



## Division of Cemeteries

New York State  
**Department of State**  
**DIVISION OF CEMETERIES**  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001  
Telephone: (518) 474-6226  
[www.dos.ny.gov](http://www.dos.ny.gov)

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### Sample By-Laws

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The following are by-laws for cemetery corporations acceptable to the Division of Cemeteries as being in conformance with the requirements of the law. Please use these in revising and drafting by-laws for your cemetery association.

1. The affairs of the Association shall be controlled by a board of six trustees, who shall be lot owners in the cemetery of the Association, two of whom shall be elected at each annual meeting of the Association, which shall be held in ..... of each and every year. The election shall be by ballot and every person of full age who shall own a lot, may either by person or by proxy, cast one vote for each lot.

2. Organization – The Board of Trustees shall within ten days after the annual meeting, organize the board by electing from their number a President, a Secretary, and a Treasurer, and such other officers as may be deemed necessary by the board, who shall serve one year or until their successors are elected and qualified. The Board shall fill all vacancies in their number occurring during the year, and shall have power to remove any of said officers at any time for sufficient cause. The trustee at each annual meeting, shall make reports to the lot owners of their doings and of the management and condition of the property and concerns of the Association and shall appropriate the money remaining in the hands of the treasurer as follows: After the proper allocations have been made to trust funds as provided in Section 1507 of the Not-for-Profit Corporation Law, one-half at least, of the proceeds of all sales of lots or plots shall first be appropriated to the payment of the indebtedness of the Association until such indebtedness shall be fully paid and satisfied, and the residue thereof to preserving, improving, and embellishing the said cemetery grounds and defraying the incidental expenses of the cemetery establishment; and, after paying the indebtedness of the Association, and the proper allocation to trust funds made, the proceeds of all future sales shall be applied to the improvement, preservation, and incidental expenses of said cemetery, and for no other purpose whatsoever.

3. It shall be the duty of the President to preside at all meetings of the Board of Trustees and all annual meetings; appoint all committees not otherwise provided for; execute deeds for cemetery lots; sign all orders on the treasurer and other documents requiring his signature; call special meetings of the Board, when requested to do so by two of its members, and perform such other duties as are ordinarily performed by presidents of corporations.

4. It shall be the duty of the Treasurer to sign all deeds executed by the President; to receive all monies belonging to the Association; pay them out on legally drawn orders; keep a just and accurate account of the same, and report the same at each annual meeting. The Treasurer shall be insured by the association for the faithful performance of his or her duties.

5. It shall be the duty of the Secretary to give public notice of the annual election of Trustees in the manner required by law. The notice shall be served by publication in a newspaper published in the county in the state in which the principal office of the corporation is located, once a week for three successive weeks next preceding the date of the meeting. The Secretary shall attend all meetings of the Board of Trustees and all annual meetings' record the proceedings of the same; draw all orders on the Treasurer; receive all monies and pay the same to the treasurer; keep a registry of burials; grant permits for digging graves; safely keep and preserve all books and papers belonging to the Association; and deliver the same to his or her successor in office.

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## Sample By-Laws

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6. The Board of Trustees shall employ a suitable person as Sexton and superintendent, and hire other laborers as they may find necessary.

7. It shall be the duty of the Sexton to keep the grounds neat and in good order; dig all graves, and, in winter, shovel walks to the same; meet all funeral processions at the gate and escort them to the graves; keep a memorandum of all burials, giving name of person, date of interment and number of lot, and report the same to the Secretary every month. The Sexton shall eject from the grounds any person acting in a disorderly or irreverent manner or any person whom he or she finds injuring any monument, gravestone, fence, tree, shrub, bush, or flower, and report such offender to the Board of Trustees. The Sexton shall perform such other duties as may be required of him or her by said board. And, it shall be the duty of the Superintendent to perform such duties as he or she shall be directed to perform by the Board of Trustees.

8. A quorum for the transaction of any business at any regular meeting of the Board shall consist of at least four members.

9. ORDER OF BUSINESS AT REGULAR MEETINGS OF BOARD – The following order of business shall be observed at each regular meeting of the Board of Trustees:

- 1) Calling the roll
- 2) Reading and adoption of minutes of previous meeting
- 3) Election of officers
- 4) Report of Officers
- 5) Reports of Committees
- 6) Unfinished business
- 7) New business
- 8) Reading and correction of minutes
- 9) Adjournment

10. ORDER OF BUSINESS AT ANNUAL MEETINGS OF THE ASSOCIATION – The following order of business shall be observed at each annual meeting of the Association:

- 1) Calling to order and reading the minutes of the last meeting
- 2) Report of Secretary
- 3) Report of Treasurer
- 4) Report of other officers
- 5) Reports of committees
- 6) Election of trustees
- 7) New business
- 8) Miscellaneous business
- 9) Reading and correction of minutes
- 10) Adjournment

11. ORDER OF BUSINESS AT SPECIAL MEETINGS

- 1) Calling meeting to order
- 2) Reading of call for meeting
- 3) Special business
- 4) Reading and correction of minutes
- 5) Adjournment