

**RULES & REGULATIONS  
FOR THE  
VALLEY VIEW CEMETERY, PIONEER CEMETERY, MUTTON HILL CEMETERY AND  
WATERBORO HILL CEMETERY IN  
THE TOWN OF ELLINGTON.**

TO ALL CEMETERY LOT OWNERS:

These Rules and Regulations are designed for your protection. They are the very foundation of a successful Cemetery, and they are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. No rule or regulation is made or will be made except for the good of lot owners collectively. Their enforcement will help protect your Cemetery and preserve its beauty.

These Rules and Regulations are effective from the date of approval by the Town Board of Ellington, New York.

**ARTICLE I- GENERAL REGULATIONS**

Section 1. The Cemetery grounds shall be open daily from 8:00 A.M. until 8:30 P.M. from May 1 through October 1, and 8:00 A.M. until 4:30 P.M. from October 1 through May 1.

Section 2. SPRING CLEANUP begins APRIL 1st. each year. Winter decorations to be saved; must be picked up by APRIL 1st. or they will be removed and disposed of by the designated Caretaker.

FALL CLEANUP begins OCTOBER 1st. of each year. Flowers and decorations to be saved must be picked up by OCTOBER 1st. or they will be removed and disposed of by the designated Caretaker. Winter wreaths are permitted only from NOVEMBER 1st. through APRIL 1st.

Section 3. All lot owners are required to notify the Town of Ellington of any change in address. All required notices shall be sent to the last recorded address and such notices shall be deemed adequate.

Section 4. If lot owner transfers (inheritance, gift) or sells lot, Town of Ellington is to be notified so this information can be recorded in the Town's cemetery records.

**ARTICLE II - INTERMENTS, INURNMENTS AND DISINTERMENT**

Section 1. All lots in the Cemetery are sold in accordance with the provisions of the laws of New York and shall not be used for any purpose other than a human burial place. All burial openings for interment or inurnment shall be done by Town authorized personnel.

Prior to burial, the following information must be furnished:

1. Name of deceased.
2. Age of deceased-including date of birth, if known
3. Place of birth of deceased, if known.
4. Date of death.
5. Time and date of interment or inurnment.
6. If not an adult-the names of parents or legal guardians of deceased.

Section 2. The full purchase price must be paid or provided for in a manner satisfactory to the Town of Ellington before a deed will be delivered or a burial allowed on a lot.

Section 3. If the present owner of a lot does not intend to use said lot for future interments, lot owner must contact the Cemetery Coordinator of the Town of Ellington for guidance. Town of Ellington will not buy back any unused cemetery lot.

Section 4. Lot owners are prohibited from allowing interments to be made on their lots for compensation.

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Section 5. Only one interment and one inurnment, or two inurnments will be allowed in any gravesite. The interment of cremated remains will be permitted only in appropriate sealed, rigid receptacles such as plastic, concrete, metal or fiberglass. Cremated remains will not be permitted to be scattered above ground in any part of the Cemetery. Cremation certificate must be provided before burial.

Section 6. Graves may not be opened when weather conditions warrant such refusal. Bodies received for interment during this time will remain the responsibility of the Funeral Director and the family.

### ARTICLE III - CONTROL OF WORK BY CEMETERY

Section 1. The Town of Ellington reserves the right:

- a.) To remove all flowers, wreaths or other decorations from lots when they become unsightly;
- b.) To remove, after due notice to the lot owner, any embellishment on the lot or inscription which, in the opinion of the Town of Ellington, unsightly or dangerous;

Section 2. All work done in the Cemetery shall be done by Cemetery employees or under the control of or with the permission of the Town of Ellington.

Section 3. Contractors engaged in work of any nature on the Cemetery grounds must obtain permission from the Town of Ellington before commencing work and shall comply with the instructions of the Town Board. They shall carry public liability and property damage insurance, which will adequately protect the Cemetery and the lot owners.

Section 4. All graves will be filled and seeded when necessary and maintained with the grade of the lot. Lot owners are not permitted to disturb the sod on any lot for any purpose except to plant flowers/bulbs. (See Article IV, Section 1)

Section 5. The Town of Ellington does not bind itself to maintain or replace any grave markers, family memorials or monumental structures erected upon the lots or graves. Town of Ellington will not be liable for the damage to or loss of decorations, memorials or markers of any land that may have been placed on lots, caused by the elements, thieves, vandals or other means beyond its control. Town of Ellington will not replace or repair flower vases, nor perform any special or unusual work.

### ARTICLE IV - DECORATION OF LOTS

Section 1. NO trees, bushes, shrubs, rose bushes, rhododendrons are permitted on cemetery lots.

Section 2. FLOWERS and BULBS may be planted within the purchased lot area only. No plantings in front of monuments. This area is designated as public green space.

Section 3. Urns may be placed on the sides of the monuments in a space no wider than the lot size. Placing of glass blocks or vases as receptacles for flowers, either artificial or grown, on graves or plots is prohibited.

Section 4. NO *marble chips permitted*. Only shredded mulch or peat moss permitted. NO glassware, tin cans or metal wire fences or small wood fences are permitted. NO borders of wood, plastic or metal are permitted.

### ARTICLE V - ROADWAYS AND RE-PLOTTING

Section 1. The Town of Ellington reserves the right:

a.) To enlarge, reduce, re-plot and change the boundaries or grading of the Cemetery or of a section or sections from time to time, including the right to modify the locations of or remove or grade roads, drives, paths and walks.

b.) To lay, maintain and operate or alter pipe lines and gutters for sprinkling systems, drainage and other purposes.

Section 2. Heavy trucking or other vehicular traffic shall be refused entrance to the Cemetery when, in the opinion of the Caretaker/Custodian, injury to roads and driveways might result.

#### ARTICLE VI - CONDUCT WITHIN THE CEMETERY

Section 1. The Town of Ellington reserves the right to refuse admission to any of its facilities to anyone not adhering to these Rules & Regulations for the Ellington Cemeteries.

Section 2. All persons are prohibited from gathering flowers or plants, either wild or cultivated, or breaking or mutilating trees, shrubbery or plants, or disturbing the birds, animals or other wildlife in the cemeteries.

Section 3. No loud Talking or disturbing noises or actions shall be permitted on the Cemetery grounds within hearing distance of funeral services. All persons engaged in work within the Cemetery shall observe all the properties of a Cemetery and when a funeral procession passes or an interment service is being conducted nearby, all work shall cease.

Section 4. The scattering or dumping of rubbish or waste material anywhere about the Cemetery grounds is prohibited except in waste receptacles which are located at convenient places throughout the Cemetery.

Section 5. Motor vehicles shall be driven through the grounds in a reasonable and prudent manner. The Cemetery roadways shall not be used for teaching any person the operation of any motor vehicle. Should any vehicle be driven on the lawns, or any part of the Cemetery in a manner causing damage, the owner of such vehicle shall be liable for the payment of the cost involved in the repair of the damage.

Section 6. No person or vehicle shall be in the Town Cemeteries before sunrise or after sunset, except Caretakers and their equipment.

Section 7. No horses, domestic animals, snowmobiles, motorcycles, motorbikes or all terrain vehicles (ATV) shall be permitted in the Cemeteries for recreational purposes.

Section 8. Peddling of flowers or plants, or soliciting the sale of any commodity is prohibited within the Cemetery.

Section 9. There must be strict observance of all properties whether embraced in these rules or not, and the Town of Ellington shall have the power to prevent, or disperse improper assemblages.

Section 10. The Town of Ellington or those to whom they delegate authority are empowered to enforce all Rules and Regulations. They shall have supervision and control of all persons within the Cemetery in their conduct in the performance of work, in attendance at funerals and in the movement of traffic.

#### ARTICLE VH - MEMORIALS, MONUMENTS AND MARKERS

Section 1. Memorials other than monuments, sometimes called markers, gravestones, headstones or footstones, shall be of bronze, granite or marble. Use of wood, iron, concrete or other materials of substitute nature will not be permitted and after due notice to the lot owner may be removed at the discretion of the Town of Ellington. Only one memorial shall be placed on any one gravesite with the exception of Veteran plaques.

Section 2. The Town of Ellington is not responsible for the installation of monuments and foundations. This is a separate contract that lot owners assume with respective contractors.

Foundations/footers shall be installed by an approved contractors and/or monument company and not by lot owners themselves. The Town of Ellington does not prepare the footers.

The Town of Ellington is not responsible for the repair or replacement of deteriorated monuments or foundations. This is the sole responsibility of lot owners.

All foundations/footers will be constructed under the direction of the Town of Ellington. Specification drawings are to be obtained from the Cemetery Coordinator before installation.

Section 3. Monuments are restricted in size to dimensions, which will not cover more than a reasonable percent of the surface area of the lot.

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Section 4. The bases of all monuments/markers shall be finished true and level so as to fit on foundations without wedging or sprawls.

Section 5. No monuments/marker will be allowed to be delivered in the Cemetery until the foundation/footer is installed and ready to receive the monument/marker.

Section 6. The placement of a memorial shall not be permitted on any grave or lot until the purchase price of the grave or lot and any other amount due in connection with the grave or lot has been paid in full.

#### ARTICLE VIII - MODIFICATIONS AND AMENDMENTS

Section 1. The Town of Ellington may, and it hereby expressly reserves the right, at any time to adopt new rules and regulations, or to amend same subject.

#### RESTRICTIONS AS TO LIABILITY

The Town of Ellington reserves, and shall have, the right to correct without liability for the payment of damages, any errors that may be inadvertently made by it in the manufacture or installation of Family Memorials or grave markers, in making interments, disinterment or removals, or in the description, transfer or conveyance of lots or burial rights. It shall have the right to substitute and convey in lieu thereof other interment property of similar nature and location insofar as it is possible, or as may be selected by the Town of Ellington or in the sole discretion of the Town of Ellington to refund the amount of money paid on such purchase. In the event such error is in respect to the interment of a body in an incorrect location, the Town of Ellington shall have the right to remove and inter the body in its proper location, or if that is not possible, then to such other location of similar nature as may be available.

Other than accidental damage caused by Cemetery employees in the discharge of their duties, the Town of Ellington shall not be responsible for the theft or willful or accidental damage caused by vandals to monuments, Family Memorials, bronze memorials, mausoleum crypts or flower vases.

DATED: April 1999

Amended: September 2003

Amended: January 2013