

LOCAL LAW NO. 1 OF YEAR 2019

"A Prohibition of Private Property Burial in the Town of Forestport"

A Local Law prohibiting the burial of human remains or the establishment of burial grounds on privately owned property in the Town of Forestport.

Be it enacted by the Town Board of the Town of Forestport as follows:

Section 1. Title. This Local Law shall be referred to as "A Prohibition of Private Property Burial in the Town of Forestport."

Section 2. Purpose and Intent. Pursuant to the statutory powers vested in the Town of Forestport (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of Forestport (hereinafter the "Board") hereby declares a Local Law prohibiting the burial of human remains or the establishment of burial grounds on privately owned property within the Town.

Whereas, the Town has received inquiries regarding a property owner's rights to bury human remains or to establish burial grounds on their private property. The Town anticipates that it will continue to receive inquiries in the future, and the Board desires to address this issue on a comprehensive Town-wide basis, rather than an ad hoc basis, and to adopt this Local Law to properly regulate same.

Section 3. Prohibitions. No person shall cause the remains of a human being including cremated remains to be buried, or shall establish burial grounds for such purpose in the Town in any privately-owned grounds not set apart and recognized as a municipal, religious, or not-for-profit corporation cemetery.

Section 4. Preexisting Cemeteries. This Local Law shall not alter the status of private burial grounds or cemeteries currently existing within the Town at the enactment of the Local Law.

Section 5. Enforcement. This Local Law shall be enforceable by the Town Codes Office or any other person appointed by The Forestport Town Board to enforce this local law.

Section 6. Penalties. A violation of this Local Law shall be deemed an offense and punishable, by a fine fixed by the court, not less than \$500.00 nor more than \$2500.00.

Section 7. The Town of Forestport may seek a court order from The Supreme Court, County of Oneida to have any human remains buried in violation of this Local Law exhumed and buried in a properly designated cemetery. Any person who Violates this Local Law shall be liable to The Town of Forestport for all legal costs to bring this court action as well as all costs to exhume the remains and bury them in a properly designated cemetery in the Town. In the event the person who violates this Local Law fails to pay any monies due for the violation with due demand has been made, may add these costs to the party's Town and Courts tax bill.

Section 8. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such provision.

Section 9. Repealer. This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the burial of human remains or establishment of burial grounds on private property within The Town of Forestport and they shall be, upon the effectiveness of this Local Law, null and void.

Section 10. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.