

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Old Westbury

Local Law No. 4 of the year 2023

A local law CREATING CHAPTER 79 OF THE MUNICIPAL CODE OF THE INCORPORATED
(Insert Title)
VILLAGE OF OLD WESTBURY, ENTITLED "BURIAL RIGHTS/PROHIBITION"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Old Westbury as follows:

§ 79-1 Intent.

The Board of Trustees of the Incorporated Village of Old Westbury finds that the practice of interment of human remains upon private property may have severe ramifications. Those ramifications include (1) original owners may move or die without providing for long-term care of graves, leaving them unattended and neglected; (2) such interments may create clouds on title to these lands, making transfer of property difficult; (3) desecrations may occur; (4) the public may mistakenly expect that the Village will maintain and preserve private burial grounds.

§ 79-2 Prohibition.

In view of the above, the Board of Trustees hereby prohibits all interment of human remains upon private property in order to regulate what may otherwise be the indiscriminate burial of human remains.

§ 79-3 Penalties for offenses.

A. Any person who shall be found to violate any provision of this chapter shall be served by the Village's Superintendent of Buildings with written notice providing ninety (90) days for the exhumation of the buried remains. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violations beyond said time limit shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not exceeding \$1,000 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

C. 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 Village for any expense, loss or damage occasioned by it by reason of such violation.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Old Westbury was duly passed by the Board of Trustees on September 18 2023, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

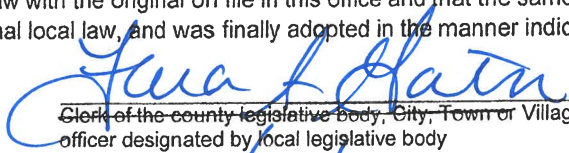
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/25/2023

(Seal)