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# Virgil Rural Cemetery Association

## Bylaws, Rules and Regulations

### Cemetery Rules and Regulations

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**Article 1** – Burial must be scheduled in advance by contacting the Sexton.

**Article 2** – All fees are due prior to the burial.

**Article 3** – Any burial or attempted burial not coordinated with Virgil Rural Cemetery Association personnel may cause the burial rights to that Lot to be rescinded. Burials will not be allowed in that Lot until all issues have been resolved.

**Article 4** – All cremation Interments must be made in accordance with NYS Cemetery Law and Virgil Rural Cemetery Association Bylaws, Rules and Regulations. These Interments are treated the same as any other Interment and must be properly recorded by the Cemetery Association. The Administrative Fee, State Mandate and in some cases, the State Vandalism Fee must be paid prior to the Interment.

**Article 5** – Not vault, mausoleum, or other such above ground enclosed structure used to store remains shall be built without the permission of the Board of Trustees and then only in such location as they may approve.

**Article 6** – All foundations will be constructed by or under the direction of the Virgil Rural Cemetery Association.

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**Article 8** – Concrete vaults or concrete grave liners are required for full burials in all graves.

**Article 9** – Interment of cremated remains will only be permitted if in appropriate rigid receptacles such as wood, metal, plastic, ceramic or concrete. Cremated remains may not be scattered in any part of the cemetery.

**Article 10** – Each lot may be restricted to one full burial and one cremation, or two cremations. A cremation burial on top of a full burial is only permitted if there is room to adequately cover the cremation receptacle.

**Article 11** – All decorations are placed at the owner's risk. The Virgil Rural Cemetery Association is not responsible for damage or loss of any decorations that are placed in the Virgil Rural Cemetery. This includes monuments, headstones, and other grave markers.

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**Article 12** – Virgil Rural Cemetery Association reserves the right to remove all flowers, wreaths or other decorations from lots as soon as they become unsightly.

**Article 13** – Mid-April/beginning of May and the end of October are the spring and fall clean up of the cemetery, please have your seasonal decorations removed prior to April 1<sup>st</sup> and October 31<sup>st</sup>.

**Article 14** – Virgil Rural Cemetery Association reserves the right to remove, after due notice to the lot owner, any embellishment on the lot, effigy or inscription which, in the opinion of the majority of the directors, is unsightly or dangerous.

**Article 15** – Virgil Rural Cemetery Association reserves the right to restrict the planting of shrubs and trees and to remove, after due notice to the lot owner, any shrub or tree deemed dangerous to the public or groundskeeping personnel.

**Article 16** – Any stones or other material which project away from the headstone and interfere with grounds-keeping are also prohibited.

**Article 17** – The proprietors of lots and their families shall be allowed access to the grounds at all times between dawn and dusk, observing the rules which are or may be adopted for the regulations of visitors. Vehicle traffic (except cemetery personnel, vault truck, hearse and equipment used for burials) through the cemetery will not be allowed at the first significant snow fall. Parking will be allowed at the entrance; please park and walk in. All travel by foot or vehicle is at your own risk.

**Article 18** – Scheduled funerals in progress have full priority over other visitors.

**Article 19** – No dogs are permitted unless leashed and the owner/handler immediately removes any droppings. Horses are not permitted in the cemetery unless drawing a hearse or part of the burial ceremony.

**Article 20** – If any person leaves rubbish or other items on any road or lot, it may be removed by cemetery personnel and the lot owner will be billed for any costs.

**Article 21** – Virgil Rural Cemetery Association retains the Right of First Refusal to buy back lots. To transfer lots within the cemetery, the Virgil Rural Cemetery Association will first purchase the lot(s) at the original prices plus simple interest at the rate set by the NYS Division

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of Cemeteries. The Virgil Rural Cemetery Association will sell the new lots at the current price posted.

**Article 22** – If, in the opinion of the sexton, winter conditions such as frost, snow or other weather issues may cause damage to the cemetery or increase the risk of injury to attendees, graves will not be opened. If the section does allow burials during the winter months, any additional costs incurred (e.g. snow clearing, etc.) will be the responsibility of the family and must be paid prior to the funeral. A reasonable security deposit covering possible damage to the cemetery determined by the conditions and lot location will also be the responsibility of the family and must be paid prior to the funeral. An invoice will be issued in the spring after the costs for damage repair are assessed. The security deposit will be refunded less any costs for repair of damage.

**Article 23** – While Virgil Rural Cemetery Association takes pride in the cemetery and our community, the Virgil Rural Cemetery Association is not responsible for maintenance, repair or replacement of any memorial places or erected upon any lot (plot). Responsibility for planting, cutting, watering or care of any privately planted/owned tree, shrub, flowers, or ornamental plants is not the Virgil Rural Cemetery Association. The doing of any special or unusual work in the cemetery, reconstruction of any granite, bronze, or concrete work on any section of the lot (plot), or any portion or portions thereof, injured or damaged by any cause, direct or indirect, is not the Virgil Rural Cemetery Association's responsibility, beyond what is within the cemetery's responsible control.

#### **Responsibilities of Lot Owner**

**Article 1** – All lot owners are required to notify the Virgil Rural Cemetery Association of any change in address. All required notices shall be sent to the last recorded address and such notices shall be deemed adequately serviced.

**Article 2** – Lot owners are prohibited from allowing interments to be made on their lots for compensation.

**Article 3** – Permission by a lot owner to inter in their lot given to other than members of their family, must be made in writing, duly witnessed and delivered to the association by the lot owner. Lot owners cannot transfer or assign lots without written permission from the Virgil Rural Cemetery Association (and approved by NYS Division of Cemeteries). Ancestral tracing may be required by the association (e.g., marriage records, birth certificates, etc.) at the expense of the owner.

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#### **Responsibilities of Lot Owner Continued**

**Article 4 –** To minimize cemetery maintenance costs, lot owners and their families are encouraged to make every attempt to remove dead flowers in a timely manner, trim shrubs and, in general, maintain their gravesites. No obstacles shall be placed in the mowing paths. Any vegetation must be contained in the general confines of the gravesite memorials in a way that does not obstruct a clear mowing path.

**Article 5 –** Lot owners are encouraged to consider their wishes for future usage of their lots after their own demise. Their legal wills or notarized affidavits delivered to the association can be utilized to assure that their wishes regarding their cemetery rights are perpetuated.

\*These Bylaws, Rules and Regulations, or any part thereof, may be amended at any meeting of the Board of Trustees by a two-thirds affirmative vote of all the members of the Board, but no amendment shall be effective until approved by the New York State Cemetery Board.

\*\*Changes approved by the Board of Trustees on October, 2022.

The Bylaws, Rules and Regulations presented, within this Bylaws and Regulations document, supersede any and all previous Bylaws.