

RULES AND REGULATIONS  
ARKPORT CEMETERY  
VILLAGE OF ARKPORT  
ARKPORT, NEW YORK

OFFICE HOURS

Monday-Thursday: 9:00a.m.-1:00p.m.

TELEPHONE NUMBER

(607)295-7346

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(607)382-5593

6 Park Ave.  
Arkport, New York 14807

## **I. OUR MISSION**

The Village of Arkport, Heritage Hill Cemetery shall serve as a sacred and peaceful site of beauty where family and friends can gather in prayer and remembrance. As a place of traditional burial, the Village of Arkport, Heritage Hill Cemetery is established to care for the resting places of the deceased.

We accept the responsibility of implementing these functions under the direction and supervision of the local municipality known as the Village of Arkport.

These rules and regulations are designed for the protection of all lot holders of the Village of Arkport, Heritage Hill Cemetery and to enable the Cemetery to carry out its mission and purpose as stated above.

It is not intended that these regulations cause any grief or hardship but that they will be understood to be necessary so that the Cemetery will be maintained and preserved according to an orderly plan.

At the same time, these regulations may prevent certain acts by those who could be inconsiderate to the rights of others. The rules and regulations are made for the collective good of all lot holders.

With an understanding of the purpose of these rules and regulations, lot holders and visitors are requested to respect their enforcement.

## **II. DEFINITIONS**

**Cemetery**- as used in these rules and regulations shall mean the Village of Arkport, Heritage Hill Cemetery, located in the Village of Arkport, NY.

**Management**- shall mean the persons duly appointed by the Village of Arkport Board for the purpose of administering the Cemetery.

**Burial**- shall mean the disposition of human remains either in a grave in the ground or in a crypt or niche in a mausoleum above ground.

**Interment**- shall mean the burial of remains or cremated human remains of the deceased persons in a grave in the Cemetery.

**Grave**- shall mean a space of ground in the Cemetery intended to be used for the burial of human remains or cremated human remains. The size or dimensions determined by the Village of Arkport.

**Lot**- shall mean one or more graves.

**Infant**- shall mean a child under 2 years old.

### III. GENERAL SUPERVISION OF THE CEMETERY

1. It is the duty of the Village of Arkport Board and its management to make such rules and regulations for the administration of the Cemetery. Rules may be made as needed, to serve and promote the ethics of the cemetery.
2. For further information or interpretation regarding the rule and regulations of the Cemetery, contact the Village of Arkport office. All rules and regulations heretofore adopted which are contrary to or conflicting with those herein published are rescinded and declared void.
3. The Cemetery grounds and structures shall at all times be under the care of the Village. The Cemetery shall reserve the right to grade and improve the same; to keep and maintain in proper condition the lawns, fences, roads, and walk ways and to plant or remove, trees, shrubs, and bushes wherever it may deem advisable.
4. All improvements and care for the lots and graves, including grading, planting and seeding, cutting and removing trees, etc. shall be controlled by the Village of Arkport, Heritage Hill Cemetery and such work performed by the Cemetery workers under the direction of the Village of Arkport DPW. For the sake of proper maintenance, **trees cannot be planted by individual lot owners.** However, individuals may contact the Village of Arkport Office for a memorial donation toward a tree, shrub or other plantings.
5. Memorials on lots are the property of the lot holders, or their heir, who are responsible for maintaining them in a safe and proper condition.
6. No money shall be paid to any person in the employ of the Village for any personal service, attentions or favors. Any employee accepting money for the performance of personal service, other work or favors may be subject to disciplinary action.
7. The Village of Arkport Board shall have the right to correct any errors that may be made by either in making interments, disinterment, or removals and in the descriptions, transfer or conveyance of any rights, lot, either by canceling such conveyance and substituting and conveying in lieu thereof other interment rights, lot of equal value and similar location as far as possible, as many be selected by the Village of Arkport, Heritage Hill Cemetery, or in the sole discretion of the Village of Arkport, by refunding money paid on account of said purpose. In the event any such error shall involve the interment of the remains of any person in any lot, the Village of Arkport, Heritage Hill Cemetery reserves, and shall have the right to remove and re-inter the remains in such other lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

### IV. ARRANGMENT FOR INTERMENTS

1. Arrangements for burials shall be made by contacting the Village with name of deceased, age, DOB, requested time of burial, parents names, and location of lot

or lot owner. Burial may be made on Sundays or on legal holidays at the discretion of a Village representative.

2. A proper burial permit, issued by a duly accredited public official, must be presented to the Village of Arkport Office or representative before a burial can be made.
3. Winter burial requiring equipment for digging through frost will incur an additional fee not to exceed \$100.00.
4. Payment of interment fee (grave opening) must be made before burial.
5. Village of Arkport Board or representatives shall have the right to request those wishing to make a selection of a lot, or arrange for a burial, call the Village of Arkport Office in ample time to complete arrangements before closing time of the Village of Arkport Office. (Location for interment on multiple grave lots will be made by the family or its representatives.) If a Funeral Director or other agent is representing the lot, the arrangements made by the agent with Village of Arkport representatives are binding on said lot. In absences of action by lot owners or representatives described above the Village of Arkport, or their representative will not be held responsible for discrepancies of interment.
6. Concrete, Fiberglass or metal outer case vaults must be used for an adult interment in the Cemetery. Such outer cases must not exceed the Cemetery's standard grave dimensions and regulated size.
7. Caskets must be firm enough to be properly carried to the gravesite and rigid enough to be handled on a standard lowering or handling service device. Sealer caskets are not required for in-ground use.
8. The Cemetery does not require that a body be embalmed for in-ground burial.
9. One burial of an adult body and two cremations or one infant is allowed in one grave. However, interment of three cremated remains or two infants in one grave is permitted if all other Cemetery Regulations are met. Memorials on a grave with such intents must be on a single memorial in keeping with the style, type, and location of other memorials in the section, and approved by Village representative.
10. Funeral flowers will be removed by the Cemetery the third day after the funeral. Should members of the family wish to retain some of these flowers, the Cemetery respectfully requests that this be done within 3 days following the interment service.
11. The Village shall not be liable for any order by telephone or any error occurring for the want of proper instructions as to size of caskets, or as to particular grave or crypt locations where burial is to be made. The Village shall also not be liable for any delay in burial where rules and regulations have not been complied with. The Village shall not be responsible for storage of remains, or expense concurring from storage of remains.

12. The casket may not be opened at any time within the Cemetery without the express permission and in the presence of the Village representative. The Village reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a Court order.
13. Only persons employed by the Village of Arkport, Heritage Hill Cemetery and only equipment owned by the Village/Cemetery shall be used in making burials or removal unless the Village makes other arrangements.
14. Besides being subject to the rules and regulations, all burial shall be subject to the orders and laws of the State of New York, the County of Steuben and the Village of Arkport.

#### **V. DISINTERMENTS**

1. Applications for disinterment of body or cremains shall be made at the Village of Arkport Office. Permission for disinterment must be based upon applications of the spouse, child or children, parent or parents, next of kin, or designated person responsible for the deceased person. In certain cases, the Cemetery may require a Court order to allow a disinterment.
2. A permit is required for removal to another cemetery. Upon proper applications and payment for the disinterment, the Village of Arkport Heritage Hill Cemetery will schedule the removal, either for movement from one part of the Cemetery to another, or removal to another cemetery.
3. During a disinterment, the casket will not be opened for the purpose of viewing the remains.
4. At the time of disinterment, any and all monuments and headstones pertaining to the body removed from the Cemetery must be taken from the Cemetery. If the memorial meets the monument regulations of the new location, arrangements to have the monument reset at the time of disinterment arrangements must be made.

#### **VI. BURIAL LOTS**

1. Lot locations may be selected and arranged at the Village of Arkport office. It is strongly recommended that the selection be made in person at the site by the purchaser, the family, or their representative.
2. Purchase of a burial site is for the right of burial and not for the land itself. Upon full payment, a Certificate is issued, which grants the purchaser perpetual right to burial subject to the rules and regulations of the Cemetery.
3. Full payment is required prior to use of burial space. Village reserves the right to require full payment before issuing a deed.

4. Lots, when conveyed to purchasers may not be sub divided, but may be held jointly by multiple purchasers. Certificates of ownership do not confer the right to sell, transfer or assign any portion of the lot.
5. Upon the death of the owner of a lot, the right of burial passes to the next of kin. Burial rights may be transferred to persons other than the lot holder or heirs by indicating such in a notarized letter directed to the Village of Arkport and if all proper conditions are met.
6. Owners of burial rights may not sell or speculate for financial gain on lots which they have rights of burial. However, vacant lots may be returned to the Village of Arkport/Cemetery the original purchase price paid, or half the current price, which ever is greater.
7. Lots are for interment if human remains only.
8. It is the responsibility of the lot holder to notify the Village of Arkport, Heritage Hill Cemetery of any change in post office address or telephone number. A notice sent to the lot holder at the last address in the Village/Cemetery records is considered sufficient and proper legal notification.
9. Decorations and memorials on lots must strictly comply with the rules and regulations of the Village of Arkport Cemeteries as described in these regulations which may change over time.
10. The Village of Arkport or Heritage Hill Cemetery shall not be liable for damage as a result of an act of God or malicious mischief, or for any other occurrences, in which the Village/Cemetery has exercised reasonable care.
11. Except for individual grave planting and decorations, services to Cemetery property requiring labor shall be performed by the Cemetery's personal or its authorized agent.

## VII. CEMETERY DECORATIONS AND PLANTING

### Planting Regulation-Lots and Graves

All planting must be confined to an area no **more than 12 inches** out from the front of the monument or marker.

### Upright Monument Lots

Planting allowed on the front side only, within the length of the monument.

### Non-Upright Monument Lots

(Flat grass markers) are to be placed at ground level, not grass level, or below. Military markers are to be placed on upright monuments. If there is no upright monument, the military marker must be marble and placed at ground level.

The height of planting shall not exceed 18 inches.

Anything that is deemed a hazard by Cemetery Management, or its designee, is not allowed for the safe and efficient operation of the cemetery. The risk of sharp objects being picked up by a mower or snow removal equipments is very real. These could be hurled through the air and injure either our employees or visitors to our grounds. They will be removed by the Cemetery and disposed of.

It is prohibited to outline graves by stripping the sod in a border effect around the graves.

#### Natural Flowers

Fresh flowers may be placed on graves in metal, ceramic, granite, concrete or plastic cemetery vases or urns only. Potted plants may not exceed 8 inches in diameter.

**WARNING-NO GLASS** can be used either above or below the ground for flowers. This is a serious safety hazard to all concerned. The Cemetery reserves the right to remove decorations that have become withered or unsightly, to maintain the best appearance of the grounds.

#### Winter Decorations

The Cemetery permits the placing of wreaths, natural, or artificial, on graves from November 15<sup>th</sup> to March 15<sup>th</sup>. Should you wish to save your decorations **please remove them prior to that date**. Most cemetery wreaths are 17 inches to 24 inches in diameter and they may be set on standards or easels or hung on monuments. Please use non-metallic cord as metal tends to rust and permanently stain monuments. Decorations, wreaths, plants within specifications are permitted after April 30<sup>th</sup> and to be removed by October 15<sup>th</sup>. This allows for Village maintenance with the Fall and Spring clean-up.

Borders: No brick, stone or artificial borders are permitted.

#### Permanent Planting

Shrubs, bushes, or trees may not be planted on lots or graves. (Contact the Village of Arkport Office for appropriate areas). In sections where such planting exists, the Cemetery reserves the right to remove any or all of these so that the area conforms to the landscape plans for our grounds.

#### General Rules and Observations

Since there is an established plan for landscaping Cemetery property, the Cemetery Management request that lot holders not mow or fertilize their lots as this well-intentioned help very often conflicts with the regular Cemetery care. Over-cutting and over-fertilizing will occur when both management and lot holders attempt such maintenance could result in unattractive lawns.

American flags, up to 12 by 18 inches, may be placed on graves commencing Memorial Day. In respect for the flag, and in concern for the general appearance of the Cemetery, the Village/Cemetery will remove any flags that have become unsightly and properly disposed of.

Stakes holding temporary markers, American flags, solar lights, etc. must be in contact with the monument base. Where no monument exists, they must be in the position that a monument would occupy.

Power mowers, operated by anyone other than Village/Cemetery workers, are strictly forbidden.

The Village of Arkport, Heritage Hill Cemetery will not be responsible for damage or loss, even through its own actions, to anything other than monuments.

**PLEASE NOTE:** The period between March 15<sup>th</sup> and April 30<sup>th</sup> is traditionally used by your Cemetery clean up the grounds and prepare for spring. Please refrain from planting or placing new decorations during this period.

### **VIII. CONDUCT WITHIN THE CEMETERY**

The Cemetery is the final resting place for our departed loved ones and is to remain a place of beauty and peace for all who come here to honor them. We thank you for your conscientious observance of these few simple rules regarding conduct while visiting the Cemetery.

1. Cemetery grounds are open dawn to dusk daily.
2. Motor vehicles must enter and exit on designated roads. Please do not drive on grass or planted areas. The speed limit throughout the Cemetery is 15 miles per hour.
3. Children should be accompanied by an adult and should not play on lots or lawns. Never allow children to climb upon or handle headstones or monuments. Persons visiting the Cemetery do so at their own risk as to damage or injury from falling monuments and headstones.
4. We encourage walking on Cemetery roads for relaxation and reflection.
5. Dogs and pets must be leashed or restrained by their owners. Pet waste must be removed by the owner.
6. Shrubs, trees, and plants are there to enhance the beauty of the Cemetery. Please do not pick flowers, remove plants, trim, or injure trees or shrubs. Approved plants, flowers, and winter decorations are welcome. Do not bring other objects or decorations unless specific approval is obtained from the Village.
7. The Cemetery is private property for the benefit of its lot holders and their loved ones. Any defacing of monuments, landmarks, or the grounds may be considered a criminal act. The Village of Arkport, Heritage Hill Cemetery and management is obligated to refuse admittance to persons who are known to have caused disturbances or are unwilling to abide by the rules and regulations of the Cemetery.



## **IX. PERMANENT MAINTENANCE AND ANNUAL CARE**

A portion of the purchase price of lots is set and invested to provide sufficient income to meet the ongoing expenses of the care and maintenance of the cemetery property.

## **X. PROTECTIONS AGAINST LOSS OR DAMAGE**

The Cemetery disclaims all responsibility for loss or damage for causes beyond its reasonable control, and especially from damage by the elements: acts of God- earthquakes, floods, hurricanes, tornadoes, etc.; civil unrest-war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority; strikers; explosions; fires unavoidable accidents; or cause similar or dissimilar beyond control of Management, whether the damage be direct or collateral.

In the event it becomes necessary to reconstruct or repair any Cemetery section or plot or any portion thereof which has been damaged by such causes, the Management shall give a 10-day written notice of the necessity for such repair to the lot holder of record. The notice shall be given by depositing the same in the United States mail with postage thereon duly prepaid, addressing it to the lot holder of record. In the event that the lot holder fails to repair the damage within a reasonable length of time, the Village/Cemetery management may direct that the repairs be made and the expense charged against the lot holder of record.

## **XI. MONUMENTS AND HEADSTONES**

1. The lot holder or their successors in burial rights shall have the right to erect a proper memorial subject to the space on the lot and in accordance with the rules and regulations of the Cemetery as to dimensions and styles which vary by section. Lots must be fully paid for prior to placing a memorial. Typically, a single grave monument is 1 foot 6 inches wide and 3 feet long and two grave monuments are 1 foot 6 inches wide by 6 feet long. Monuments exceeding 36 inches high are a potential safety issue and must be approved by the Village of Arkport, Heritage Hill Cemetery office prior to placement.
2. Final plans showing dimensions, lettering, and designs for all memorials must be submitted to Village of Arkport, Heritage Hill Cemetery management for written approval. Any alterations or additions to existing memorial must likewise be submitted for written approval.

The lot or burial right holder and the monument dealer submit these plans by written application. In this application, the lot holder agrees to assume all expenses of erecting the memorial. Both lot holder and memorial dealer also agree to abide by all the rules of the Cemetery.

The Village reserves the right to remove any memorials erected or altered without written permit at the expense of the lot holder and memorial dealer.

3. Material for monuments and headstones must be first quality granite or marble and must carry a 5-year guarantee that such stone is free from sap or any other material that will cause stains, checking, or cracking. The entire monument must be constructed of one kind of stone and include no vertical joint. Wood, metal, composition markers, emblems, enclosures or corner posts are not allowed.
4. Monument dealers must similarly guarantee their workmanship to be first quality and that should faults develop within 5 years, the memorial will be replaced by dealers.
5. Foundations for monuments and headstones will be built by designated officials to specifications. Foundations will normally be constructed from April through October or when weather conditions allow stone and concrete work to proceed. Raising, lowering, or altering foundations is not allowed. The Cemetery reserves the right to rebuild, reset, or repair existing foundations.
6. **Monuments** must be placed in the front center of the lot.
7. Monument bases should have a rough-cut finish form the ground up. The Village of Arkport /Heritage Hill Cemetery accepts no responsibility for damage to other that rough-cut bases.
8. Raised letters are not permitted on headstones set flush with the ground.
9. Should a monument or headstone become a safety hazard or unsightly, the Village of Arkport, Heritage Hill Cemetery reserves the right to correct the condition at the expense of the owner.
10. Monuments or headstones may not be removed from the lots or graves without permission from the Village of Arkport, Heritage Hill Cemetery. This includes unpaid monuments from dealers.
11. Monument dealers and contractors must provide a current Certificate of Insurance naming the Village of Arkport/Heritage Hill Cemetery as additional insured in order to work on Cemetery grounds. After being notified that the foundation is completed, a permit will be issued by the Village of Arkport/Cemetery office, identifying the specific name and lot locations where the stone is to be set. Motor vehicles may not to be driven on burial sections without permission form Village of Arkport/Cemetery management.
12. Solicitation within Cemetery ground by monument dealers or agents is forbidden.

