

CHAPTER 82 – CEMETERIES

- 82.1. Definitions
- 82.2. Sale of Cemetery Plots
- 82.3. Grave Opening Charges
- 82.4. Lots
- 82.5. Interment Regulations
- 82.6. Winter Burials
- 82.7. Disinterment's
- 82.8. Monuments & Foundations
- 82.9. Grounds Maintenance
- 82.10. Hours of Operation
- 82.11. Records
- 82-12. Disclaimer of Village of Palmyra Liability and Responsibility.

§ 82-1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CEMETERY. A place where deceased persons, or their cremains, are buried, that is designated for such purpose.

CEMETERY PLOT. An area in a Village of Palmyra cemetery sufficient to accommodate:
1) One burial vault and one cremation; or 2) Two cremations. Cremation section allows cremains from 2 individuals per grave.

VILLAGE. Means the Village of Palmyra.

VILLAGE OF PALMYRA CEMETERY. Any cemetery owned, operated and/or controlled by the Village of Palmyra.

§ 82-2. Sale of Cemetery Plots.

(A) After the effective date of this Ordinance, cemetery plots shall be sold by the Village of Palmyra for the purpose of burial for the purchaser of a cemetery plot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

(B) All sales and transfers of cemetery plots shall be made on a form approved by the Cemetery Superintendent, which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the Cemetery Superintendent, and a deed will be provided when approved.

(C) The Village of Palmyra shall have the right to correct any errors that may be made concerning interments, disinterment's, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Village of Palmyra shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Village of Palmyra cemetery in accordance with law.

(D) The owner of every cemetery plot shall be responsible for notifying the Village of Palmyra whenever that person's mailing address changes.

§ 82-3. Grave Opening Charges.

(A) The Village of Palmyra may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Village of Palmyra Board, payable to the Village of Palmyra.

(B) No cemetery plot shall be opened or closed except under the direction and control of the Cemetery Superintendent. This subsection B shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Village of Palmyra Superintendent shall be given at least forty-eight (48) hours' prior notice of when such grave opening or closing will occur.

(C) No burials will be made on Sunday or legal holidays, except in case of emergency.

(D) All Saturday, Sunday or holiday burials will have an extra fee (See fee schedule.)

(E) All funerals must be in the Cemetery prior to:

(1) 2:30pm Monday-Thursday, Or be charged the weekend surcharge

(2) 9:00 am Friday, Or be charged the weekend surcharge

§ 82-4. Lots.

(A) The Cemetery Superintendent is responsible for the original sale of graves and/or lots. All tours of the Palmyra Cemetery for the purpose of lot sales must be done in the company of the Cemetery Superintendent or their designee.

(B) The purchase of Cemetery lots includes perpetual care which involves normal mowing, seeding and routine care. A perpetual care fee shall be included as an additional charge to the purchase price, as set forth in (G) below.

(C) Although not recommended, previously purchased graves may be exchanged but must have prior consent from the Cemetery Superintendent. The original deed must be turned into the Village Clerk's office before the new deed is issued. The new deed is issued once a \$50.00 administration fee has been paid.

(D) The permission of a grave lot owner to anyone other than a family member to use a grave within a specific lot requires a letter stating so on file at the Cemetery Office.

(E) The private resale of lots is strictly prohibited. Any such sales that take place after the effective date of this ordinance shall be null and void.

(F) Under unusual circumstances, the Village Board may recommend the repurchase of graves/ lots for original purchase price. The Village is under no obligation to repurchase any grave or lot for any reason whatsoever. The perpetual care portion of the lot sale is pro-rated the first 10 years at 10% a year and subtracted from the repurchase price of the lot.

(G) The perpetual care portion of the lot sale is pro-rated the first 10 years at 10% a year and subtracted from the repurchase price of the lot.

§ 82-5. Interment Regulations

(A) Each Grave site may contain:

- (1) One burial vault and one cremation; or
- (2) Two cremations.

(B) Each Cremation section grave may contain up to two cremains.

(C) 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. All cremations will be required to be in a concrete vault or direct burial container.

(D) The Village of Palmyra cemetery shall be given not less than 2 business day's prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Village of Palmyra Cemetery.

(E) The appropriate permit or form issued by the Village of Palmyra for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to either the Cemetery Superintendent (or designated Village of Palmyra official) at time of interment. Where such permit or form has been lost or destroyed, the Village of Palmyra Clerk must be satisfied, from his or her records, that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.

(F) The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

(G) Undertakers bringing in bodies for storage in the Palmyra Cemetery vault for other cemetery burials will be scheduled by the Superintendent of the Palmyra Cemetery.

(H) All storage fees must be paid in full before the bodies can leave the cemetery vault for burial.

(I) All bodies in storage must be removed by May 15th or will incur extra daily charges as set by the Village Board.

§ 82-6. Winter Burials.

(A) The Village of Palmyra may charge additional fees for winter burials.

(B) If a winter burial cannot occur due to inclement weather, frozen ground or similar condition, the deceased person may be kept in winter storage until a burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.

§ 82-7. Disinterment's

(A) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Village of Palmyra.

(B) The Village of Palmyra shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Village of Palmyra disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

(C) All disinterment's shall be conducted by persons in the employ of the Village and under the direction of the Cemetery Superintendent.

(D) All disinterment fees (see fee schedule) must be made prior to or at the time of such disinterment in accordance with current fee schedule.

§ 82-8. Monuments & Foundations

(A) Monuments, memorials and markers must be made of granite, marble or standard bronze.

(B) Applications for monument/foundation installation must be made in writing to the Cemetery Superintendent and approved before monument/foundation can be installed.

The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Village of Palmyra. Fees for such work shall be set from time to time by resolution of the Village of Palmyra Board, payable to the Village of Palmyra.

(C) All grass markers must be set level to the ground for mowing expediency.

(D) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Village of Palmyra shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The Village of Palmyra shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

(E) The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Village of Palmyra has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

(F) The width of the monument is governed by the width of the lot. The face area of the memorial shall not exceed 15% of the square foot area of the lot and the width shall not exceed 60% of the average width of the lot, with the exception of Babyland lots where the width shall not exceed 75%.

(G) All memorial foundations or setting for markers must be prepared by the Village at the lot holder's expense.

(H) All fees for foundations or settings must be paid in full prior to delivery of the memorial.

(I) All deliveries of memorials cannot take place until the dealer is notified that the foundation work has been completed by the Village.

(J) Monuments, memorials or markers must be delivered to the designated site and set in place by the dealer. The dealer is responsible for all damages to lots or property.

(K) Deliveries and settings must be scheduled during the weekday business hours between April 1 and December 1.

(L) The cremation section in NW-B will be required to have grass markers. Singles are not to exceed 18" by 14" and double are not to exceed 30" by 14".

(M) Sections F; groups 1-15 and sections F-1; group 16-30, and Babyland are required to use grass markers.

(N) Lots within Section NW-A and Section NW-C, NW-D, NW-E, and NW-F are required to use grass markers.

(O) Maximum height for monuments, memorials, and markers are 42". Exceptions to the rule will be considered on a case by case basis and approved by the Superintendent of Cemetery.

§ 82-9. Grounds Maintenance.

(A) Flower pots, urns may be placed and maintained at the head stones of graves no earlier than May 1st, and must be removed no later than October 15th of each year. No winter decoration is allowed until Dec. 1st and must be removed by March 15th. Watering cans and other utensils cannot be stored adjacent to markers or graves. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.

(B) No grading, leveling or excavating within a cemetery shall be allowed. Furthermore, no tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Village of Palmyra Cemetery Superintendent.

(C) No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted will be removed by the Village of Palmyra or the Village of Palmyra Cemetery Superintendent.

(D) The Village of Palmyra Cemetery Superintendent reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(E) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited. Placing of crushed stone, wood chips or shells on graves is strictly prohibited.

(F) The Village of Palmyra Cemetery Superintendent shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.

(G) Surfaces other than earth or sod are prohibited.

(H) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 10 days after a burial or as soon as they fade.

(I) No glass containers or items are allowed. No temporary crosses, statues, votive lights, toys or novelties are permitted.

(J) A combination of no more than (1) urn or pot will be allowed on each gravesite.

(K) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and Veteran Service/American flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a Village of Palmyra

cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this Ordinance or by the Village of Palmyra.

(L) Automobiles must keep on roads at all times. No driving is allowed on any section or over lots or lawn under any pretense whatsoever.

§ 82-10. Hours of Operation.

The Cemetery is open from dawn until dusk

§ 82-11. Records.

The Village of Palmyra Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Village of Palmyra related to Village of Palmyra cemeteries, and the same shall be open to public inspection at all reasonable business hours.

§ 82-12. Disclaimer of Village of Palmyra Liability and Responsibility.

Every person who enters, remains in and travels within a Village of Palmyra cemetery does so at their own risk. The Village of Palmyra is not responsible for any injury, accident or other calamity that might occur to any person present in a Village of Palmyra cemetery. Furthermore, the Village of Palmyra is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Village of Palmyra cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Village of Palmyra for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, 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 and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Village of Palmyra, but also as to the Village of Palmyra Cemetery Superintendent and any Village of Palmyra employee, officer, official or agent.