
Pet Burial Law Important Information

1 message

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**News Alert****November 9, 2016**

Good afternoon,

As you are aware, the New York State Association of Cemeteries (NYSAC) was successful in securing the passage of the New York State Pet Burial Law. Governor Cuomo signed the law on September 26, 2016. This new option for cemeteries went into effect immediately.

The New York State Division of Cemeteries has recently published FAQs regarding the new Pet Burial Law. We strongly urge your review of this important information which may be found on the NYSAC website or via this link:

<http://www.dos.ny.gov/cmtty/pet-cremation.html>

Additionally, NYSAC has worked to provide draft regulations for the use of our members interested in providing a pet option in their cemeteries. **Please note that these are only draft regulations and they must be formatted to meet the specific needs and requirements of your cemetery.** This draft text may be found at the bottom of this email.

Cemeteries should note that if you are going to prohibit burial of cremated pet remains, the Division is suggesting/recommending that you include this statement in your Rules and Regulations.

Please remember that the State Division of Cemeteries will need to review and approve your proposed regulations as well as your proposed pricing for pet burial services. This must be done before you begin to allow for pet burials or charge for such a service.

NYSAC stands ready to be a resource for our members. The following members have volunteered to provide you with assistance in developing your cemetery process to address this new law:

Steven Sloane, Woodlawn Cemetery: 315-479-5826 or email steve@woodlawnsyracuse.org

Joseph Dispenza, The Forest Lawn Group: 716-885-1600 or email JDispenza@forest-lawn.com

Jeffrey Reed, Mount Calvary Cemetery: 716-892-6600 or email jreed@mountcalvarycemetery.com

You may also contact me directly.

Thank you for your work to meet the needs of families across the Empire State and your support of NYSAC.

Very truly yours,

David Fleming

Rules and Regulation Information:

PLEASE TAKE NOTE: Cemeteries that do not wish to provide for the interment, entombment, or inurnment of pet cremated remains in their cemeteries are not required to do so. This new Pet Burial Law (Chapter 330 of the Laws of 2016) simply provides the **option** for the interment of cremated pet remains. **This law does not apply to religious cemeteries.**

The following are proposed MODEL amendments to a cemetery's rules and regulations to assist in the

implementation of the Pet Burial Law. Please note that this document is only provided as an example of language cemeteries may utilize to allow for the interment, entombment or inurnment of cremated pets. This document should not be considered legal advice and is not a substitute for the creation of specific rules and regulations crafted by an individual cemetery.

The Pet Burial Law provides that all rates and charges for interment, entombment, or inurnment of pet cremated remains must be approved by the state. Your pet interment charge for the actual interment, entombment or inurnment, must be placed in the cemetery's permanent maintenance fund. Other pet related charges may be placed in the general or current maintenance fund.

Sample Proposed Model Language:

INTERMENT, ENTOMBMENT, OR INURNMENT OF DOMESTIC PETS

The following rules are adopted in order to implement the change in the law governing not-for-profit public cemeteries which permits a cemetery to authorize the interment of pet cremated remains where such interment is incidental to the burial of human remains.

Section 1. All interments, entombments, and inurnments of cremated domestic pet cremains 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.

Section 2. Interment of cremated domestic pet cremains shall be permitted in _____ (specific or all) sections subject to the following limitations of ____ pet interments per grave (or as defined in the deed to the lot, plot or part thereof).

Section 3. All interments, entombments, and inurnments of domestic pet cremains must be made at a time and in a manner scheduled and approved solely by the Cemetery and are subject to _____ (no or additional) charges that are effective 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 _____. Absent the consent of _____

disputes must be settled as follows _____.

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 of record prepared on forms provided by the Cemetery and duly approved and filed with the Cemetery. No interment, entombment, or inurnment of a cremated domestic pet shall be permitted in any grave, crypt or niche until all charges for such grave, crypt or niche are fully paid.

Section 6. (Optional language) The Cemetery requires that for every in-ground interment of a domestic pet cremains, the remains must be placed into either a traditional non-sealed concrete urn vault or a child-sized permanent urn, or a plastic temporary urn vault.

(Possible options for memorialization – please be sure to specifically outline what memorialization is permitted or prohibited)

Section 7. The right of memorialization of a cremated pet duly authorized for interment, entombment, or inurnment shall be granted to _____. Options for memorialization of cremated domestic pet cremains include:

a.) No memorialization;

b.) Placement of a memorial medallion on the marker, monument, monolith, crypt-front, or niche-front as approved by the _____ cemetery.

c.) A granite or bronze memorial which is NOT the primary monument for a grave or lot and subject to the same privileges and _____ requirements as provided elsewhere in these Rules & Regulations.

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_____.

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