full power and control over management of the Westernville Cemetery and all work done there. This includes the right to control all specifications, methods employed, and materials used within the cemetery boundaries. All work done in the cemetery shall be done by insured companies, and the WCA must be named as additional insured on their insurance policy.
5. Lot owners can obtain a copy of the full Rules and Regulations by downloading it on the WCA's website. However, a copy can be obtained from the Board of Trustees upon request to the WCA if necessary.

AMENDMENTS

These rules and regulations may be amended by the WCA Board of Trustees, but no such amendments shall be effective until approved by the New York State Cemetery Board.