

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Town of Marion

FILED  
STATE RECORDS  
NOV 24 2023

DEPARTMENT OF STATE

Local Law No. 8 of the year 20 23

A local law Cemetery Regulations  
(Insert Title)

Be it enacted by the Marion Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Town of Marion

as follows:

*See attached*

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2023 of the (County)(City)(~~Town~~)(Village) of Marion was duly passed by the Town Board of Marion on Nov. 13 2023, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

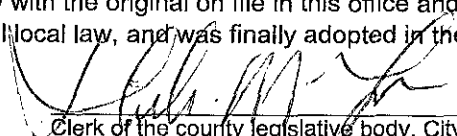
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Nov. 16, 2023

(Seal)



**TOWN OF MARION**  
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Marion, NY 14505  
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**Heidi M. Levan**  
Town Clerk/Tax Collector/Notary Public/Registrar

Office: 315-926-4271  
Fax: 315-926-3502

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## **Resolution #1103-23 Adopt Local Law #8-2023 – Cemetery Regulations**

On a motion by Councilman Bliet and seconded by Councilwoman Herman

ADOPTED: Long Roll:

Councilman Bliet – Aye  
Councilman Lonville - Aye  
Councilwoman Herman – Aye  
Councilman Cramer – Aye  
Supervisor Bender – Aye

Ayes: 5

Abstained: 0

Nays: 0

The following resolution was adopted

WHEREAS, a Public Hearing was held on November 13, 2023 to create Cemetery Regulations; and

BE IT RESOLVED, the Marion Town Board adopts the following Cemetery Regulations; and **Local Law #8-2023 Concerning Town Cemeteries and Enacting Cemetery Regulations**

Be it Enacted by the Town Board of the Town of Marion as follows:

### **§115-1. Purpose; enforcement**

- A.** For the mutual protection of the lot owner and the cemetery as a whole, the following rules and regulations have been adopted by the Town Board of the Town of Marion as rules and regulations of all Town-owned cemeteries in Marion, New York. All lot owners, visitors, and cemetery vendors and all lots sold shall be subject to said rules and regulations that may be adopted from time to time as deemed necessary by the Town of Marion.
- B.** The Town is hereby empowered to enforce all ordinances, rules and regulations regarding cemetery function and operation and to exclude from a cemetery any person violating the same. The Town shall have charge of the grounds and buildings, including the conduct of funerals, traffic, employees, plot owners and visitors.
- C.** Visitors to Town cemeteries are reminded that cemetery grounds are sacredly devoted to the interment of the dead, and that strict observance of the decorum which should characterize the place will be required.
- D.** The Town Clerk shall deposit all costs and fees established pursuant to this Local Law into appropriate accounts to be used for the operation and maintenance of town cemeteries.

## **§115-2. Interments**

- A.** The Town Clerk shall be notified at least three business days in advance of an interment. The next of kin, duly appointed representative of the deceased, or the funeral home shall provide the Town Clerk with a copy of any approvals or permits required, along with a copy of the death certificate for the deceased.
- B.** Concrete vaults or concrete liners will be required for interments in all graves, except in the case of a child under one year of age, for which a plastic vault is allowed.
- C.** Each gravesite is limited to:
  - 1. One burial vault and one cremation; or
  - 2. Two cremations.
- D.** Ashes from cremation may be interred only in a suitable permanent container.
- E.** No burials or remains shall be put in winter storage without a transit permit.
- F.** No grave shall be dug in the winter between December 1 and April 1 if the Town Clerk deems frost, weather or any other conditions unfavorable.
- G.** The cost of opening and closing a grave and the sodding and seeding of the mound shall be established by the Town Board. Payment must be received in full by the Town Clerk before a burial can be scheduled and the grave is opened.
- H.** Cremated remains will not be permitted to be scattered in any part of a cemetery.
- I.** The interment of two bodies in one grave will not be allowed, except in the case of a mother and infant, twin children, or two children buried at the same time.
- J.** No interment of any body other than that of a human being is permitted.
- K.** Cremated pets may be placed in interment with human body or cremated remains.
- L.** All other costs associated with a burial, including seating for a graveside service and marking of the grave, are the responsibility of the next of kin, the executor or administrator of the estate or the funeral home handling the remains of the deceased.

## **§115-3. Lots; graves**

- A.** The Town Clerk is responsible for the original sale of graves and/or lots.
- B.** The cost of graves and/or lots shall be established by the Town Board and shall not include the cost of opening and closing a grave and the sodding and seeding of the mound, which is a separate charge. Costs shall be payable to the Town of Marion.
- C.** Cemetery lots shall be transferred by deed signed by the Town Clerk.
- D.** The purchase of cemetery lots includes perpetual care, which involves normal mowing, seeding, and routine care.
- E.** Permission of the grave and/or lot owner to anyone other than a family member to use a grave within a specific lot shall have a notarized letter so stating on file at the Town Clerk's Office.
- F.** The private resale of lots is strictly prohibited.
- G.** Under unusual circumstances, the Town Board may recommend repurchase of a grave and/or lots for the original purchase price. The Town is under no obligation to repurchase any grave and/or lot for any reason whatsoever.

## **§115-4. Markers and monuments**

- A.** All markers and monuments shall have a foundation of sufficient depth to be below the frost line (36 inches or 54 inches for large markers) and shall be under the control of the Town Board or designee.
- B.** Monuments and markers shall be made of granite or standard bronze.
- C.** All grass markers shall be set level to the ground for mowing expediency.

- D. The width of the monument is governed by the width of the lot. The width of the monument shall not exceed 50% of the average width of the lot, excluding the foundation.
- E. Monuments or markers shall be delivered to the designated site and set in place by the dealer. The dealer is responsible for all damages to lots or property. Deliveries and settings shall be scheduled between April 1 and December 1.
- F. The Town should be consulted regarding placement of the monument or marker on the site, the location of which may vary by location and cemetery.
- G. All monuments/markers shall be placed on concrete foundations having dimensions two inches greater in length and width than the base of the monument/marker, and a depth of up to three feet.
- H. All foundations shall be installed by the Town at a cost to the family/lot owner/monument company.
- I. The Town is not responsible for the cost of monuments or markers, for the cleaning of monuments or markers, or for any damage to monuments or markers.

**§115-5. Decorations; prohibited items; lost or removed items**

- A. All items (excluding monuments and veteran or firemen flag holders) shall be removed from gravesites by April 1 and October 1 and new decorations shall not be placed until April 15 and October 15. Any items not removed between those dates will be disposed of by the Town.
- B. Funeral flowers will be removed as soon as they fade, wither, and become unsightly.
- C. No glass containers of any kind will be allowed in a cemetery.
- D. The use of paper-made containers, wire holders for flower pots, wire, plastic trellis or wooden fences on graves is prohibited.
- E. Placing of crushed stone, wood chips or shells on graves is strictly prohibited.
- F. Watering cans and other utensils cannot be stored adjacent to markers or graves.
- G. Urns should be placed as close as possible to the monument, either to the left or right of the monument, so that they will not interfere with the mowing and trimming equipment.
- H. No more than one eight-inch or larger urn or pot will be allowed on a gravesite.
- I. No statues, candles, votives, toys or novelties, food or beverage items are permitted on gravesites. Solar lights may be placed on the gravesite in a location that does not interfere with mowing or other maintenance.
- J. Only one real wreath shall be permitted per gravesite.
- K. Fencing is strictly prohibited.
- L. The Town reserves the right to remove any and all decorations, flowers, wreaths, containers, solar lights, etc., deemed unsightly or that interfere with grounds maintenance. The Town is not responsible for lost or removed items.

**§115-6. Plants and flowers**

- A. Planting of perennials/annuals/bulbs are permitted only to the left or right of the stone/monument, and no higher than the height of the stone/monument within the owner's lot.
- B. No shrubs, bushes or trees may be planted on lots or graves, donations of plants, shrubs, bushes or trees are acceptable. Please contact the Town Board or its designee for details.
- C. Absolutely no artificial plants, wreaths, flowers, or markers are permitted in a cemetery.

## **§115-7. Vehicles**

- A.** Automobiles must always be kept on roads/paths for that purpose at all times. No driving is allowed on any section or over lots or lawns under any pretense whatsoever.
- B.** Vehicles may not be permitted to enter a cemetery during periods of inclement weather. The roads in a cemetery are seasonal use only and not maintained during winter months. Enter at your own risk during winter months.
- C.** No unlicensed or recreational vehicles (snowmobiles, four-wheelers, dirt bikes, electronic bikes) are allowed in a cemetery at any time.
- D.** No plowing of roads or pathways is permitted at any time.

## **§115-8. Disclaimer of responsibility**

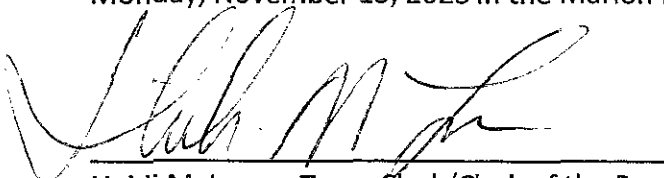
The Town of Marion disclaims all responsibility for cemetery losses or damages from causes beyond its reasonable control and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief-makers, explosion, unavoidable accidents or any cause, similar or dissimilar, beyond control of the management, whether the damage be direct or collateral. Any or all items deemed in violation will be removed at any time by the Town.

## **§115-9. Additional Information**

- A.** Town of Marion cemeteries are open from dawn to dusk.
- B.** The discharge of firearms in Town cemeteries is prohibited except at military funerals.
- C.** Children are not permitted to run at will through the grounds.
- D.** Any person who shall deface, mutilate, or otherwise injure any monument or enclosure, or shall injure or remove any shrubbery, trees, plants, or flowers in the grounds will be prosecuted to the full extent of the law.
- E.** No horseback riding or walking dogs in a cemetery at any time.
- F.** Violations of the above rules and regulations shall be prosecuted by law.
- G.** For information regarding the rules and regulations of all Town-owned cemeteries in the Town of Marion, it is advisable for the parties directly concerned to obtain such information from the Town Clerk's office of the Town of Marion.

BE IT RESOLVED, that the Marion Town Board directs the Clerk of the Board to give a copy of this resolution to the Principal Account Clerk.

I, Heidi M. Levan, Town Clerk/Clerk of the Board do hereby certify that this is a true and exact copy of the resolution presented and adopted at a regular meeting of the Town of Marion Board held on Monday, November 13, 2023 in the Marion Municipal Room.



Heidi M. Levan, Town Clerk/Clerk of the Board