

TOWN OF WAVERLY
CEMETERY RULES AND REGULATIONS

EFFECTIVE AUGUST 9, 2005

AMENDED MARCH 14, 2006

AMENDED APRIL 13, 2010

AMENDED SEPTEMBER 10, 2013

ARTICLE I IN GENERAL

SEC.4-1 WHERE BURIAL PERMITTED.

No person shall bury or cause to be buried, the remains of any person in any place within the Town, except in designated cemetery.

ARTICLE II WAVERLY CEMETERY

SEC. 4-2 DEFINITIONS

The word “Cemetery” shall be taken to mean the Waverly Cemetery.

The word “burial plot” shall be taken to mean a predetermined area of land within Waverly Cemetery composed of one or more “burial sites”.

The words “burial site: or “grave site” or “grave lot” shall be taken to mean a 5’ x 10’ area of land, within the center of which, a single human body or up to two cremated human remain may, pursuant to the provisions of this Chapter, be buried.

The words, “burial vault” shall be taken to mean a structure to be placed below the surface of the ground, into which a burial casket is to be placed, for the protection of the burial casket and to minimize the sinking/settling of the ground after burial.

The words “Cremation Urn(s)” shall be taken to mean a receptacle with rigid exterior, not made of wood or paper products, into which a single human’s cremated remains, may, pursuant to the provisions of this Section, be buried.

The words “Grave Marker” shall be taken to mean any tangible method of marking or memorializing the location of human remains, their identification, or beautification of grave site, including, but not limited to, grave stones, monuments, foot markers, memorial vases, etc.

The words, "Funeral Director" and "Funeral Home" shall be used interchangeable as identifying the person or persons making the arrangements for the physical burial of human remains (grave excavation, interment) within the Waverly Cemetery. In this regard, the Funeral Director and/or Funeral Home are financially and legally responsible for the actions of the sub-contractors or independent contractors which he/she/it may employ to perform certain tasks.

SEC. 4-3 TRACTS DESIGNATED.

The cemetery heretofore established on land owned by the Town known as the Waverly Cemetery was purchased at three different times and shall be known as the Waverly Cemetery.

There shall be such areas established for the location and placement of Family Grave Plots, Double Grave Plots and Individual Grave Plots within the Waverly Cemetery as determined by the Town Council. Only similarly sized Plots shall be sold within such designated areas.

SEC.4-4 OFFICAL PLAT

The plats of the Waverly Cemetery are on file in the Town Office. These plats show all boundaries, sections, plots, sites, divisions, roads, drives and paths, and shall be regarded as the official plats of the Waverly Cemetery.

SEC. 4-5 PERSONS TO WHOM BURIAL SITES MAY BE SOLD

Upon application, burial sites in the cemetery shall be sold to any person without regard to race, color, creed or religion.

SEC. 4-6 PRICE OF BURIAL SITES

The price for the Burial Plots in the Waverly Cemetery:

Individual Burial Plot (5'X10") \$275.00

Any person permitted to purchase a burial site, upon paying the price thus fixed, shall be entitled to a perpetual care agreement the same executed by the Town Treasurer or Clerk. The form of the perpetual care agreement executed by the Town Treasurer or Clerk for the conveyance of the burial sites in the Waverly Cemetery shall be provided by the Town Council taking into consideration the provisions of this Article.

The perpetual care agreement conveys only the right of burial therein. The town retains the control and supervision of all plots and grave sites which have been sold.

SEC. 4-7 BURIAL CONTAINER

For the purpose of future cemetery grounds maintenance the following requirements regarding outer burial containers for vaults shall be in effect:

All casket burials shall include a surrounding underground burial vault or concrete grave liner or, in the case of burial of cremated remains, an appropriate burial receptacle, preferably concrete, but as a minimum with an exterior construction of rigid material other than wood or paper products. There shall be no exceptions to this requirement.

SEC. 4-8 PERPETUAL CARE

The price for the burial sites in the Waverly Cemetery (as provided for in Sec. 4-6) shall include perpetual care.

Henceforward, no person shall be buried in the Waverly Cemetery in any grave site for which perpetual care for the entire plot has not heretofore been paid, and the Town shall not grant a permit for any burial without these fees being paid.

SEC. 4-9 SITES TO BE USED FOR BURIAL ONLY; AGREEMENT TO OBSERVE RESTRICTIONS.

No grave site in the Waverly Cemetery shall be used for any purpose other than the burial of human remains.

SEC. 4-10 SURRENDER OF PLOTS AND SITES.

The owner of a plot or a portion thereof may only surrender the same to the Town and receive the amount paid to the Town for such plot or portion thereof; provided that such surrender is first sanctioned and approved by the Town and perpetual care agreement is surrendered.

SEC. 4-11 RESALE TRANSFER OR ASSIGNMENT OF BURIAL PLOTS OR SITES.

The owner of a grave plot may not sell, transfer nor assign the same or any part thereof except back to the Town of Waverly.

SEC.4-12 NON-FAMILY INTERMENT.

Any owner or part owner of a plot or grave site shall have the right to give permission, either in person or by written order, for the burial of the remains of others than his own immediate family in his plot or portion thereof.

SEC. 4-13 CONTROL OF TOWN.

The perpetual care agreement to the plot or grave site conveys only the right of burial therein. The Town retains the control and supervision of all plots and grave sites which have been sold; and it shall be the right, duty and privilege of the Town to enter upon any grave site and prohibit, modify or remove any structure, object, improvement or adornment upon such grave site which may have been placed thereon in violation of this article, or which may be considered objectionable or injurious to the grave site or to the general appearance or safety of the cemetery.

SEC. 4-14 CARE OF BURIAL SITES.

The care of grave sites shall be the duty of the Town insofar as cutting of grass, trimming of trees and shrubbery, preservation of graves and removal of rubbish, but nothing contained in this article shall be construed to permit work on monuments and tombstones on such grave sites or other unusual care of such grave sites. Council may enact additional regulations governing the care of plots or grave sites by resolution.

The Town shall not be liable for unintentional damage caused to grave markers. Any exceptions must be approved by the Town Council.

SEC. 4-15 GRAVE LOCATION; REQUIREMENTS.

All grave preparation and maintenance shall be performed in a manner such as to minimize damage to neighboring graves and their markers. The Funeral Director is responsible for any damage caused to other or neighboring grave markers during the digging of graves, the holding of grave-side services and the subsequent erection of grave marker(s).

Human body and cremation remains shall be buried in such a manner that there will be at least two feet of soil between the top of the vault or cremation urn and ground surface level. There shall be at least three feet of soil between the top of any casket without a surrounding burial vault and ground surface level.

“Two deep;” burial (one grave vertically above another) is prohibited.

SEC. 4-16 MEMORIAL, MONUMENTS AND MARKERS.

The Owners of monuments and other memorial structures in the cemetery are expected to keep the same in good repair and any structure found to be unsightly and in a dilapidated condition, in the opinion of the Town Council, will be contacted to replace or remove said monument or memorial structure. Tilted or leaning monuments/markers will be maintained under the perpetual care of the cemetery, unless unreasonable repair is needed as determined by Town Council.

It shall be unlawful for any person to deface any property within the cemetery. Any violation shall be punished by the maximum fine allowed by law.

SEC. 4-17 FENCES, GRAVEL WALKS, RECEPTACLES FOR FLOWERS, TREES, SHRUBBERY, WATERING UTENSILS, CHAIRS, ETC.

Flowers should only be placed in containers integral to the memorial or for graves only, placed on the memorial base or for cremation plots, placed on the memorial. Flowers and/or containers must not be placed along the plot as this prevents grass maintenance. Any flowers and/or containers placed incorrectly will be removed by the Memorial Beautification Committee. **Glass containers are not allowed as they shatter easily and constitute a danger to the public and maintenance workers.**

Floral tributes will be removed when dead or unsightly at the discretion of the Memorial Beautification Committee.

Following an interment, fresh or artificial flowers, either as wreaths or in flower pots (**no glass containers** may be placed on the plot) should be removed after fourteen days by either the family or Memorial Beautification Committee.

- (a) No fence, hedges, gravel walks or stone walks shall be allowed.
- (b) **All corner stones for plots shall be flush with the surface of the ground and upright headstones are allowed.** ** Amendment April 13, 2010
- (c) All permanent receptacles for growing and cut flowers and the planting of trees, plants or shrubs shall be subject to the approval of the Town Council.
- (d) Watering utensils such as sprinkling cans, pails etc., shall not be left on the plot or grave site.
- (e) Flowers shall not be planted on plots.
- (f) The placing of chairs, settees or benches upon plots or grave sites is not allowed.
- (g) All graves are to be left level/flush with the ground surface and sodded with grass.
- (h) No Mausoleums shall be permitted.

* Amendment 1985

SEC. 4-18 DISPLAY OF FLOWERS AND CONTAINERS

From March 1st to November 30th (the mowing season) there will be no more than two flower arrangements/containers placed on a grave site. **Arrangements/containers that are affixed to the tombstone, such as permanent vases and arrangement saddles are an exception and can be in addition to the above noted two (2) flower arrangements/containers.** All decorations must be secured against strong winds and inclement weather, and any wire or other items used for securing must be removed with the arrangement. Plot owners will be held liable for any equipment damage or personal injury from all such items not so removed.

- * Memorial Work, Amended – The erection of raised, individual headstones, to be skirted as prescribed in these regulations, will be allowed in the existing portion as prescribed in these regulations, will be allowed in the existing portion of the Cemetery only. That portion of the cemetery not yet developed (the former Herbert Property) will be reserved for (Markers, Memorials flush with the ground.) (Effective September 10, 1985)
- ** Amended April 13, 2010 to allow the placement of upright headstones.

For the following special events, occasions, and/or holidays; more than two (2) Arrangements/containers can be displayed for up to two (2) weeks after:

1. Funeral (flowers, holders, containers, baskets, wreaths, easels, and potted plants) placed at the time of the funeral.
2. Valentine’s Day
3. Easter
4. Memorial Day
5. Mother’s Day
6. Father’s Day
7. Independence Day
8. Thanksgiving Day

Christmas (Exception-Arrangements and wreaths are permitted from December 1st until January 31st.)

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SEC. 4-19 DEPOSITING PAPER, TIN CANS, DECAYED FLOWERS, DIRT, ETC.

It shall be unlawful for any person to deposit any paper, tin cans, broken glass or china vessels, decayed flowers, dirt, brick, shavings, cut grass or weeds, cutting of flowers, evergreens or pieces of wood or other things constituting debris, litter, trash or rubbish within the cemetery or any burial site therein or to deposit or leave the same at or near the highway leading to the cemetery, or to fail or refuse to remove the same when notified.

All such debris shall be placed in appropriate trash receptacles as provided.

Violation of this Section shall the reimbursement to the Town of the costs incurred with removal of the debris.

SEC. 4-20 ADVERTISEMENTS UNLAWFUL.

It shall be unlawful for any person to display a political or commercial advertisement upon cemetery grounds, including the telephone poles and trees along the cemetery grounds.

Violation of this Section shall be punishable by a \$100.00 fine per item.

SEC.4-21 REMOVAL OF DIRT, ETC., AFTER DIGGING OF GRAVE, ERECTION OF TOMBSTONES, ETC.

All dirt, bricks, mortar, timber and other debris left after the digging or completion of a grave and the burial of a body, or the erection of a tombstone or the completion of any kind of work on a burial site shall be removed from the cemetery within twenty-four hours after such work is completed.

It shall be unlawful to spread or dump excavated dirt within the cemetery property.

SEC. 4-22 TRAFFIC CONTROL.

The Funeral Director/Funeral Home shall be responsible for proper traffic control.

SEC. 4-23 FAMILY NAMED LANES.

Requests for family named lanes must be submitted in writing to the Town of Waverly. The family will be responsible for the cost of materials.

No duplication of sign names once lanes have been assigned—it will not be changed.

Disclaimer

The Town cannot be responsible for any damage to any memorial or any personal property taken into the Cemetery. The Town will not be liable for damage to any memorial in the Cemetery caused by storm, wind, subsidence or by any other cause.

If any damage is caused to the Town's land or premises by bringing in any materials, gravestones, or monument or from any other cause, the person or persons doing such damage will be held responsible for the same, and the Town may recover the cost of repairing such damage from such person or persons.

These regulations have been approved by Waverly Town Council, which reserves the right to make alterations/additions as appropriate.