

***FORT HILL CEMETERY
ASSOCIATION***

*19 Fort Street
Auburn NY 13021*

RULES AND REGULATIONS

REV January 01, 2019

FORT HILL CEMETERY ASSOCIATION
RULES AND REGULATIONS
19 FORT STREET
AUBURN, NEW YORK 13021

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the Fort Hill Cemetery Association. All lot owners and visitors within the cemetery and all lots sold shall be subject to these rules and regulations, and to any other rules, regulations, amendments or alterations as shall be adopted by the Cemetery Association.

Fort Hill Cemetery operates in accordance with the laws of the State of New York. It reserves the right to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the management may deem objectionable to the best interest of the cemetery. It is the duty of the management to see that the rules and regulations are complied with, to see that order is maintained, and to promote the best interests of the cemetery. The management is authorized to make temporary additional rules which may be needed to meet emergencies which are not covered by these Rules and Regulations. Special cases may arise where the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right to make exceptions or modifications of any of these Rules and Regulations without notice, when in the judgment of the management such actions appear necessary. Such temporary exceptions or modification shall in no way be construed as affecting the general application of These Rules and Regulations.

The Cemetery hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter, or repeal any rule, regulation, article, paragraph or sentence in these Rules and Regulations at any time. Sufficient notice will be given by the Cemetery of any rule change that will create expense, hardship, or inconvenience to lot owners or other individuals having business with the Cemetery.

SECTION 1 DEFINITIONS

1. **CEMETERY:** The term cemetery is hereby defined to include a burial park for earth interments, a community mausoleum for vault or crypt entombments, a crematory or a crematorium and columbarium for cinerary interments, or a combination of one or more thereof.
2. **GRAVE:** The term grave shall apply to a space of sufficient size to accommodate one adult interment approximately three by ten feet.
3. **LOT:** The term lot shall apply to numbered divisions as shown on the record which consists of two or more graves.
4. **INTERMENT:** The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial.
5. **MEMORIAL:** The term memorial shall include a monument, marker, tablet, headstone, private mausoleum, or tomb for family or individual use, tombstone, coping, lot enclosure, urn, crypt or niche place.
6. **MONUMENT:** The term monument shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
7. **MARKER:** The term marker means a memorial flush with the ground.
8. **LOT MARKER:** The term lot marker refers to any means used by the cemetery to locate the corners of the lot or grave.
9. **CERTIFICATE OF RIGHT OF BURIAL OR DEED:** The term certificate of right of burial or deed shall apply to the original conveyance given by the cemetery to the original purchaser.
10. **MANAGEMENT:** The term management shall mean the person or persons duly appointed by the Fort Hill Board of Directors for the purpose of conducting and administering activities within the cemetery.
11. **CEMETERY OFFICE:** The cemetery office is maintained at 19 Fort Street, Auburn, New York.
12. **Bradley Chapel:** The Bradley chapel is available for memorial services, weddings, or other appropriate ceremonies.

SECTION II GENERAL RULES

1. The Cemetery office is open 9:00 a m to 1:00 p.m. Monday through Friday. The office is closed Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas, and New Years Day.

The Cemetery is open 6:00 a m to 9:00 p m with the Fort Street entrance closed daily from 3:00 p m to 8:00 a m. The Fitch Avenue entrance is open 24 hours per day.

2. Employees of the Cemetery are not permitted to do any work for lot owners except upon order of the management.

3. All fees or charges for services are payable at the Cemetery Office as herein stated and patrons of the Cemetery are requested not to pay any fee or gratuity to any Cemetery employee.

4. Persons within the Cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or cross lots or lawns unless it be necessary to do so to gain access to one's own lot. The Cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

5. Persons visiting the Cemetery or attending funerals are prohibited from digging, excavating, picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the Cemetery grounds.

6. Motor cars and vehicles must be kept under control. Funeral processions have right of way. Cars must not be left unattended with the engine running.

7. The following things are prohibited:

(a) The driving of motor cars or other vehicles through the gates or in the Cemetery at excessive speeds.

(b) Driving any motor car or vehicles upon any grave, lot, lawn or parking area.

(c) Parking or leaving any motor car or vehicle on any road to prevent any other vehicle from passing. The management reserves the right to remove vehicles violating this rule.

8. No bicycles or motorcycles will be admitted to the Cemetery except such as may be in attendance at funerals or on business.

SECTION II
GENERAL RULES
(CONT'D)

9. Children under fifteen years of age are not permitted within the Cemetery or its buildings, unless accompanied by an adult.

10. Littering on any part of the grounds or buildings is prohibited. Receptacles for waste material are located at convenient places.

11. Boxes, toys, metal designs, ornaments, chairs, settees, or similar articles are not permitted to be placed upon lots. If so placed, the management reserves the right to remove them.

12. All persons within the Cemetery should avoid conduct unbecoming a sacred place such as

- (a) Loud or boisterous talking.
- (b) Loitering on the grounds or in any buildings.
- (c) Bringing refreshments into the Cemetery or consuming them on the Cemetery grounds.
- (d) Soliciting of any commodity within the Cemetery.
- (e) Placing of signs, notices, or advertisements of any kind within the Cemetery.
- (f) Bringing dogs into the Cemetery or buildings.
- (g) Bringing firearms into the Cemetery except by a military escort accompanying a veterans funeral or attending memorial services.

13. Any items the lot owner wants saved must be removed for spring cleanup by April 15th of each year. For the fall cleanup, items must be removed by October 15th of each year.

SECTION III LOTS AND LOT OWNERS

1. Persons desiring to purchase lots should visit the Cemetery where the management will aid them in making a decision. Payments on lots are to be made at the Cemetery office.
2. The right of burial is obtained by the purchase of the Certificate or Deed. This entitles the purchaser to the perpetual use of the lot for the purpose of sepulcher only, subject to the Rules and Regulations of the Cemetery. Title to all Cemetery land remains in the Cemetery Corporation. A Certificate or Deed to the lot will be issued when the lot has been paid in full.
3. In case of failure to pay notes given as part purchase price of lots, the Cemetery reserves the right to reclaim the lot and to resell such lot.
4. When sold to individual proprietors, lots shall be indivisible. Certificates or deeds of ownership do not confer a right to sell, transfer, or assign any portion of the lot.
5. Applications for burial in a lot by persons other than the holders of Certificates or Deeds must be approved by the management of the Cemetery.
6. Upon the death of the owner of a Certificate or Deed, the right to such Certificate or Deed passes to the next-of-kin of such owner.
7. No lot owners shall receive compensation for interments in their lots.
8. Monuments may not be erected until lot is fully paid. Certain sections may have restrictions on the type or size of monument or marker that can be used. It is the lot owners responsibility to check with the Cemetery office for any restrictions pertaining to their individual lot before purchasing the monument.
9. Descriptions of lots will be in accordance with the Cemetery records kept on file in the Cemetery office.

SECTION III
LOTS AND LOT OWNERS
(cont'd)

10. The right to enlarge, reduce, replace, or change the boundaries or grading of the Cemetery, or a section or sections, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as the right to use Cemetery property not sold to individual lot owners for Cemetery purposes, including interment of the dead, or for anything necessary. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over lots for the purpose of passing to and from other lots.
11. The Management will take all reasonable precautions to protect lot owners, and the property rights of lots owners, within the Cemetery, from loss or damage; but the Cemetery disclaims all responsibility for the loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosion, 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.
12. It is the duty of the lot owner to notify the Management of any change in his post office address.
13. A Certificate or Deed will be issued for the purchase price of the lot when the lot has been paid for in full. The Certificate or Deed number will be kept on file in the Cemetery office.
14. The instrument of conveyance of these Rules and Regulations and any amendments thereto constitutes the sole agreement between the Cemetery and the lot owner. The statement of any employee or agent unless confirmed in writing by the Management, shall in no way bind the Cemetery.
15. Except as provided for in section 1513 (c) of the Not-for-Profit Corporation Law, no lot owner may transfer his or her lot. All lot sales are final.

Resale By Lot Owner
(#1513 Public Cemetery Law)

(c) **Resale by lot owner** Before any burial shall have been made in any such lot, plot, or part thereof, or, if all the bodies therein have been lawfully removed, the lot owner may sell or convey such lot, plot, or part thereof subject to the prior approval of the cemetery board. Such approval shall not be granted unless the owner of such lot, plot, or part thereof shall have offered it to the cemetery corporation within two years prior of the application for such approval, in writing by registered or certified mail, at the price paid therefor by said low owner, together with simple interest at the rate of four percentum per annum, and the cemetery corporation shall have failed to accept such offer within thirty days after the making thereof. In the even the lot owner shall have acquired the lot, plot, or part thereof other than by purchase, and provided the cemetery corporation and the lot owner cannot agree upon a price, the cemetery board shall fix a price therefor. In arriving at the price of the cemetery board shall take into consideration the original price for which the cemetery corporation sold the lot, plot, or part thereof, and any other circumstances or factor which equitably relates to the price. The secretary of the corporation shall file and record in its books all instruments of transfer. An owner may convey or devise to the corporation his right and title in and to any such lot, plot, or part thereof.

SECTION IV CARE OF LOTS

1. The general care of the Cemetery is assumed by the Management and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees of those placed by the Management.
2. The general care assumed by the Cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots nor the doing of any special or unusual work in the Cemetery. Nor does it mean the reconstruction of any marble or granite work on any section of lot, or any portion or portions thereof in the Cemetery, caused by the elements, an act of god, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
3. A Permanent Maintenance fund shall be established whereby the Cemetery will hold and invest the principal sum deposited and use the annual income therefrom to defray the cost of the general upkeep of the Cemetery. The money received for Permanent Maintenance shall be held in trust and invested as provided by law. The Cemetery Association reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company, or corporation qualified to act as trustee for such funds.
4. The grade of lots will be determined by the Trustees of the Cemetery. No alterations in grades will be permitted by lot owners.
5. No fences, hedges, posts or enclosures of any kind will be allowed on lots. No wooden or wire trellis are permitted on lots or graves. No decorations may hang from trees or shrubs. No decorative stones or bark may be placed around markers or monuments. No planting will be allowed. All flower arrangements must be in pots. No glass containers are allowed.
6. The Management reserves the right to remove any object from the lots placed there on in violation of the Rules and Regulations.

SECTION V CORRECTION OF ERRORS

1. The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting any conveyance in lieu thereof other interment property of equal value and similar location as far as possible or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. In accordance with provision of New York State not for profit corp. NOT-for/Profit Law section 1510.

SECTION VI INTERMENTS & ENTOMBMENTS

1. The Cemetery will open for interments daily with the exception of Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas, and New Years Day.
2. Where immediate burial is required by the Laws of the State of New York or under the rules and regulations of the Board of Health, interments may be on Sundays and holidays but an additional fee will be added to the regular charge and entrance to the Cemetery will be allowed only by the hearse and vehicles in the funeral procession.
3. All funerals on entering the Cemetery shall be under the charge of the Cemetery Management.
4. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.
5. Funeral directors, upon arrival at the Cemetery, must present the necessary burial permit from the local health office.
6. Lot owners shall not allow interments in their lots in return for remuneration of any kind.
7. No interment of two or more bodies shall be made in one grave except in the case of mother and child, or two infants buried in one casket or except in the case of cremation where one casket and one cremation will be allowed in one grave and two cremations in one grave with written permission from the lot owner.
8. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect make such designation, the Cemetery reserves the right to make the interment in a location designated by the Cemetery Management.

SECTION VI
INTERMENTS & ENTOMBMENTS
(cont'd)

9. The Cemetery management and the employees of the Cemetery are the only persons permitted to open graves with the following exceptions:

10. In order to maintain a high standard of care, it is required that all burials must be made in either a concrete vault or concrete grave liner in all graves purchased on or after April 25, 1994. All vaults must be made and installed as to meet specifications established by the Management. Vaults may be procured from any source provided they meet the established specifications. Cremated remains will not be permitted to be buried except in a recoverable rigid receptacle. Cremated remains shall not be scattered on Cemetery property.

11. All charges for interment or services in connection therewith shall be paid to the Cemetery Management who will issue a receipt therefore upon request.

12. Arrangements for the payment of any and all indebtedness as to lot price and opening charges, due to the Cemetery must be made before interment will be made.

13. The right is reserved by the Cemetery to insist upon at least twenty four hours notice prior to any interment and at least one week's notice prior to any disinterment or removal.

14. All interments, disinterments, and removals must be made at the time, and in the manner, and upon the charges fixed by the Management.

15. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.

SECTION VI
INTERMENTS & ENTOMBMENTS
(cont'd)

16. The Cemetery will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a lot where interment is desired.

17. The Cemetery will not be liable for the interment permit nor the identity of the person thought to be interred.

18. Interments of bodies of persons not related to a lot owner will not be allowed without the consent in writing of the owner of the lot. Right of Burial or Grave Designation form must be signed by the certificate holder or next-of-kin and filed with the Cemetery Office.

SECTION VII DISINTERMENT

1. Application for disinterment of a body shall be made at the Cemetery Office. Permission must be based upon application of the husband or wife, child or children or next-of-kin of the deceased.
2. In case of disinterment the casket will not be opened for the purpose of viewing remains.
3. Permits must be obtained for the purpose of removal from Fort Hill Cemetery to another Cemetery.
4. Appointments for date of removals will be made by the Management of the Cemetery.
5. No services of any kind are permitted on the Cemetery grounds at the time of removal of bodies either from the Cemetery or from place to place within the Cemetery.
6. All disinterments are charged according to the difficulties involved in the removal. Payment should be made prior to the completion of the disinterment.

SECTION VIII MONUMENTS

1. The Cemetery Association reserves the right to prohibit the erection of any monument or marker considered by the Board of Directors as inappropriate either in material, workmanship, or location or which might interfere with the general effect or obstruct any principal view of the Cemetery.
2. All monuments are the property of the individual purchaser. The Cemetery is not responsible for the upkeep of any monument. All expenses incurred to keep the monuments from becoming unsightly through weather, vandalism, general deterioration or any other cause is the full responsibility of the owner. The Cemetery will only act when the monuments become a danger to persons or property within the Cemetery as stated in its Rules and Regulations.
3. **RIGHT TO REMOVE:** Should any monument, marker, or other memorial become unsightly, dilapidated, or a safety hazard to visitors, the Cemetery shall have the right at the expense of the lot owner to correct the condition.
4. No monument will be placed upon a lot until the lot is fully paid and a Certificate issued. Only one monument, which must be of proper design, material and workmanship shall be erected on lots where permitted, and oversized monuments shall be placed under the direction of the Superintendent. Monuments must be placed in the center of the lot. Exceptions to this rule are made only where a lot is irregular in shape or where a tree may occupy the center.
5. Lot owners who contemplate the erection of any monument or marker should first ascertain from the Cemetery Office whether same will be allowed before they close a contract for the erection of either. Monument privilege varies in different sections and on a different sized lots.
6. The Cemetery may reject any plan or design of a proposed marker which shall be determined to be undesirable or unsuited to the general appearance of the surrounding lots or graves. Legal names only are allowed; no nicknames permitted.

SECTION VIII
MONUMENTS
(cont'd)

7. All monuments must be built of granite, marble or some other durable stone. Memorials of cement, artificial stone, wood or other metal will not be permitted.
8. Applications for foundations must be made on forms provided by the Cemetery Office and such application must be submitted to the Superintendent for approval. Dealers are required to furnish for approval a sketch of proposed monument or headstone, specifying size, inscription, design and size of foundation required.
9. All foundations for monuments and markers will be constructed by Cemetery Association employees. If any fault results from improper installation of a foundation by the Cemetery, the Cemetery shall rectify the condition without cost to the lot owner.
10. The monument contractors, before placing marble or granite bases shall check all foundation sizes. Should any discrepancy occur, they will report same to the Cemetery Office which will then make the necessary corrections.
11. Marble or granite bases (resting on concrete) shall be cut level so as to insure a solid bearing. All bases are to have a minimum of 6 inch thickness. The bottom side of the headstones must be smooth.
12. The monument contractors shall furnish and place all necessary wedging and set all marble and granite with quality workmanship. All joints must be sealed against moisture with non-staining materials.
13. Obstructions caused by any monument dealer or erection contractor to avenues, roads, and walks must be made as slight as possible and no unnecessary delay in removing such obstruction will be permitted after the work has been completed. When monument work has been completed, the lot and surroundings must be restored to the same condition as before work was commenced, such restoration to be at the expense of the contractor.
14. Guy ropes must not be fastened to posts, fences, or monuments. A special permit to fasten to trees must be obtained from the Superintendent, and trees must be properly padded for their protection.

SECTION IX
PLANTS AND SHRUBS

1. The Cemetery will undertake to maintain, as many as practicable, the planting of trees and shrubs, to preserve and maintain landscape features.
2. Individual shrubs (Taxus Hicksi only) must be purchased through and planted by the Cemetery Management.
3. There shall be no individual beds of flowers allowed on the grounds. Lot owners are not permitted to plant upon the graves.
4. There shall be no jars or glass containers used on the premises for the holding of floral bouquets. All such form of decoration shall be in uniform containers subject to the rules and regulations for the section.
5. The Management shall not be responsible for any kinds of plantings damaged by the elements, vandals, thieves or other causes beyond its control. The Management shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as in the judgment of the Management, they become unsightly dangerous, detrimental, or diseased, after due notice to the lot owner.
6. The Cemetery shall not be liable for floral pieces, baskets, or the frame in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for Cemetery services held in the Cemetery.
7. The Cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the Management gives consent.

ENFORCEMENT OF RULES

The Management is hereby empowered to enforce all Rules and Regulations and to exclude from the Cemetery any person violating the same. The Management shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, lot owners, and visitors and at all times shall have supervision and controls of all persons in the Cemetery. These rules may be changed, altered or amended at anytime at the discretion of Management, but shall not be effective until approved by the New York Cemetery Board.