

Walton Cemetery Association, Inc.
55 Fancher Ave., PO Box 122
Walton, NY 13856
Updated: 2020
NYS Identification Number: Delaware County 13-048

This Association was incorporated on April 23, 1852, under and by virtue of an 1847 act of the New York State Legislature, and is operated under the New York State Not-for-Profit Corporation Law, related statutory enactments, and rules of procedure promulgated by the State Division of Cemeteries.

RULES and REGULATIONS
of the
WALTON CEMETERY ASSOCIATION, Inc.

1. All graves in the Walton Cemetery are sold in conformity with the provisions of the laws of the State of New York, and shall not be used for any purpose other than as a place for the interment of deceased human beings.
- 2. Purchasing Cemetery Certificate of Burial Rights.**
 - A. Graves must be paid for before a Certificate of Burial Rights is given. No interment shall be allowed until all fees and charges are paid in full.
 - B. The Certificate of Burial Rights is for burial rights only and is signed by the Association President and one Trustee; the land is forever owned and controlled by the Walton Cemetery Association. (Hereinafter referred to as the Association.)
 - C. Certificate of Burial Right holders are prohibited from allowing interments to be made in their grave(s) for compensation.
 - D. No Certificate of Burial Right holder may transfer or assign his/her grave(s) without written and notarized permission to the Walton Cemetery Association.
 - E. The Association retains the right of first refusal to buy back grave(s).
 - F. Permission by a grave owner to inter in his grave(s), given to other than members of his family, must be made in writing, duly witnessed and notarized and delivered to the office of the Association during office hours, by the grave owner. This must be approved by the Superintendent and the Board of Trustees. The location, lot number(s), grave number(s) and names must be provided.
 - G. When transferring ownership of a grave purchased in the cemetery to another graves location, the Association will purchase first grave(s) at the original price plus simple interest at the rate set by the New York State Division of Cemeteries. Then the Association will sell the new grave(s) requested at the current price posted on the rate chart.
 - H. Anyone requesting to purchase more than 12 graves will require Board approval.

I. Copies of the Rules and Regulations and the Rate Chart may be obtained anytime at the cemetery office.

J. Graves may be saved or placed on hold for a period of 90 days only. The saved grave(s) will be returned to the availability list if not paid for and a Certificate of Burial Rights issued.

K. The total number of burials per grave space is restricted. Three cremains burials or one cremains and one vaulted burial may be placed in one grave. Interments in a grave are restricted to those entitled to burial therein according to the terms of Section 1512, paragraph (d) of the Not-For-Profit Corporation Law of the State of New York. Memorialization shall be in accordance with Section 8, Memorialization Requirements, Articles A through E.

L. All foundations for headstones will be constructed by the Association under the direction of the Superintendent and/or the Trustees. See rate chart for pricing.

M. All bodies stored in the vault during the winter must be removed and interred or cremated before June 15th. Any remains left in the vault after June 15th will be removed and interred by the Association staff. If remains are not entitled to be buried in a family grave, they will be interred in a single grave. The expense of the grave and such interment charges shall be borne by those who made the final arrangement for the deceased.

3. Required burial information: No interment shall be allowed without permission first being obtained from the Association. In applying for permission, the following information must be furnished:

- A. Name of deceased, and home address if possible
- B. Age of deceased, including date of birth, if known
- C. Place of birth of deceased, if known
- D. Date of death
- E. Veteran status of deceased, conflict if applicable
- F. Time and date of interment
- G. If deceased is not an adult – the name of parent(s) or legal guardian(s)
- H. Full-scale burial or cremation
- I. Certificate of Burial Rights for burial rights and grave location
- J. Additional genealogy information ie: marriage, children etc.
- K. Name, address and phone of Next of Kin or person(s) responsible for interment and their relationship to the deceased.
- L. Name and location of Funeral Home

4. Funeral processions: Funeral processions should arrive at the Cemetery by 2:00 pm to allow sufficient time to close the grave properly and remove equipment by 4:30pm. All funeral processions and vehicles will be under control of the Superintendent at all times. Weekend/holiday and late arrival charges will be applied as per the current rate chart.

5. Interment of cremated remains aka: cremains: will be permitted only in appropriate rigid receptacles such as wood, metal, plastic, or concrete. Cremated remains may not be scattered in any part of the cemetery. **Interment charges apply for each cremains interred in ground or in a monument.**

6. Vaults and liners: Concrete vaults or concrete grave liners are required for interments in all graves purchased on or after December 1, 2000. Unvaulted burials in the Walton Cemetery will be assessed a fee (see rate chart) for the extra maintenance involved, e.g., the constant settling of the land requires constant filling.

7. Mausoleum construction and/or Columbarium products with more than 2 niches per grave : No vault or mausoleum may be built above ground without express permission of the Board of Trustees. All excavation for vaults, mausoleums, or monuments shall be performed by the Association at the expense of the lot owners. A Trust Fund must be established to maintain the structure into perpetuity. All foundations will be constructed by the Association under the direction of the Superintendent and/or the Trustees of the Association. See rate chart for pricing.

8. Memorialization Requirements: Provision must be made within a reasonable time of burial for a permanent grave marker, showing the name of the deceased and the date of death. **THE FUNERAL HOME MARKER IS TEMPORARY.**

A. Only one monument shall be allowed on a single grave. It shall be set in accordance with the general plan of the Cemetery and shall conform to said plan in size and material. All markers must conform to the established plan.

B. Every monument shall be at least six (6) inches in thickness.

C. Markers, footstones and headstones are not included within the meaning of "monuments". Only one marker or headstone is allowed per single grave. The following sizes are the maximum allowed.

D. The total height of a single grave monument including base shall not be over 36". Maximum width stone or base stone allowed is: 1 grave = 36", 2 graves = 48", 3 graves = 54" and 4 graves = 72". Any deviation must have approval of the Association.

E. When a monument, footstone, or marker memorial is under consideration, the Superintendent must receive a written request signed by the grave owner(s) or heirs describing the dimensions and materials and illustrating inscriptions and designs. This document shall be supplied by the monument dealer. A signed approval by the Superintendent and/or the Board of Trustees of the Association must be obtained before the purchase is complete.

F. An exception is allowed for the military tablet and or brass plaque which is furnished by the Veteran's Administration.

G. Any monument designed to contain cremations that already contains cremains at the time of installment **must** have proper interment fees paid based on current price list paid prior to installation.

H. Baby graves reserved for infants and children up to their third birthday: Section 4, plot 19 is reserved for baby graves only. The size of these graves is 24" x 48". These graves must be marked with a flat, permanent marker and not exceed 18 inches x 12 inches in size.

9. Cemetery Decorations: The Association regulates the use of grave decorations to insure the efficient maintenance of the cemetery and a safe environment for employees and visitors to the cemetery grounds. Any decorations which violate these rules and regulations or otherwise interfere with the ease of maintenance will be removed without notice. **The Association reserves the right to remove all flowers, wreaths, or other decoration from graves as soon as they become unsightly.**

A. All decorations are placed at the owner's risk. The Association is not responsible for damage or loss of any decorations that are placed in the Walton Cemetery. This includes monuments, headstones, and other grave markers. These items should be on your homeowner's insurance coverage.

B Spring and Fall Major Cemetery Cleanup: April 1 and October 1 will be the time for clean up of the cemetery. Please have your seasonal decorations removed by these times. Annual and perennial plants will be cut to ground level during the fall cleanup.

C. Artificial decorations, and wreaths are permitted year around in the Walton Cemetery; 1. If they are securely attached to the monument or 2. On a shepherd hook, in a securely weighted pot, in the ground, because of the prevalent strong winds in the cemetery. Wreathes may be placed on heavy wire easels or secured to a monument. **No stems of artificial flowers shall be inserted directly into the ground at any time. Holiday blankets and containers are permitted with artificial or fresh decorations and must be removed by February 1st weather permitting.**

D. Cut flowers and potted plants are permitted at all times in metal or plastic and unbreakable containers. (No glass or other breakable containers.)

E. Potted plants are allowed on or in the ground or hanging on shepherd hooks, 5 feet tall, minimum. Certificate of Burial Rights holders are responsible for watering and tending to them. If they become unsightly, they will be removed.

F. Planting of trees, shrubs, and rose bushes on graves shall not be allowed in the Walton Cemetery.

G. The planting of annuals and perennials in the ground or in pots is allowed in front of the monument only, the width of the monument and at a depth of no more than 18 inches. No planting behind the monument or

more than the width of grave or graves is allowed. (Check your corner markers so as not to encroach on the graves of others.) If pots dry up and plants are dead, they will be removed. If ground plantings are unkempt with weeds taller than the flowers, everything will be cut to ground level. No planting is allowed on flush to ground markers or foot stones. Any existing shrubs or trees will be removed if dead, diseased, outgrown their usefulness, spread beyond control or planted without permission, upon due notice to lot owner.

H. Cremation decorations on standard burial graves in sections 1, 2, 3, and 4 will follow the same rules and regulations as a regular burial.

I. **Items not permitted on the grounds:** Due to safety concerns and the difficulty in performing maintenance on the cemetery grounds and to avoid the appearance of clutter, items that are not permitted on the grounds **at any time include but are not limited to the following:** borders or barriers of wire, wood, plastic, rocks or stones. “Short” (less than 60” in height) wire and metal stakes with decorations attached, glass vases, pots or ornaments, signs, pennants, banners, balloons, spinners of any type, landscape edging, weed mat, decorative crushed stone (natural or manufactured). Wood mulch, natural or colored, may be used.

J. Benches and other accessory items. Requests to place such items must be submitted to the Superintendent and the Board of Trustees for approval before being ordered and should be of a lasting material like bronze, granite, or marble. Wood benches are not allowed.

K. Responsibility for placement of permitted decorations. When decorations are placed, care should be given to see that they are firmly in or on the ground or attached to the monument. The Walton Cemetery is not responsible for decorations that are blown away, damaged, removed or moved by others.

L. Solar Lights-**Limit of two** lights per grave **on occupied graves only** (can have flowers, birds, butterflies etc. attached with permission from the superintendent).

10. Section 5: Special Rules and Regulations apply: Burials are west to east only. Multiple graves must be purchased in even numbers only 2, 4, 6, 8. Only one single headstone plus corner markers is allowed per plot. Memorialization as outlined in number 8 applies. Granite markers are allowed. See size chart. Plots of 12 graves are limited to a center monument with 12 footstones. Pots of flowering plants or those planted in ground by headstones may be up to 18” in depth. No hangers, shepherd hooks or solar lights are allowed. No benches, statues or accessories may be placed on or around the grave area. All roads and pathways shall remain grass.

11. Section 6, Memorial Park and Remembrance Garden Special Rules and Regulations: Cremation burials only.

- A. Lot size is 2' x 2'
- B. 1 (one) Cremaains per lot, except in special cases when couples' cremaains may be co-mingled in a single suitable container
- C. Multiple graves may be purchased to create family plots
- D. Each grave will be topped with a 2' x 2' x 1 ½ inch native blue stone
- E. At the time of burial, there will be a brass plaque or a military niche plaque with the name of the deceased, date of birth, date of death, and one memorial line of choice by the family. The plaque is included in the charge for the grave and will be ordered and installed by the Association after interment.
- F. There will be no grave decorations allowed on these graves. Nothing may be attached, set or laid on the bluestone top except the brass plaque that is furnished by the Association.
- G. Flowering annuals may be planted in the Remembrance Garden. Perennials, trees, shrubs, rose bushes and other decorations are **not** allowed. Solar lights are **not** allowed.
- H. The interment fee is due at the time of interment as per the current posted rate chart.

12. Service Providers

All work performed in the cemetery shall be done by the cemetery employees or by others under the control and supervision of the Superintendent or Board of Trustees of the Association, a liability insurance certificate of at least one million dollars in coverage must be supplied to the Association before work can be performed by service providers. Walton Cemetery Association, Inc. must be named on your insurance certificate.

13. Options for Winter Burials:

- A. From December 1 until April each year, the Walton Cemetery office is open by appointment. You can always make contact by phone at 607-865-4348, state your name, address and phone number and we will return your call. During the winter, hourly employees are laid off and other employees only work as needed.
- B. When the ground freezes, is ice covered or snow covered, there will be no graveside services allowed. This is done for the safety of families, friends and others and to protect the Association from liability issues.
- C. During the winter season, a committal service could be held at the vault near the Fancher Ave. entrance to the cemetery. Bodies can be stored in the vault at no charge to grave owners. Interment will be scheduled in the spring.

D. Winter burials may be done if weather conditions permit with the approval of the superintendent and president or two (2) Board members.

E. Winter conditions that could affect this decision:

1. Snow covering so deep that the burial grave can not be located.
2. Ground frozen 6 inches or more so that probing for vaults can not be done effectively.
3. More than 6 inches of frost will prevent us from digging even if no vaults are nearby.
4. Spring and fall wet conditions at the grave site so that the lawn on surrounding graves would be damaged in the process of opening your site.
5. Unreasonably cold temperatures and/or wind chill factors.
6. Weather conditions that would cause our roads to break up under the weight of heavy trucks and equipment.

F. If we proceed with the opening of the grave during the winter season, the standard rates posted on our current rate chart will be used. All the extra costs of equipment, labor, and subcontractors will be billed to the grave owner or responsible party, including, but not limited to:

1. Hiring of heavy duty backhoe and operator.
2. Costs incurred for use of frost removal equipment.
3. Cost of removing snow from the roads to the burial site.
4. Cost of snow removal in and around the site to accommodate the vault truck and other equipment. All snow must be trucked away as it can not be piled on other grave sites.
5. You will be responsible for the cost of spring cleanup such as filling in ruts and reseeding (if necessary) at your site and to other sites damaged as the result of your burial. This could include concealed damage to monuments and markers on other grave sites.
6. No visitors at the grave site during the process.
7. No vehicles will be allowed in the cemetery during the winter months, except cemetery personnel, vault truck, hearse and equipment used for burials.
8. The Association has until June 15th to bill for any extra unexpected costs related to the grave opening and closing and an additional year to determine if burial has damaged the monuments, markers or vaults of other sites nearby.

14. All persons shall be allowed access to the cemetery during daylight hours. Visitors are reminded that these grounds are dedicated exclusively to interment of the dead and are requested to observe the proprieties due such a place and to follow the rules that are in effect. Anyone disturbing the quiet and good order of the place will be compelled to leave the grounds. **VEHICLE TRAFFIC THROUGH THE CEMETERY WILL NOT BE ALLOWED FOLLOWING THE FIRST SNOW FALL.** Parking will be allowed near the vault at the Fancher Ave. entrance. Please park and walk in. An access road will be plowed

occasionally for service vehicles as far as the office. All travel by foot or vehicle is at your own risk.

15. All recreational vehicles are prohibited from operating on cemetery grounds. Dogs entering cemetery grounds must be kept on a leash at all times, and all leavings must be cleaned up by their masters. No winter sports such as sledding or skiing are allowed.

16. All grave owners are required to notify the Cemetery Office Manager or the Superintendent of the Association of any change of address. All notices to grave owners will be sent to the last recorded address and such notice will be deemed adequate.

17. These rules and regulations may be amended by the Board of Trustees, but no amendment shall be effective until approved by the New York State Cemetery Board.

18. INTERMENT, ENTOMBMENT, OR INURNMENT OF DOMESTIC PETS

WALTON CEMETERY

Section 1. All interments, entombments, and inurnments of cremated domestic pet remains are subject to these Rules and Regulations and shall also be subject to all the laws, ordinances, or requirements of the State of New York. **All pets must be cremated. No exceptions.**

Section 2. Interment of cremated domestic pet remains shall be permitted in all sections of the cemetery subject to the following limitations of 2 pet interments per grave at the same time or after, following the guidelines for human burials (or as defined in the Certificate of Burial Rights to the lot, plot, or part thereof).

Section 3. All interments, entombments, and inurnments of domestic pet remains must be made at a time and in a manner scheduled and approved solely by the Cemetery and are subject to our current rate schedule. Charges are due on the date of the interment, entombment, or inurnment. Scattering of cremated pets is not permitted in the cemetery.

Section 4. The authorization for interment, entombment, or inurnment of a cremated pet will be granted by the cemetery only with the consent of the Board of Directors or the Superintendent as per Section 1.

Section 5. The Cemetery reserves the right to refuse interment, entombment, or inurnment of a cremated domestic pet, and to refuse to open any burial space for that purpose, except on written application by a lot owner or designee of record prepared on forms provided by the Cemetery and duly approved and filed with the Cemetery.

Section 6. Interment of cremated remains (aka cremains) will be permitted only in appropriate rigid receptacles such as wood, metal, plastic or concrete. **Ceramic or glass is not permitted.**

Section 7. The right of memorialization of a cremated pet duly authorized for interment, entombment, or inurnment shall be granted to the lot owner or designee.

- a. Placement of a memorial medallion on the marker or monument in the Cemetery can be on the headstone or a flush marker, maximum size of 16"x 8".

Section 8. For each interment, entombment, or inurnment of a domestic pet, the pet's name, owner's name and type of domestic pet, date and location of interment and type of disposition shall be recorded in the Cemetery's permanent record in a manner appropriate to the Cemetery.

Section 9. Disinterment: Authorization for the disinterment of a cremated pet shall be authorized by the Board or Superintendent as per Section 1.

Please use the following form to change/update your name, address or contact information. Mail the form to: Walton Cemetery Association, P.O. Box 122, Walton, NY 13856.

Name: _____

Section # _____ **Lot #** _____ **Grave #(s)** _____

Address: _____

Phone: _____

Email: _____

Next of Kin: _____

Address: _____

Phone: _____

Email: _____

Name Change: _____

Address Change: _____

Phone Change: _____

Email Change: _____