

**TOWN OF STOCKBRIDGE
TOWN BOARD RESOLUTION**

June 5, 2023

LOCAL LAW NO. A OF 2023

**(A Local Law to Amend Article 4 of the Town of Stockbridge
Land Use Law with Respect to Prohibiting Private Burials)**

The following resolution was offered by Councilor Marshall, who moved its adoption, seconded by Councilor Shea, to wit:

WHEREAS, pursuant to the Municipal Home Rule Law, a proposed local law titled “A Local Law to Amend Article 4 of the Town of Stockbridge Land Use Law with Respect to Prohibiting Private Burials,” was presented and introduced at a regular meeting of the Town Board of the Town of Stockbridge held on May 1, 2023; and

WHEREAS, a public hearing was held on such proposed local law on the 5th day of June, 2023, by the Town Board of the Town of Stockbridge and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Stockbridge in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the enactment of Proposed Local Law No. A-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Stockbridge, Madison County, New York, does hereby enact proposed Local Law No. A-2023 as Local Law No. 1-2023 as follows:

**“TOWN OF STOCKBRIDGE
LOCAL LAW NO. 1 OF 2023**

**A LOCAL LAW TO AMEND ARTICLE 4 OF THE TOWN OF STOCKBRIDGE
LAND USE LAW WITH RESPECT TO PROHIBITING PRIVATE BURIALS**

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

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE AND INTENT.

The Town of Stockbridge recognizes that placement of gravesites and burial of human remains should be limited to traditional religious cemeteries and those cemeteries which are owned or controlled by Municipal or Not-For-Profit Corporations which have sufficient means, finances and ability to maintain same in perpetuity. The Town of Stockbridge Town Board further recognizes that burials on private grounds often result in unintended harmful consequences at the time of transfer of those premises containing such remains and may also lead to unsanitary conditions and negative impacts to the transferability of such properties in the future. It is therefore the intent of the Town of Stockbridge to prohibit so-called “backyard burials” and other private burials, not otherwise authorized under the Town of Stockbridge Land Use Law.

**SECTION 3. AMENDMENT TO THE TOWN OF STOCKBRIDGE LAND USE LAW
ARTICLE 4 - SUPPLEMENTARY REGULATIONS**

The Town of Stockbridge Land Use Law Article 4 (Supplementary Regulations) is hereby amended to provide for a new “**Section 413 - Private Burials Prohibited**”, which shall read in its entirety as follows:

“SECTION 413 - PRIVATE BURIALS PROHIBITED

NO PERSON SHALL CAUSE THE REMAINS OF A HUMAN BEING
TO BE BURIED, OR ESTABLISH BURIAL GROUNDS FOR SUCH
PURPOSES, IN THE TOWN OF STOCKBRIDGE IN OR ON ANY
GROUNDS NOT SET APART AND RECOGNIZED AS A
MUNICIPAL, RELIGIOUS OR NOT-FOR-PROFIT CORPORATION
CEMETERY.”

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect upon enactment by the Town Board.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Timothy Meeker	Councilor	Voted	Yes
David Fort	Councilor	Voted	Yes
Roland Shea	Councilor	Voted	Yes
Fred Marshall	Councilor	Voted	Yes
Alexander Stepanski	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: **June 5, 2023**

CERTIFICATION

**STATE OF NEW YORK)
COUNTY OF MADISON)**

I, the undersigned Clerk of the Town of Stockbridge, Madison County, New York, **DO
HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of June 5, 2023.



CAMI KIEHN, Town Clerk

(SEAL)

