

Maplewood Cemetery Association



Incorporated in 1896
150 Middle Road
Henrietta, NY 14467

Cemetery Rules and Regulations

Statement of Policy

The Rules and Regulations for Maplewood Cemetery are reviewed and approved by the Maplewood Cemetery Board of Directors and the NY State Division of Cemeteries, to serve as governance for the safety, operations and maintenance functions of Maplewood Cemetery, Henrietta, NY.

These Rules and Regulations have been developed for the mutual protection of Lot owners and the cemetery as a whole while maintaining the cemetery in a condition wherein individual solace and memory may be sought. The memorial intent of those who care for those interred can be accommodated to a greatest degree possible without unduly disturbing the peaceful and reverent intent of Maplewood Cemetery and to create and preserve its beauty.

Lot owners, persons visiting and those contracted to work within the cemetery will be expected to abide by such rules and regulations.

Graves: Ownership, Interments and Visitation:

- 1) **All graves-lots** in the Maplewood Cemetery are sold in accordance with the provisions of the laws of the State of New York and shall not be used for any other purpose than as a burial place for deceased human beings. *(All Cemetery property is owned by the Maplewood Cemetery Association, Inc. The real property is not sold when a grave-lot is sold. The rights to use a specific grave-lot*

are sold to members of the Maplewood Cemetery Association. The purchase of a grave makes the owner a member of the Maplewood Cemetery Association and entitles the owner to participate in the Association).

- 2) **Graves-lots that are available** for sale measure 42" or 45" (W) x 10' (L) in size, depending on the sections as determined by the Maplewood Cemetery Board of Directors. Not all graves or sections may be available for sale at a given time.
- 3) **No interment shall be allowed without** permission being first obtained from Maplewood Cemetery Association. At the time of interment, the following information must be furnished:
 - **Documents:** A Burial – Transit Permit or a Certificate of Cremation that provides:
 - a) Name of deceased
 - b) Age of deceased - including date of birth, if known
 - c) Place of birth of deceased, if known
 - d) Date of death
 - e) Time and date of interment
 - f) If not an adult -the names of parent(s) or legal guardian(s)
 - **Payment** is required at the time of interment. Payment required may include the grave opening, any remaining balance on the grave purchase and any additional charges.
 - **All burial documents and payment** shall be presented upon arrival in the cemetery by the funeral director, next of kin or designated agent.
- 4) **Interments** in a lot are restricted to those entitled to burial therein according to the terms of Section 1512 of the Not-for-Profit Corporations Law. Written request for burial of those not entitled to burial according to Section 1512 must be filed with the

Maplewood Cemetery Association by the lot owner(s). Authorization letters from Deed owners are required to specify who is authorized to be buried in a specific grave if the names are not the Deed owner's.

- 5) **Cremated remains** will not be permitted to be scattered in any part of the Cemetery. Interment of cremated remains will be permitted only in appropriate rigid receptacles such as wood, metal, plastic or concrete.
- 6) **Minimum Notice:** Maplewood Cemetery requires a minimum of 24 hours notice with specific burial information and location in order to prepare the site of the funeral.
- 7) **All interments**, including cremation (cremains), shall be done under the supervision of the Maplewood Cemetery Association Superintendent or a Trustee.
- 8) **The cemetery is available** for burials 6 days a week, **Monday through Saturday, from 9 AM to 4 PM.** Graves will not be opened when severe weather conditions warrant such refusal, as determined by the Superintendent.
- 9) **Additional charges** incurred for the opening of graves due to weather conditions or other circumstances will be charged to the family or funeral home requesting the grave opening. Every effort will be made to accommodate requests, however, permission will be granted subject to availability of staff and weather conditions that allow gravesites to be located and opened without damage to cemetery property or other gravesites.
- 10) **Generally interments will not be made on Sundays or Holidays:** Graves may be opened on Sundays or holidays, for an additional fee and approval from the

Maplewood Cemetery Superintendent. Every effort will be made to accommodate requests, however, permission will be granted subject to availability of staff and weather conditions that allow gravesites to be located and opened without damage to cemetery property or other gravesites.

- 11) **Disinterment** will be allowed, provided the provisions of Section 1510e of the Not-for-Profit Corporations Law are complied with and the required documents are provided to Maplewood Cemetery.
- 12) **Lot transfer, Cemetery Buy-Back:** *Except as provided for in Section 1513c of the NY Not-for-Profit Corporation Law (NPCL), no lot owner may transfer his or her lot.* Maplewood Cemetery may **reclaim / buy-back graves/lots** of owned, unused and unmodified graves not wanted by lot owners. The following requirements are from NY Section 1513 NPCL:
 - a) A lot cannot be sold if it contains bodies or cremated remains.
 - b) If there are no bodies or remains, the owner must first offer the lot back to the cemetery corporation (Maplewood Cemetery) at the original purchase price plus 4% simple interest per year.
 - c) If the cemetery corporation is not willing to pay that price, it must provide a letter of refusal, which enables the lot owner to seek a buyer.
 - d) The NY State “**Application for Approval to Transfer Cemetery Property**” must be completed. A buyer’s name and address must be submitted on that application to the New York State Division of Cemeteries for its approval.
 - e) Notice of that approval from NY State and the original deed must be presented to the cemetery

corporation (Maplewood Cemetery), which will then prepare a new deed. **The deed replacement fee applies.**

- f) The application form and application instructions are available from Maplewood Cemetery on request.
 - g) Maplewood Cemetery also requires that there be no additions or modifications to the grave(s)/lot(s) such as monuments, foundations, or gardens. Additional fees may be required to restore the modified grave(s)/lot(s) before transfer or buy-back can occur.
- 13) **Lot owners** are prohibited from allowing interments to be made on their lots for compensation.
 - 14) **The full purchase price** of a grave must be paid before a Deed will be issued.
 - a) **No use or modification** of the grave will be allowed before full payment is received. This includes burials, interments, inurnments and installation of any monument, marker, planting or garden.
 - b) Purchase price of all graves-lots shall include **permanent maintenance**. This provides for general mowing and maintenance, but does not include grave site garden maintenance.
 - 15) **All persons and vehicles while attending a funeral, in a funeral procession, visiting, or otherwise on cemetery property will be under the control of the Superintendent of Maplewood Cemetery.** Behavior, actions, or items determined by the superintendent to be inappropriate, unlawful, or possibly dangerous will be reported to the Monroe County Sheriffs. The superintendent may require

additional limitations or restrictions during periods of funeral related activities or maintenance / contractor related activities.

- 16) **Visitation:** The cemetery is usually open for visitation 7 days a week during daylight hours (dawn to dusk). Maplewood Cemetery is an active cemetery that may have multiple events and services being conducted at any given period of time. Visitors are responsible for observing and responding appropriately to any events, activities, or weather conditions that may impact the ability to visit safely. Maplewood Cemetery strives to promote safety for all events and activities but does not assume responsibility for visitor’s decisions and actions while at the cemetery. Children under age 15 must have adult supervision at all times and are responsible for their care and conduct at all times.
- 17) **Events:** Public or private gatherings or events must request permission and receive approval from the Maplewood Cemetery Superintendent a minimum of 24 hours before the planned event.
- 18) **No alcoholic beverages** to be consumed on cemetery grounds.
- 19) **Parking:** Please restrict driving, turning, and parking to the roads, *not on the grass*. The cemetery roads vary in width, so please find a parking area that will not impede other traffic flow or access to maintenance areas.
- 20) **Laws:** All applicable federal, NY State, Monroe County and Town of Henrietta laws are in effect at Maplewood Cemetery. This includes animal control

laws enforced by the Town of Henrietta. It shall be the duty of the Superintendent or Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by law.

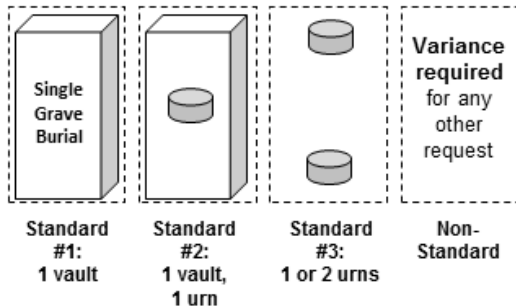
Grave and Monument Rules:

21) **Standard allowed grave configurations:**

The following are the 3 approved grave configuration standards allowed in this cemetery. Any requests for variations to the standard grave configurations must be submitted in writing in advance of any grave usage. These requests require Maplewood Cemetery Board of Director or Officer review and decision. The proper documentation and payment is required for each person to be interred before any interment can occur.

(See diagram below)

Standard Allowed Grave Configurations:



Notes:

Vault: A burial vault, usually concrete, of standard adult or child size. A casket is placed in the vault.

Urn: An urn, usually concrete or plastic, of standard size for interring cremated remains.

22) **Concrete Vaults or concrete grave liners are required for interments in Maplewood Cemetery.** Effective for lots purchased after January 1, 1985, in 19 NYCRR Part 201, section 201.6

allows cemeteries to require the use of concrete vaults or concrete grave liners that meet the NYCRR Part 201 section 201.6 minimum specifications. Any exceptions will require a one-time grave maintenance fee be added to the standard interment fees.

23) **Monuments** shall be allowed on a grave-lot and it shall be set in accordance with the general plan of the cemetery.

- a) **Payment:** No monuments will be allowed until the grave(s) / lot and monument foundation are paid in full.
- b) **Foundations:** No monument will be allowed to be delivered to the cemetery until the concrete monument foundation is installed and ready to receive the monument.
- c) **Locations:** Upright (above ground level) monuments must be installed in the designated monument area of the grave. Flush (even with ground level) monuments or markers may be installed in the monument area or in designated footer area at the foot end of the grave. Any variations must be approved by the Maplewood Cemetery Superintendent or the Board of Directors.
- d) **Monuments, markers or plaques** must be made by a professional monument company. Any variations must be approved by the Maplewood Cemetery Superintendent or the Board of Directors.
- e) **Veterans** have options on the type and style of marker, headstone/monument or plaque that can be provided by the U.S. Department of Veterans Affairs (VA) and installed in Maplewood

Cemetery. The VA may be able to provide the requested marker, headstone/monument or plaque at no charge to the applicant. Any marker, headstone/monument or plaque that will be installed in the ground **requires a concrete foundation that is not provided by the VA** and must be paid to Maplewood Cemetery. Some plaques may be mounted to existing monuments and may not require an additional foundation.

- f) **Installation:** Monuments and plaques must be installed by an insured professional monument company or designated insured contractor. Monument inscription updates must also be done by an insured professional monument company or designated insured contractor.

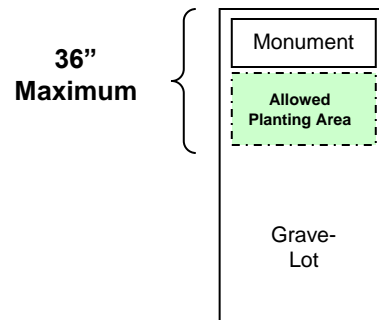
Monuments installed in Sections J or K will be installed as follows:

- Monuments in 'odd' numbered rows will face west
- Monuments in 'even' numbered rows will face east
- *(The face is the front of the monument with the primary inscriptions)*

- g) **Mowing Collar Required:** No monument or foundation shall be erected unless they are constructed with a 1" (inch) 'mowing collar' acceptable to the cemetery superintendent or added by the cemetery.
- h) **All foundations** will be constructed by, or under the direction of the Maplewood Cemetery Association.

- i) **Maximum** monument size for a **single** grave is: **36" wide x 16" deep**.
- j) **Maximum** monument size for a **double** or larger grave is: **60" wide x 16" deep**.
- k) **Maximum monument height is: 48"**.
- l) **Foot stones** will be permitted in the cemetery only if installed flush with the ground, not raised. Any decoration or garden area is not allowed at any foot stone outside of the 'Allowed planting area' (see diagram).
- m) **Bases** of all monuments shall be finished true and level so as to fit on the foundations without wedging or spawls.

- b) Planting areas are restricted to the '**grave/burial**' **side** of the monument only. This is usually the 'east-side' of the monument, regardless of which way the front of the monument faces for sections A to H. Sections J and K allow garden areas on the '**grave/burial**'



side of the monument, which could be the east or west side depending on the row.

- c) Flowers, real or artificial, may be added to the allowed planting area only. **The sod must be removed in the planting area. Any improperly planted or improperly maintained flowers, real or artificial, may be removed.** Refer to the 'Not Allowed' section below for other rules regarding the planting area.
- d) **American (U.S.A.) flags**, up to 12 by 18 inches may be placed in approved grave planting area. Flags should be properly secured to avoid falling on the ground or blowing away. Flags will be removed that have become damaged or unsightly.

Please note that the local **American Legion Post** and the **Town of Henrietta** usually provide American Flags to all identified veteran's graves each year in May, free of charge. These flags are removed in September. Optional flag holders are available from veteran organizations for a fee and are allowed in the planting area.

- e) **Seasonal and Christmas wreaths** may be added during the respective season within the allowed planting area and must be removed by **March 15th**. Cemetery staff will dispose of all remaining wreaths after this date as part of the cemetery spring clean-up. Please make sure that you remove your wreaths before March 15th if you plan to reuse them.

- 24) **No vaults or mausoleums shall be built above ground** without the permission of the Board of Directors and then only in such locations as they may approve. No mausoleum will be approved for construction by the Board of Directors unless a sufficient endowment is set up to provide adequate income to maintain the structure.

Cemetery Rules for Monument Gardens:

- 25) **Allowed Cemetery Rules for Gardens** – Please limit your grave markings and plantings to the allowed items in the allowed planting area **with the overall intent of displaying respect and simple elegance for all**.
 - a) Head Stones-Monuments and flower plantings, **not to exceed 36 inches** from the head of the Lot. Flower plantings should not exceed 18 inches in height.

- 26) **Not Allowed Cemetery Rules for Gardens** – (many of these items create safety issues or impede the required maintenance of the cemetery).
 - a) **Bushes**, Shrubs, Rose Bushes, Trees, tall flowers (over 18") or other large plantings.
 - b) **Fences**, Stone or plastic edgings. Stones, gravel or chunk-type mulches should not be used.
 - c) **Glass** or Plastic Blocks or Glass Vases. In general, glass of any type must not be used.
 - d) **Wooden** Crosses, Shepherd Crooks, banner holders or similar items.
 - e) **Encroaching** on adjoining graves. Any items or plantings

on the **wrong-side** of the monument, or extending beyond the **'Allowed'** planting area limits will be considered encroachment.

- f) **Novelties** or similar items include: Pinwheels, toys, all flags, banners, and flag or banner holders. (The U.S. flag exception is noted above in 'Allowed' rules section).
 - g) **Lighting devices** including solar powered, battery powered, and all ignition (candle or lantern) types.
- 27) The **Cemetery Grounds Committee reserves the right to remove** any **'Not Allowed'** objects and all other objects deemed questionable, including safety, maintenance and appearance issues, after due notice to the lot owner. Funeral flowers will usually be removed 1 to 2 days after the day of the interment. Many items may have sentimental value but can become disruptive to the appearance and maintenance of the cemetery. **Please limit your grave markings and plantings to the 'allowed' items with the overall intent of displaying respect and simple elegance for all.** The cemetery is not responsible for loss or damage to any of these items or plantings.
- 28) **The lot owner is responsible for:**
- a) Any and all personal garden maintenance.
 - b) Plantings and growth to be totally within the planting area boundaries and must not encroach on adjoining property.
 - c) Compliance with the Cemetery Rules and Regulations.

General:

- 29) **Maplewood Cemetery does not** have the facilities to directly receive or install grave markers, headstones/monuments or plaques. All deliveries and installations must be handled by an authorized contractor, approved by Maplewood Cemetery Association.
- 30) **All work done** in the cemetery shall be done by cemetery employees, hired contractors, or under the control of the Superintendent or Board of Directors. This includes grave opening / closing, foundation installation / removal, and monument installation / removal / modification. Power mowers or other power landscape equipment, operated by anyone not authorized by the cemetery is strictly prohibited.
- 31) **All contractors**, monument companies, grave services companies and funeral homes conducting business at Maplewood Cemetery must provide a valid, current **Certificate of Insurance** before being allowed to perform any services in the cemetery
- 32) **Construction Season:** Maplewood Cemetery reserves the right to halt all construction work between November 1 and April 15. Foundations will not be built during freezing weather.
- 33) **Heavy trucking** or other vehicular traffic shall be refused entrance to the cemetery when, in the opinion of the superintendent, injury to roads and driveways might result.

- 34) The **Rules and Regulations** may be amended by the Directors of Maplewood Cemetery Association but no such amendments shall be effective until approved by the New York State Division of Cemeteries. These **Rules and Regulations** are available at the Cemetery, posted on the bulletin board, and available on the web-site at MaplewoodCemetery.org and have been approved by the New York State Division of Cemeteries.
- 35) The latest **Maplewood Cemetery Rules and Regulations** supersede all previous revisions and apply to the entire cemetery property.

Limits of Liability: The Maplewood Cemetery Association Trustees shall take reasonable precautions to protect Lot owners within Maplewood Cemetery from loss or damage; but distinctly disclaim all responsibility for loss or damage from causes beyond their reasonable control, and, especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

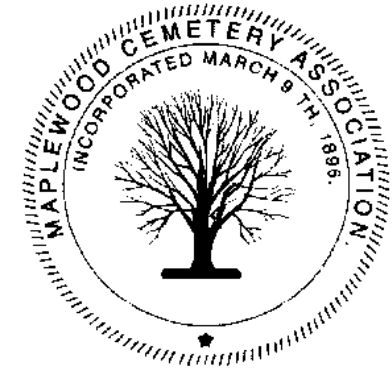
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Feedback, Comments?

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More Information at:

www.MaplewoodCemetery.org

