

Lake View Cemetery Association

Interlaken, New York

By-Laws

1. The officers of this Association are, by the act under which it is formed, twelve Trustees elected by the lot owners at the annual meeting; a full term being three year. Vacancies on the Board of Trustees shall be filled by appointment until the next annual meeting, at which time a trustee shall be elected to complete the unexpired term. Trustees so elected are expected to actively participate in the running of the cemetery and to attend meetings as called. Trustees unable to fulfill the responsibilities of office may request a leave of absence and a substitute Trustee be named by the Board.
2. The Trustees shall annually elect a President, Vice-President, Secretary and Treasurer.
3. Executive committee: the members of the Executive Committee, and therefore those who can sign financial instruments of the cemetery, being the President, Vice President, Secretary, and Treasurer shall not be related to each other by birth, marriage or adoption.
4. The annual election of officers shall be held on the 15th day of March, or as near that time as possible.
5. It shall be the duty of the President to preside at the meetings of the Trustees and execute all conveyances with the Treasurer, under common seal of the Association.
6. The President shall have power to call special meetings of the Board of Trustees and with the help of other elected officials, superintend the grading, fencing, surveying, laying out, plotting and ornamenting the grounds and lots, as they may be directed by the resolution of the Trustees.
7. The Vice-President shall perform the duties of the President in the absence of that officer.
8. The Treasurer shall receive the funds of the Cemetery to disburse or deposit them upon the order and direction of the Trustees. To report all funds in the Treasury to the Trustees whenever requested by them so to do. The Treasurer shall annually, on the 15th day of March, render in writing to the Trustees a full report of the state of the Treasury, a copy of which is filed with the State Cemetery Board as required by law. The Treasurer shall give a bond, which shall be duly approved by the Trustees.
9. The Secretary shall keep in a book provided for that purpose, records of the proceedings of each meeting, of all by-laws adopted by the Association, and keep the same in a convenient form for its use.
10. The Secretary shall enter in a bound register, to be kept by the Secretary, the name, residence and age of each person whose remains shall be interred in the cemetery, together with the date of his or her demise, and the lot and the particular part of the lot upon which such remains are buried.
10. The Cemetery Association shall keep in a special fund of moneys twenty percent (20%) of the sale price of all lots. The interest from said funds to be used in keeping and maintaining the cemetery.
11. Gifts, bequests or other special funds received by the Cemetery Association shall be used in the manor stated with the gift or as deemed most beneficial to the general good of the cemetery.
12. The President, Vice President Secretary and Treasurer shall have their signatures on file with the financial institution(s) where cemetery funds are deposited. Two signatures will be required on all cemetery financial transactions and/or to gain access to the safe deposit box.

Rules and Regulations

1. No work of any kind shall be done in the cemetery unless under the direction of the Executive Committee or Trustees. The planting of rural adornment will be kept strictly under the control of the Trustees.
2. No person shall willfully destroy, mutilate, deface, injure or remove any monument or gravestone or other structure placed in said cemetery, nor shall willfully destroy, remove, cut or break or injure any tree, shrub, plant or flower in said cemetery, nor travel up or down or across any terrace, lot or grave. Every violation of this section shall be punished by a fine to cover expenses according to the nature and aggravation of the offense.
3. No stone or brick wall or fence shall be erected as an enclosure of lots without approval of the Trustees. Wooden enclosures and lettered boards designating graves will not be allowed.
4. No person shall change the grade of any lot without the consent of the Trustees. Persons who enclose lots or make other improvements upon them, after having been graded, thereby disarranging the previous improvements made, will be charged the cost of putting them in order again.
5. No plants or flowers are to be planted on the lots that shall interfere with the mowing and trimming of said lots. An urn with plants or flowers that can be moved is permitted.
6. For the safety of all, glass blocks and other glass containers are prohibited after a grave has been leveled and will be removed.
7. Cemetery Trustees or employees have the right to remove and dispose of broken flowerpots, vases, urns, plastic or ceramic containers deemed unsightly and/or posing a threat to the mowing and trimming equipment. This also includes unsightly or decaying wreaths, flowers, floral sprays, artificial flowers or other artificial decorations or the holders and/or supports for same, after due notice to the lot owner.
8. If any tree or shrubs situated in any lot, by means of their roots, branches or otherwise, become dangerous or hazardous to the adjacent lots, streets, or avenues, or unsightly or inconvenient, it shall be the duty of the said Trustees, and they shall have the right to enter the said lot and remove the said trees and shrubs, or such parts thereof as are dangerous or hazardous, unsightly or inconvenient, if in their judgment it should be done, upon due notice to the current lot owner, if known. Cemetery personnel have the right to trim bushes and shrubs to prevent overgrowth.
9. If any effigy or enclosure or any structure whatever, or any inscription placed upon any lot or place in said cemetery, shall be determined by the Trustees to be offensive, improper or injurious, the said Trustees shall have the right, and it shall be their duty, to enter upon such said lot or place and remove the said offensive or improper object or objects, after due notice to the lot owner.
10. Foundations and cornerstones
 - a. The foundation of all monuments taller than one-foot to have a footer 4 feet deep. For stones less than one-foot high the footer to be 30" deep. All footers to be solid concrete with rebar in the concrete.
 - b. All foundations shall measure three inches wider and three inches longer on each side than the base monument or headstone size. The top of the footer/foundation to be 5 inches above the highest point of grade. If there is significant grade the most exposed side must have 3 feet of concrete in the ground
 - c. Said foundations to be confined to the west two feet of the lot/plot and cannot be laid out or dug out without assistance from Cemetery officials.

- d. No embellishment, columbariums, monuments, decorations, or plantings, shall be set in any way to prevent access by equipment. A minimum of 78 inches (6 ½ feet) from the east side of the lot is required.
- f. Cornerstones will be ordered for each lot when sold and placed by the cemetery trustees or their employees. Lot owners and/or monument dealers are prohibited from placing cornerstones.
- g. The trustees reserve the right, at their option, to rebuild the foundations of any monument, headstone or coping charging a reasonable compensation thereof after due notice to the lot owner.
11. No interment shall be allowed without a burial permit or certificate of cremations furnished to the cemetery in accordance with the statutes of the State of New York in such cases made and provided.
12. All disinterments, full burials, ashes or urns, require a court order. In the event of such court ordered disinterment approved fees shall apply.
13. For all lots purchased after 15 March 2021 that one plot (3 feet 3 inches wide) would allow for one full burial and two ashes; or three ashes contingent upon space based on the container(s) used. All headstones to be confined to the two-foot section on the west end of the plot. In addition, recommend that all plots sold prior to that date follow the same policy.
14. Concrete vaults or concrete grave liners will be required for all interments in graves purchased on or after May 1, 1997. Lot owners and families are encouraged to use concrete vaults or concrete grave liners in lots purchased prior to May 1, 1997 so as to prevent the collapse of graves.
15. No conveyance, assignment or transfer of the right of burial upon any lot or any part of a lot will be recognized by the Trustees nor any interment be allowed by virtue hereof, unless such conveyance, assignment or transfer be exhibited to the Trustees, and the same be registered in the books of the cemetery and that consent thereto shall be given by some one of the officers or executive committee.
16. Permission by a lot holder to inter within the lot, given to others than members of the family, must be made in writing and filed with the Secretary.
17. To provide for the interment of deceased persons whose friends may not desire to purchase the right of burial in a full, half, or quarter lot, there are designated areas in the cemetery suitable for single burial or cremation burial.
18. All interments/disinterments, whether full burials or ashes, shall be scheduled with the president, vice president, secretary or their designee. No interments will be scheduled on Sundays or holidays except in cases of extreme need or extenuating circumstances.
19. The opening and closing of graves will be done under the direction of the Trustees. Graves will be left raised until the loose earth settles, when they will be made level with the lot and seeded.
20. Drivers of vehicles must drive only in the road not encroaching upon the grass, and make no indecent haste in leaving the cemetery. The cemetery is closed to vehicle traffic whenever snow, muddy roads or other hazards become a factor and is so indicated when the cemetery entrance is chained off stating "Closed to Vehicle Traffic." Any person removing the chain and driving a vehicle upon such hazardous roads will be held liable for any damage sustained to the road proper or any area along the roadway, being caused from said vehicle becoming mired in mud or snow. In such cases, there will be a charge placed against the driver for pulling said vehicle out and removing it from the cemetery.
21. No unusual ceremonies or firing of volleys will be allowed except with the permission of the Trustees.
22. All lots hereafter sold shall be paid for in full, before a deed shall be given or interment made.
23. Although reasonable care will be exercised in making interment/disinterment, the Cemetery assumes no liability for damage to any casket, burial case, box or urn which may occur in the course of

making an interment/disinterment, nor for the disturbance of the remains themselves. A paver block shall be placed on the urn or container and a piece of metal be placed adjacent to all cremains and other burials if not encased in a vault to facilitate locating them in the event further burials are to be made on the lot.

24. Lot owners and/or their survivors have the use of the vault without charge from November first to May first. Others requesting to use the vault shall be charged a fee per month for each whole or partial month thereof. All remains stored in the vault shall be removed/interred prior to May 20th.

25. Visitors shall abstain from loud talking, singing, whistling or other disturbing and unnecessary noise.

26. Visitors may not bring upon the grounds firearms, firecrackers, or other explosive substances, nor refreshments, other than water. They should refrain from smoking during ceremonies or interments.

27. Visitors shall refrain from writing upon, marking or in any respect marring or defacing any tablet, monument, tree, headstone or structure in said cemetery. Water soluble chalk may be used to assist in reading older stones. Care should be used at all times to support the stones so that they are not harmed or disturbed.

28. Visitors under the age of twelve years are to be accompanied by some person who will be responsible for their conduct.

29. Visitors shall observe in all respects rules, behavior and propriety as shall be harmless to the cemetery, inoffensive to other visitors, and be reminded that these grounds are sacredly devoted to the interment of the dead, and that strict observance of the decorum be observed.

30. The Chapel (vault) is off limits to visitors during the period of winter storage of remains awaiting Spring burial.

31. Any person violating any of the foregoing rules shall be subjected to the severe penalties which the laws in such cases impose.

32. The Cemetery shall have no liability whatsoever for any injury or damage to persons or property arising out of any action or inaction on the part of any other person whomsoever, including but not limited to visitors, lot owners, persons employed by lot owners in connections with interments/disinterments, or the care and embellishment of burial sites or from causes beyond its control, including, but not limited to, an act of God, enemy action, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or other of any military or civil authority, whether the damage be direct or indirect.

33. Lake View Cemetery of Interlaken does not allow for the interment of pet cremains, nor by New York State law, may pet cremains be scattered on any lot.

34. The Trustees reserve the right to alter, amend or add to the above rules and regulations, or any of them, upon approval by the N. Y. S. Cemetery Board.

Reformatted and retyped from previous By-laws and Rules and Regulations of this Cemetery and additional information from other state approved cemetery documents.

Updated and amended per vote of the Trustees on March 19, 2017

Updated and corrected per request of NYS Department of State Division of Cemeteries 5/12/2017

Updated and amended by vote of the Trustees on March 20, 2021

Updated and amended by vote of the Trustees on March 27, 2022, approved with minor changes by NYS.