

**Town of Ashford, Cattaraugus County, New York
Local Law #1 of the year 2006**

Cemetery Regulations

Section 1 – Statutory Authorization and Purpose

1.1 Findings:

1.1.1. Abandoned Burial Grounds: The Town Board of the Town of Ashford finds that there are within the Town many burial grounds which, over time, have been abandoned. The responsibility of the maintenance of such cemeteries has become the responsibility of the Town pursuant to Article 17 – Cemeteries, Section 290 through 296, Town Law. The maintenance of such burial grounds has become a Town charge with a resultant expense to the taxpayers.

1.1.2 Active Burial Grounds: There are active private burial grounds and burial grounds operated by formal corporations, associations, and religious groups.

1.1.3 Purpose of this Local Law: It is the purpose of this Local Law to establish regulations setting standards for burial grounds to minimize the expenses to the taxpayers with respect to those burial grounds which already have been abandoned or which may be abandoned in the future, or turned over to the Town. Reasonable regulation is required to protect the safety and health of the residents of the Town by providing for proper burial and disposal of human remains and that the general welfare of the Town will be advanced thereby. A system of identifying burial grounds and the location and identification of those buried in them is desirable. It is for these purposes and objectives, this Local Law is adopted.

1.2 Statutory Authority: For State provisions of law, see Town Law, Article 17 – Cemeteries. Also, Not-For-Profit Corporation Law Article 15 – Public Cemetery Corporations. Burial Permits, see Public Health Law Section 4144 et seq. Regulations of Cemeteries, generally, see General Business Law Sections 450 et seq. Pet Cemeteries and Pet Crematoriums, see General Business Law Article 33-C, Section 750 set seq.

Section 2.0 – Definitions

2.1 “Town Board” shall mean the Town Board of the Town of Ashford

2.2 “Burial Lots”, “Burial Grounds”, and “Cemeteries”, shall mean places for the disposal of human remains or ashes.

2.3 “Ashes” shall refer to human remains after cremation.

2.4 “Burial Ground” shall mean any lot or piece of land which shall have been used by the inhabitants of the town as a cemetery or for the burial of human remains or the disposal of human ashes.

- 2.5 “Public Cemetery” shall mean any lot or piece of land which was used for a public burial ground.
- 2.6 “Private Cemetery” shall mean any lot or piece of land used as a private burial ground or a family burial plot.
- 2.7 “Town Cemetery” shall mean a cemetery the maintenance of which is a Town responsibility.

Section 3.0 – Maps & Plot Plans

- 3.1 **Maps:** Within one year from enactment of this Local Law, or before a permit can be issued for the construction or location of a new burial ground within the Town of Ashford, a map or plot plan in the nature of a subdivision plot plan for the burial ground shall be prepared by a licensed architect, engineer, or surveyor. The map or plot plan locating the burial ground shall be prepared with its location referenced to the Holland Land Company’s lot lines and shall be prepared in accord with the standards of the Cattaraugus County Bar Association.
- 3.2 The burial plots shall be laid out upon the ground with suitable permanent markers put in place to locate the individual burial plots.
- 3.3 The plot or plots of the grounds so laid out shall clearly indicate the number and location of the several lots, which plots shall be appropriately numbered for identification. The map or maps shall be prepared with appropriate certifications and acknowledgements to enable them to be recorded in the County Clerk’s office. A certified copy of the map shall be filed with the Town Clerk. A certified copy shall be recorded in the Cattaraugus County Clerk’s office, a new filing shall not be required if there has been no changes. But, a certified copy thereof shall be filed with the Town Clerk. Upon the addition of lands to any burial ground, or upon a change in the location of burial plots, certified copies of the new or amended maps shall be filed for recording with the County Clerk and with the Town Clerk.
- 3.4 The maps filed with the Town Clerk shall identify the names of persons or cremains in any plots shown on any filed map. The maps shall be of sufficient size so that the name of the person buried in a plot can be entered thereon.
- 3.5 **Updating:** Upon the issuance of a burial permit, it shall be the responsibility of the Town Clerk to enter upon the plot diagram on the burial ground map filed in the Clerk’s office, the name of persons buried therein.

Section 4.0 – General Regulations

- 4.1 These regulations shall apply to all cemeteries and burial grounds located within the Town of Ashford.

- 4.1.1** No person shall dispose of any dead body or of any human being for interment or cremated of remains, within the Town of Ashford without a permit from the Town Clerk and in accord with the terms thereof.
- 4.1.2** No person, firm, or corporation shall dispose of any dead body or human being for interment or cremation of remains without filing with the Town Clerk of the Town of Ashford a certified copy of a Death Certificate for such person.
- 4.1.3** Permit to exhume body. No person shall open any grave, tomb, vault or other receptacle for the dead to exhume a body which has been placed therein for interment, unless by permit from Cattaraugus County Health Department and upon the filing of a copy of the same with the Town Clerk of the Town of Ashford.
- 4.1.4** No disinterment shall be made except between sunrise and sunset. This section applies to removals from one grave to another in the same cemetery as well as another cemetery.
- 4.1.5 Grave Size Regulated:** Every grave must be at least six feet deep and four feet below the level or grade of any adjacent street and no part of any remains or burial receptacles, caskets, or vaults shall be less than three (3) feet below the surface of the lot and the surface of the lot or land within ten (10) feet thereof.
- 4.1.6 Burial Only With Permit:** No person in charge of any receptacle for the dead shall receive for the burial or disposition of any body without an accompanying certificate or permit from the Town Clerk of the Town of Ashford.
- 4.1.7 Duties of Person in Charge of Cemetery, etc.:** Every sexton or person having charge of any tomb, vault, cemetery, crematory, or other receptacle for the dead must register his name, address, nature of his duties with the Town Clerk of the Town of Ashford; and shall report all bodies buried in accordance with the requirements of this Local Law, within ten days of such disposition.
- And, he shall also cause every receiving vault within the Town to be cleared, cleaned, and disinfected before the first day of May each year.
- Nor shall he permit any dead body to be kept in any receiving vault over 72 hours between May 1st and November 1st.
- 4.1.8 Burial to be on Registered Ground – Second Body Prohibited:** No person shall bury and body of a human being in any place other than a registered burial ground without a permit from the Town Clerk of the Town of Ashford; nor shall any grave be used for disposing of a second body.
- 4.1.9 Construction of Over Ground Vaults, etc.:** No person or association shall use or make over ground vaults, tombs, or other receptacles for the dead, except when made of stone with a stone covering, cemented on, unless the coffin or casket is permanently and hermetically sealed in a metal case.

Section 5.0 – Regulations Governing Town Cemeteries

- 5.1 Statement:** Town Cemeteries are generally cemeteries which have been abandoned and the upkeep of which is the responsibility of the Town of Ashford pursuant to law. Such abandoned cemeteries are deemed by the Town to no longer be active cemeteries available for the interment of remains.
- 5.1.1** No remains shall be buried in a Town Cemetery without the consent of the Town Board.
 - 5.1.2** The Town Board shall set a fee for a permit for remains or cremated remains to be buried in a Town Cemetery, which permit fee shall be determined annually at the time that the annual budget is adopted.
 - 5.1.3** No mausoleum or crypt shall be built above ground on any Town Cemetery.
 - 5.1.4** Any monuments or markers shall be constructed of granite, bronze, or marble, or other suitable, durable material, and shall be flush with the ground.
 - 5.1.5** No concrete or stone urns may be used or any other structures or impediments put on the burial plot which would cause an interference with normal mowing and maintenance of the cemetery.
 - 5.1.6** Should the Town Board allow the use of a Town Cemetery, such use may only be for the burial or the remains of persons who were legal residents of the Town of Ashford at the time of their death.
 - 5.1.7** No burials of remains shall take place in any Town Cemetery that the Town Board of the Town of Ashford deems fully occupied.

Section 6.0 – Location of Town Cemeteries

- 6.1** As of the date of enactment of this Local Law, the Town of Ashford recognizes the following only as Town Cemeteries.
- 6.1.1** Riceville Cemetery, 5205 Gooseneck Road
 - 6.1.2** Holland Cemetery, 10075 Route 240
 - 6.1.3** Thomas Corners Cemetery, 11217 Route 240
 - 6.1.4** Dutch Hill (Nagel) Cemetery, 9798 Dutch Hill Road
 - 6.1.5** Frank Town Cemetery, 10012 Route 219
 - 6.1.6** Ashford Hollow Cemetery, 9324 Route 219

6.1.7 Henrietta Road Cemetery, 7310 Henrietta Road

6.1.8 Rohr Hill Cemetery, 8860 Rohr Hill Road

6.1.9 Kimball Grave, 9702 Route 240
* single grave only.

Section 7.0 – Effective Date

7.1 Adoption: This Local Law was adopted by the Town Board of the Town of Ashford at its regular meeting October 11, 2006, as Local Law #1 of the year 2006.

7.2 This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.