

# TOWN OF SCHROON

## Rules and Regulations for Cemeteries

### Operated by the Town of Schroon

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Pursuant to New York State Law, the Town of Schroon has taken over the responsibility for certain burial grounds within the town boundaries. The Town of Schroon operates and maintains the Protestant Cemetery on Hoffman Road, the Severance Cemetery on Route 74, the South Schroon Cemetery on Old Schroon Road, the Baker Street Cemetery on US Route 9, and the Loch Muller Cemetery on Hoffman Road. If you are interested in purchasing burial space or erecting a monument, please contact the Town of Schroon Town Clerk.

#### **Section I: Purpose**

Cemetery lot owners, in general, may misunderstand the purpose and function of cemetery rules and regulations, and the vital role they play in the preservation, safety, and aesthetics of the cemetery grounds. In many cases, lot owners take exception to what they feel are restrictions on their perceived rights and privileges regarding the use of their cemetery lot, in the belief this ownership has the same rights and privileges as any other piece of “real property”. It is important to understand that cemetery rules are primarily adopted for the protection of the Town, the lot owner(s), and others who visit or work in the cemeteries, by, among other things, safeguarding against those actions that may create dangerous situations and/or impair the dignity and appearance of the cemeteries.

It is for the mutual protection and benefit of all lot owners, the Town of Schroon, and each cemetery as a unit, that the following Rules and Regulations have been adopted.

#### **Section II: Definitions**

Town: Town of Schroon

Lot Owner: A person or persons who hold Deeded interment rights, by purchase, inheritance or transfer. Deeded interment rights apply only to the right to inter. The Deed gives no other rights, assumed or otherwise, to the actual land in the lot.

Family Member: Any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by

the prefix "grand" or "great," or the spouse of any of these persons.

Plot: The space required to accommodate an adult interment – approximately 4-1/2 feet wide by 12 feet long.

Lot: An area that is covered under a single deed, consisting of one or more plots.

Monument: A memorial of durable stone that extends above the surface of the ground.

Marker: A memorial of cut stone, bronze or other approved material that lies flush with the ground.

Lot Corners: A permanent means of locating the corners of a lot, installed flush with the ground.

Interment: The permanent disposition by burial of the remains or cremated remains of a deceased person.

Infant: A child under two (2) years of age.

### **Section III: General Cemetery Rules**

- 1) All persons shall be allowed access to the cemetery during daylight hours, observing all rules which are in effect, and conducting oneself with the respect due a cemetery.
- 2) No alcoholic beverages shall be possessed, consumed or placed in the cemetery.
- 3) Pets of any kind are strictly prohibited on cemetery grounds.
- 4) No vehicles, except maintenance or others involved in lot preparation or restoration, shall be ridden or driven on cemetery property except on roads maintained by the cemetery for this purpose. No unlicensed recreational vehicles are permitted at any time.
- 5) No workers or volunteers will be permitted to do any work in the cemeteries without permission from the Town Board or its agent.
- 6) Exceptions to these rules may be made, on a case-by-case basis, at the discretion of the Town Board or its agent.

## **Section IV: Purchase/Ownership of Lots**

- 1) The purchase costs for plots and the required lot corner markers, as established by the Town Board in a separate “Cemetery Fee Schedule”, are available upon request from the Town Clerk. The purchase price of a lot, including corner markers, must be paid in full before a Deed is issued or interment allowed.
- 2) All lots sold are held subject to the rules and regulations of the Town of Schroon. No lot shall be used for purposes other than as a place of interment for deceased persons.
- 3) Sale of a lot(s) by the owner(s) or their heirs, to any party other than the Town of Schroon, is strictly prohibited. Lot owners or their heirs may elect to sell an unused lot(s), or portion thereof, back to the Town for an amount equal to the original purchase price. Lot owners or their heirs shall give notice in writing to the Town Board of their request to sell such lot(s). The Town Board reserves the right to grant or deny such request upon review.
- 4) Transfer of a lot(s) to any party other than family members is prohibited. Lot owners seeking to transfer ownership must submit to the Town of Schroon a properly completed and notarized “Application for Approval to Transfer Cemetery Property”, available upon request from the Town Clerk. No transfer of ownership of any lot shall be valid without being approved by the Town Board or its agent and recorded with the Town of Schroon. All fees associated with transfer of ownership, as established by the Town Board in a separate “Cemetery Fee Schedule”, available upon request from the Town Clerk, must be paid in full for such transfer to be valid
- 5) The official records of all lot owners shall be maintained by the Town Clerk at its designated office, where each lot owner shall be registered by name and address. It shall be the responsibility of each lot owner to inform the Town of Schroon as to any changes of mailing address. Notices sent to any lot owner at the last registered address on file shall be considered sufficient and proper legal notification.
- 6) The Town of Schroon reserves the right to correct any errors that may be made by it in transfer or conveyance, and may substitute and convey in lieu thereof, other interment rights of equal value and similar location(s) as far as possible, or, in the sole discretion of the Town Board, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interred remains or cremated remains of any person in such property, the Town of Schroon reserves the right to remove and transfer such remains so interred, in accordance with “Section VI: Disinterments” of these rules and regulations, to such other property

of equal value and similar location as may be substituted and conveyed in lieu thereof.

## **Section V: Interments**

- 1) The cemeteries are generally closed to interments from December 1<sup>st</sup> to April 14<sup>th</sup> of each year, unless weather allows or circumstances justify an adjustment to the schedule. Such decisions shall be made by the Town Board or its agent.
- 2) Prior to interment in any plot, full payment of lot purchase costs and interment fees must be made to the Town of Schroon. A list of these fees, as established by the Town Board in a separate “Cemetery Fee Schedule”, is available upon request from the Town Clerk.
- 3) In any plot, where allowed or permitted due to conditions, only one (1) interment of remains or four (4) interments of cremated remains are allowed. The interment of the remains of more than one person in one plot shall not be permitted, except in the case of mother and infant or of sibling infants. The Town of Schroon may limit the number of interments per plot if room for memorialization is not available for the person(s) to be interred.
- 4) No grave openings or excavations shall be made except by arrangement of, and under the supervision of, a person designated by the Town Board.
- 5) The interment of remains requires the use of a grave liner or vault, either of which may be constructed of concrete, metal, fiberglass or plastic, and shall be designed to withstand a top load of five thousand (5000) pounds per square foot.
- 6) Cremated remains must be in a permanent, non-biodegradable container designed for that purpose, and placed at a minimum depth of eighteen (18) inches to the top of the container. Scattering or commingling of cremated remains on a plot is strictly prohibited.
- 7) No vault shall be built entirely or partly above ground.
- 8) Lot owners shall not allow interments to be made in their plots for remuneration.

## **Section VI: Disinterment**

- 1) Disinterment may be made upon written request to the Town of Schroon, and duly consented to by the owners of the plot for which disinterment is requested, the

surviving spouse, children of legal age, and parents of the deceased to be disinterred, and the Town of Schroon. If the consent of all of these parties cannot be obtained, application may be made to the New York State Supreme Court, Essex County. Only an agent approved by the Town of Schroon may conduct disinterment. A "Burial-Transit Permit" from the NYS Department of Health is required for all disinterments. The services of a licensed funeral director will be required if the remains are to be transferred out of a Town of Schroon controlled cemetery. The Town of Schroon assumes no liability for any damage, including but not limited to, damage to any casket, vault or urn incurred in making a disinterment.

## **Section VII: Monuments & Markers**

- 1) No monument or marker will be permitted on a lot where the purchase price of such lot has not been paid in full.
- 2) No monument or marker shall be considered for approval by the Town of Schroon for installation without submission of a properly completed "Foundation/Memorialization Application" to the Town Clerk. If the Town Clerk determines that any of the specifications of the proposed monument or marker do not conform to the standards detailed in this section, the monument or marker will not be approved.
- 3) All monuments and markers shall be no larger than eighty (80) percent of the width of the lot, not to exceed five (5) feet in width, unless approved in writing by the Town Board or its agent.
- 4) All monuments shall be of marble, granite, or other durable stone. Monuments shall not exceed four (4) feet in height, and must be placed on a solid concrete foundation installed by an entity approved by the Town of Schroon or its agent.
- 5) All markers shall be of cut stone, bronze, or other material approved by the Town Board or its agent upon review of written petition from the lot owner. Markers, including veteran's grave markers, must be placed on a foundation of either solid concrete or tamped crushed stone, installed by an entity approved by the Town of Schroon or its agent, and so constructed that the surface of such marker will remain flush with the ground. Markers will be allowed above ground if a cut stone base, at least six (6) inches thick, is placed between the marker and a solid concrete foundation.
- 6) All monuments and markers to be placed upon any lot shall conform generally to the existing memorials in the cemetery. If any monument, marker, or any

inscription to be placed on same, or any memorial whatsoever, shall be determined by the Town Board, upon inspection, to be inconsistent with the dignity of the Town of Schroon cemeteries, the Town of Schroon reserves and shall have the right to:

- (a) refuse to authorize the placement of such monument, marker or memorial;  
or
- (b) if already in place, the Town of Schroon shall have the right, at the Lot Owner's expense, to remove, change or correct any such improper monument, marker, memorial or inscription.

7) The Town of Schroon is only responsible for damage to monuments or markers if said damage is caused by cemetery personnel. However, when a monument or marker has been placed on a lot, should the monument or marker have to be moved for an interment to be made, the lot owner shall assume all liability for any damage done to said monument or marker.

### **Section VIII: Plants/Decorations/Memorials**

- 1) While the Town of Schroon fully appreciates that the grieving process is keenly personal in nature, in the interest of aesthetics and the safety of all, certain restrictions will apply.
  - a) Planting of flowers will be allowed along the front and sides of a monument, in a cut-out bed not to exceed 10 inches from the base. Flowers shall remain within the width of the lot.
  - b) No trees or shrubs may be planted by the lot owner.
  - c) No wood, iron, wire, hedge, or other fence shall be erected or maintained on or around any lot, and no walks of brick, stone, gravel, or similar materials shall be allowed on any lot.
  - d) Seasonal decorations are permitted but shall be removed within 30 days after placement of the decorations.
  - e) Chairs, benches or enclosures of any kind are not allowed.

The Town of Schroon reserves the right to remove prohibited items if so erected, planted or placed. The Town of Schroon assumes no responsibility for anything placed on a lot that may be removed, lost or stolen.

- 2) Placement of flags, no larger than twelve (12) inches by eighteen (18) inches, on veterans' graves are allowed starting the weekend before Memorial Day, and ending on Veterans Day. All flags must be removed by the eighteenth (18<sup>th</sup>) of November. Flags should be treated with dignity and respect, which in part requires that unserviceable flags be disposed of appropriately, and that serviceable flags be stored in a dignified manner out of public view.

- 3) The Town of Schroon reserves the right to remove all flowers, wreaths, or other decorations from lots as soon as they become unsightly or dangerous.

### **Section IX: Grievances**

- 1) Any individual, group or organization aggrieved by an action, actual or pending, associated with an interpretation of these rules and regulations, or a difference of opinion as to their meaning and intent, may appeal directly to the Town Supervisor, and request a meeting if necessary. Such request shall be communicated to the Town Board and expeditiously complied with. Any action associated with the matter in contention shall, if at all possible, be held in abeyance until the matter is resolved.

### **Section X: Reservation**

In all matters not covered by these Rules and Regulations, the Town Board reserves the right to do what it determines to be fair and reasonable. As well, these rules and regulations, and rates and charges as outlined in the “Cemeteries Fee Schedule”, for the operation and maintenance of cemeteries controlled by the Town of Schroon, may be amended from time to time as is necessary by majority vote of the Town Board.

Adopted by the Town of Schroon Town Board at its July 13, 2020  
Regular meeting. Effective July 13, 2020