

Chapter 41

BURIALS AND BURIAL GROUNDS

§ 41-1.	Burials prohibited outside of public, private and/or family cemeteries.	§ 41-2.	Registration and marking of previously existing private burials.
		§ 41-3.	Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Windsor 4-5-1978 by L.L. No. 1-1978; amended in its entirety 4-2-2018 by L.L. No. 4-2018. Subsequent amendments noted where applicable.]

§ 41-1. Burials prohibited outside of public, private and/or family cemeteries.

No person shall cause a human cadaver to be buried, or establish a burial ground for such purpose, in the Town of Windsor, in any ground not registered as a public, private, or family cemetery with the New York State Department of State, Division of Cemeteries, after the date of enactment of this chapter.

§ 41-2. Registration and marking of previously existing private burials.

- A. All human cadavers buried in any ground not registered as a public, private, or family cemetery as provided for in § 41-1 shall be registered with the Town Clerk within one year of the enactment of this chapter.
- B. All such private burial grounds shall be adequately and appropriately marked with a fence, gravestone, marker or other decoration so as to provide notice to the general public that a cadaver is buried in that location.

§ 41-3. Penalties for offenses.

Any person who shall be found to violate any provision of this chapter shall be served by the Town Code Enforcement Officer with written notice providing a reasonable time limit for the exhumation of the buried remains. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violations beyond the said time limit shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not exceeding \$250 for each violation or imprisonment for not more than 15 days, or both, for each separate offense. Each day in which any violation shall continue shall be deemed a separate offense. The provisions of this section shall be in addition to and shall not preclude the enforcement of this chapter by application to the New York Supreme Court for injunction or by any other lawful means. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned by it by reason of such violation.

COMMON QUESTIONS ABOUT FINAL RESTING PLACES - CONTINUED

Q: Does New York allow backyard burials?

A: The Division of Cemeteries does not regulate private or family cemeteries. **There is no state-wide prohibition of burials on private land**, but local governments (e.g., the Town) may prohibit or restrict this. State law also specifies a minimum distance between wells and cemeteries.

Landowners cannot charge for the interment of remains on their private property.

A funeral director must still make final arrangements and handle paperwork in connection with the interment.

THINGS TO CONSIDER WHEN INTERMENT IS ON PRIVATE LAND

Ensure that the burial is not done near underground water or power sources (the New York State Sanitary Code prescribes distances).

Protect the area with a fence around the perimeter.

Split the private cemetery land on its own deed or to ensure it is clear where the boundaries are.

Stipulate whether the cemetery is closed to future interments if and when the land is sold.

Leave an endowment to provide for future care and appoint a trustee.