

**LOCAL LAW NO. 1 OF 1998**

**A LOCAL LAW PROVIDING FOR A TAX EXEMPTION UPON REAL PROPERTY BASED UPON THE MAXIMUM INCOME EXEMPTION ELIGIBILITY LEVEL FOR PERSONS WITH DISABILITIES AND WITH LIMITED INCOMES, PURSUANT TO SECTION 459-c OF THE REAL PROPERTY TAX LAW.**

Be it enacted by the County Legislature of the County of Orange, as follows:

Section 1. The Orange County Legislature does hereby provide a tax exemption upon real property based upon the maximum income eligibility level for persons who are disabled and whose income is limited by reason thereof, to the maximum extent allowed by Section 459-c of the Real Property Tax Law as indicated by the Schedule attached hereto and made a part hereof.

Section 2. As provided in Paragraph 5. (a) of Real Property Tax Law, Section 459-c, the value (M) as it is used herein shall be Six Thousand (\$6,000) Dollars.

Section 3. All other provisions and terms of Real Property Tax Law Section 549-c shall apply with full force and effect to the exemption granted under this Local Law.

Section 4. This local law will take effect immediately in the manner provided by the Municipal Home Rule Law.

<b>Annual Income</b>	<b>Percentage Assessed Valuation Exempt from Taxation</b>
More than (M) but less than (M + \$1,000)	45%
(M + \$1,000 or More) but less than (M + \$2,000)	40%
(M + \$2,000 or more) but less than (M + \$3,000)	35%
(M + \$3,000 or more) but less than (M + \$3,900)	30%
(M + \$3,900 or more) but less than (M + \$4,800)	25%
(M + \$4,800 or more) but less than (M + \$5,700)	20%
(M + \$5,700 or more) but less than (M + \$6,600)	15%
(M + \$6,600 or more) but less than (M + \$7,500)	10%
(M + \$7,500 or more) but less than (M + \$8,400)	5%

The figure represented herein as "(M)" shall be calculated as defined in Subsection 5 of Section 459-c of the Real Property Tax Law.

Local Law No. 1 of 1998 was passed December 19, 1997 by the following roll call vote:

Ayes: 21  
Noes: 0  
Absent: 0

Approved by the County Executive: January 8, 1998

Effective: January 14, 1998

**LOCAL LAW NO. 2 OF 1998**

**A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 1969, KNOWN AS THE ORANGE COUNTY ADMINISTRATIVE CODE AS AMENDED, CLARIFYING CERTAIN DUTIES OF THE DEPUTY CLERK OF THE LEGISLATURE, PURSUANT TO THE MUNICIPAL HOME RULE LAW.**

**BE IT ENACTED** by the County Legislature of the County of Orange as follows:

Section 1. Pursuant to the New York State Municipal Home Rule Law, and the various provisions of Articles 2, 3 and 4 thereof, the Legislature of the County of Orange does hereby adopt this Local Law amending Local Law No. 10 of 1969, known as the Orange County Administrative Code, as same has been amended previously.

Section 2. Article II, Section 2.05 of the Administrative Code is hereby amended as follows:

the third sentence thereof is amended by inserting after the words "notice shall be given by the" and before the last two words thereof, namely, "County Clerk," the following: "Deputy Clerk of the County Legislature. In the event of vacancies or an inability or failure to act in the offices of both the Clerk and Deputy Clerk of the County Legislature in accordance with the provisions of this Section, then notice shall be given by the."

Section 3. This Local Law shall take effect immediately, in accordance with the Municipal Home Rule Law.

Local Law No. 2 of 1998 was passed February 5, 1998 by the following roll call vote:

Ayes: 20  
Noes: 0  
Absent: 1

Approved by the County Executive: February 18, 1998

Effective: February 23, 1998

**LOCAL LAW NO. 3 OF 1998**

**A LOCAL LAW RESCINDING LOCAL LAW NO. 13 OF 1980 AND AMENDMENTS THERETO, AND ENACTING IN ITS STEAD A NEW LOCAL LAW, PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF COUNTY OFFICERS AND EMPLOYEES WHILE ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

**SECTION 1. Legislative Intent.** The purpose of this Local Law is to provide legal and financial protection for those individuals serving the County of Orange (hereinafter the "County") from lawsuits and other proceedings which may be brought against them in their individual capacity for omissions or actions taken while acting within the scope of their employment. By enactment of this Local Law, the County does not intend to establish or enlarge any direct liability of the County, or to limit or otherwise abrogate any existing right or responsibility of the County or its officers or employees with regard to indemnification or legal defense.

**SECTION 2. Rescission of Local Law No. 13 of 1980 as adopted and amended.** Local Law No. 13 of 1980, and all amendments thereto, shall be and the same hereby is fully and completely rescinded, and shall be of no further force or effect, only upon this Local Law becoming effective

according to the provisions of the Constitution of the State of New York, the Municipal Home Rule Law, and all other applicable law and rules.

**SECTION 3. Definitions.** As used in this Local law, the following terms shall have the meanings indicated:

1. "Employee." Any person, whether or not compensated, holding a position by election, appointment or employment in the service of the County, or a volunteer expressly authorized by the appropriate County official to act for the benefit of the County, including any of its Agencies, Boards or Commissions, but shall not include an independent contractor or any member of any District or Authority created by the County. The term "employee" shall include a former employee, an employee's estate, or a judicially appointed personal representative. For purposes of this Local Law, the term "employee" shall also include members, officers and other persons appointed to, or in the employment of, the Industrial Development Agency of the County.

2. "County Attorney." The duly appointed County Attorney or such Assistant County Attorney designated to act on behalf of the County Attorney.

**SECTION 4. County to provide for defense of employees.**

1. If an employee complies with the provisions of Section 6 of this Local Law, the County, through the Office of the County Attorney, or through any applicable insurance program maintained by the County, shall provide for the defense of the employee in any civil action or proceeding in any state or federal court, or any proceeding before an administrative agency, arising out of any alleged act or omission which occurred or is alleged to have occurred while the employee was acting within the scope of his or her public employment or duties. For purposes of this Local Law, the determination of whether an employee was acting within the scope of his or her employment will be made by the Chairman of the Legislature for Legislative Branch employees, and by the County Executive for Executive Branch employees, upon the advice of the Counsel to the Legislature and County Attorney respectively, consistent with then prevailing law. Notwithstanding the above, no act can be so determined to be within the scope of employment if the commission of such act resulted in a conviction of a Class A misdemeanor or higher crime under the New York State Penal Law or similar federal crime under Title 18 of the United States Code . This duty to provide for a defense shall not arise where such action or proceeding is brought by or on behalf of the County against such employee.

2. Subject to the conditions set forth in paragraph 1 of this Section, the employee shall be entitled in such action or proceeding to be represented by the County Attorney, or counsel designated by the County Attorney, at no cost to the employee. The employee shall be entitled to representation by private counsel of his or her choice in such action or proceeding at the expense of the County whenever the County Attorney determines, based upon an investigation and review of the facts and circumstances of the case and of the prevailing law, that a conflict of interest exists between the employee and the County, or whenever a Court of competent jurisdiction determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of his or her choice at the expense of the County. Upon such a determination, the County Attorney shall notify the employee in writing that the employee is entitled to be represented by private counsel of his or her choice at the expense of the County. The County Attorney may require, as a condition of the payment of the fees and expenses of such private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this Section at the expense of the County, the County Attorney shall so certify this to the County Executive, County Legislature, and the Director of the County's Risk Management Division. Attorney fees and litigation expenses shall be paid to such private counsel only to the extent of appropriate and reasonable rates prevailing in Orange County, as determined by the County Attorney. Such attorney fees and litigation expenses shall be paid by the County to such private counsel from time to time while such action or proceeding is pending, upon submission by the private attorney of a detailed bill itemizing a description of the work performed, the hours worked, the rate per hour, and disbursements. However, no extraordinary disbursements or fees shall be paid to

such private counsel unless prior written consent of the County Attorney was obtained. Payment shall also be subject to the audit and warrant of the Director of the County's Risk Management Division. Such private counsel shall conform to all record keeping and notifications required by the County Attorney and/or the Director of the County's Risk Management Division.

3. Any dispute with respect to representation of multiple employees by a single counsel, the reasonableness of attorney fees, or the amount of litigation expenses, shall be resolved by a Court of competent jurisdiction upon motion or by way of a special proceeding.

4. Where the employee delivers process and a written request for a defense to the County Attorney as required by Section 6 of this Local Law, the County Attorney shall take the necessary steps on behalf of the employee, including the retention of private counsel as provided in this Section, to avoid entry of a default judgment against the employee pending a resolution of any issue pertaining to the obligation of the County to provide a defense.

**SECTION 5. County to provide for indemnification of employees.**

1. If an employee complies with the provisions of Section 6 of this Local law, the County shall indemnify and save harmless the employee in the amount of any final judgment, order or decision obtained against such employee in any civil action or proceeding in any state or federal court, or any proceeding before an administrative agency, or in the amount of any County approved settlement of any such action or proceeding, arising out of any alleged act or omission which occurred or is alleged to have occurred while the employee was acting within the scope of his or her public employment. For purposes of this Local Law, the determination of whether an employee was acting within the scope of his or her employment will be made by the Chairman of the Legislature for Legislative Branch employees, and by the County Executive for Executive Branch employees, upon the advice of the Counsel to the Legislature and the County Attorney respectively, consistent with then prevailing law. Notwithstanding the above, no act can be so determined to be within the scope of employment if the commission of such act resulted in a conviction of a Class A misdemeanor or higher crime under the New York State Penal Law or similar federal crime under Title 18 of the United States Code. This duty to indemnify shall not arise where such action or proceeding is brought by or on behalf of the County against such employee.

2. The amount of any such judgment, order, or decision obtained against such employee, or the amount of any County approved settlement, for which the County will indemnify and save harmless an employee consistent with this Section, includes any amounts designated as compensatory, special, punitive, or other damages, including sanctions, fines, costs and attorney fees.

3. Any proposed settlement of such action or proceeding, for which indemnification by the County is sought, shall be reviewed and approved only in accordance with Local Law No. 2 of 1985. No employee will be indemnified or saved harmless by the County in accordance with this Local Law in connection with any settlement unless such settlement is so reviewed and approved.

4. Upon the entry or finalization of such final judgment, order or decision against the employee, or upon the settlement of the action or proceeding, the employee shall cause a copy of such judgment, order, decision or approved settlement to be served personally, or by certified or registered mail, within thirty (30) days of the date of entry, finalization or settlement, upon the County Attorney. If such judgment, order, decision or settlement is not inconsistent with the provisions of this Local Law, the County Executive, upon the advice of the County Attorney, shall certify it for payment. As so certified, the judgment, order, decision or settlement shall be paid upon the audit and warrant of the Director of the County's Risk Management Division.

**SECTION 6. Conditions.**

1. The duty to defend, indemnify and save harmless as set forth by this Local Law shall be conditioned upon (1) delivery by the employee to the Office of the County Attorney of the original or a

true and complete copy of any notice of claim, summons, complaint, process, notice, demand or pleading as soon as possible, but in no event later than ten (10) days after the employee is served with such document or prior to the return date of such document, whichever is sooner, and (2) the full cooperation of the employee in the defense of such action or proceeding, and in the defense of any action or proceeding against the County based upon the same or related acts or omissions, and in the prosecution of any appeals thereof. The above-noted delivery of said notices of claim, summonses, complaints, processes, notices, demands or pleadings shall be deemed as a request by the employee that the County provide for his or her defense and indemnification pursuant to this Local Law.

2. Consistent with this Local Law, the determination as to whether the County will defend and/or indemnify the employee, will be based upon an investigation of the facts and circumstances of the matter. The Chairman of the Legislature or the County Executive, in accordance with this Local Law, shall make this determination within a reasonable time after the completion of such investigation. Such determination shall be final, except as provided below.

3. Such determination shall be in writing and mailed promptly by the County Attorney to the employee. If the determination is adverse in whole or in part to the employee, it shall state the facts and reasons therefor.

4. A determination favorable to the employee may thereafter be revised and/or revoked for good cause. The revised determination, or the revocation of such determination, shall be in writing and mailed by the County Attorney promptly to the employee, and shall state the facts and reasons therefor.

5. A special proceeding brought pursuant to Article 78 of the New York Civil Practice Law and Rules shall be the exclusive method by which an employee aggrieved by a determination may seek review of the determination. If, as a result of such judicial review, the employee ultimately obtains a reversal of the determination, the County shall reimburse the employee for the attorney fees and costs charged the employee in obtaining the reversal, to the extent that such fees and costs were reasonable and necessary.

**SECTION 7. Limitation of benefits.** The benefits of this Local Law shall inure only to employees as defined herein and shall neither enlarge nor diminish the rights of any other party, nor shall any provision of this Local Law be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

**SECTION 8. Effect on other laws.** This Local Law shall not in any way affect the obligation of any claimant to give notice to the County under Section 50-e of New York General Municipal Law, or any other provision of any law.

**SECTION 9. Applicability.** The provisions of this Local Law shall apply to all actions and proceedings then pending on the effective date of this Local Law, pursuant to Section 12 herein, or thereafter instituted.

**SECTION 10. Construction of provisions.** Except as otherwise specifically provided in this Local Law, the provisions of this Local Law shall not be construed in any way to establish or enlarge any direct liability of, or to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon, the County or any unit, entity, officer or employee of the County, or any right to a defense and/or indemnification provided for any County officer or employee by, in accordance with, or by reason of, any other provision of county, state or federal statutory, regulatory or common law.

**SECTION 11. Savings clause.** If any provision of this Local Law, or the application thereof to any person or circumstance, is held unconstitutional or invalid in part by any Court of competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this Local Law or the application of any such other provision to any other person or circumstance.

**SECTION 12. Effective date.** This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State as provided by law.

Local Law No. 3 of 1998 was passed June 11, 1998 by the following roll call vote:

Ayes: 16  
Noes: 5  
Absent: 0

Approved by the County Executive: July 2, 1998

Effective: July 13, 1998

**LOCAL LAW NO. 4 OF 1998**

**A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 47, LAWS OF 1998 FOR THE ELIGIBLE EMPLOYEES OF ORANGE COUNTY COMMUNITY COLLEGE.**

**WHEREAS**, the Board of Trustees of Orange County Community College, Middletown, New York, has, by resolution, elected to provide an early retirement incentive program to eligible employees at the college; and

**WHEREAS**, this Legislature does desire to approve said program at the College; therefore,

**BE IT ENACTED**, by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Orange County hereby elects to provide all eligible employees, age 50 or older with 10 or more years of service or age 70 or older with 5 or more years of service (not including incentive credit for such service) of Orange County Community College in the New York State Teachers' Retirement System (NYSTRS) and the Teachers' Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF) and faculty administrative staff and chairmen in the New York State Employees' Retirement System (NYSERS) with a retirement incentive program authorized by Chapter 47, Laws of 1998.

Section 2. The commencement date of the retirement incentive program shall be October 3, 1998.

Section 3. The open period, during which eligible employees may retire and receive the additional retirement benefit, shall be from October 3 through December 31, 1998.

Section 4. For those employees who are members of the New York State Teachers' Retirement System, the actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be funded over a five (5) year period. The amount of the annual payment in each of the five (5) years shall be determined by the Actuary of the New York State Teachers' Retirement System, and the New York State Employees' Retirement System and it shall be paid by Orange County Community College for each employee who received the retirement benefits payable under this Local Law.

Section 5. Those employees in the optional retirement system, TIAA-CREF, shall receive a cash payment in three equal payments from Orange County Community College, the value of which will be determined in accordance with the provisions of Chapter 47 of the Laws of 1998.

Section 6. This Local Law shall take effect in the manner provided by law.

Local Law No. 4 of 1998 was passed August 27, 1998 by the following roll call vote:

Ayes: 18  
Noes: 0  
Absent: 3

Approved by the County Executive: September 11, 1998

Effective: September 16, 1998

**LOCAL LAW NO. 5 OF 1998**

**A LOCAL LAW ADOPTING RULES AND REGULATIONS AND A SCHEDULE OF FEES FOR THE ORANGE COUNTY VETERANS MEMORIAL CEMETERY.**

**BE IT ENACTED**, by the Legislature of the County of Orange, as follows:

**Section 1. DEFINITIONS**

As used herein:

“Cemetery” means the Orange County Veterans Memorial Cemetery.

“County” means the County of Orange, State of New York.

“Body” or “bodies” mean the remains of deceased persons eligible to be interred in the Cemetery and may be used interchangeably as the sense may require.

“Eligible” or “eligible person(s)” mean a person who is qualified to be buried in the Cemetery as defined in the laws, rules and regulations of the County and the Cemetery.

“Monument” means marker, headstone, slab, stone, ledger, memorial or other structure on a grave or plot.

“Perpetual Care and Maintenance” means cutting grass, filling depressions, replacing sod and soil, landscaping, leveling, maintaining paths, roads and curbs, maintaining plantings and natural growth, and doing all things necessary and appropriate to keep plots and other Cemetery facilities in good and proper condition as required by law and by the County.

“Owner,” “plot owner” or “plot owners” means any person(s) having lawful title to the use of a plot or plots or part thereof in the Cemetery and may be used interchangeably as the sense may require.

“Superintendent” means the person responsible for the day-to-day operation of the Cemetery as selected and designated as such by the County Executive of Orange County.

“Permanent resident” shall mean a person who resides in the County of Orange for at least 183 out of the immediately past 365 days.

“VA” means the Veterans Administration.

“CFR” means the Code of Federal Rules.

**Section 2. SUPERINTENDENT**

The Superintendent shall be a person qualified and fully licensed as may be required by law to perform the duties and responsibilities of office as required by the County and shall be selected on the basis of education, qualifications and experience. The Superintendent shall be directly answerable to and shall serve at the pleasure of the County Executive.

**Section 3. PURCHASE OF PLOTS**

Plots may be purchased in the Cemetery for the interment of the bodies of eligible persons. Plots purchased in the Cemetery will be conveyed by Warranty Deed or by transfer of title upon the books and records of the County. Title will be transferred upon receipt of the purchase price and is secured to the purchasers, their families and heirs as a burial place in perpetuity, subject to all applicable laws, rules and regulations including those enacted from time to time by the County of Orange. Transfers made upon the books and records of the County shall be accompanied by the issuance of a certificate of ownership to the owner(s) thereof. Duplicates of such certificate may be issued upon the payment of the required fee. No plot in the Cemetery shall be sold until the County shall have surveyed and/or plotted same and the sale thereof approved by the Superintendent. The condition and grade of plots to be sold shall be established when said plots are prepared and approved for sale.

**Section 4. TRANSFER OF PLOTS**

All transfers of plots shall be made in accordance with the laws of the State of New York and the laws, rules and regulations of the County of Orange. No transfer or assignment of any plot or interest therein shall be valid unless same shall be approved in advance in writing by the Superintendent. Before any burial shall have been made in any such plot or part thereof, or if all the bodies therein have been lawfully removed, the plot owner(s) may sell or convey such plot or interest therein or part thereof subject to the advance written approval of the Superintendent. The County shall have the option of reacquiring said plot or interest prior to approving its conveyance to any third party. In the event the County exercises its right to reacquire said plot or interest, the price which the County shall tender for same shall be the purchase price paid to the County plus interest thereupon at the prevailing legal rate from the date paid. The County will not recognize as owners persons not identified as such by name and current residence on its records.

**Section 5. POWERS OF OWNERS**

Any lot owner otherwise qualified by law may appoint a representative with power to act in all matters pertaining to plots. Such appointment must be in writing legally sufficient in form and duly filed with the Superintendent. Such appointment shall terminate automatically upon the death of the person making such appointment unless otherwise specified in writing therein as such may be permitted by law. Simple physical possession of a deed and/or a certificate of ownership shall not be considered solely legally sufficient evidence of transfer of ownership in the absence of additional filings with the Superintendent, the County Clerk or Commissioner of Deeds, a court of law or other legal authority. In the event of the owner's death the County will recognize the rights of survivors upon proper notification of such death including filing of a certified death certificate with the Superintendent with legally sufficient evidence showing such rights of survivors. Rights to interment after the death of the owner shall be in accordance with the legally sufficient bequest of said owner, in addition to all other eligibility requirements including those defined herein. In the absence of same, said rights shall pass in the following order of priority of eligible persons:

- a. the surviving spouse;
- b. direct lineal descendants of the purchaser;
- c. nearest of kin to the purchaser outside the direct line of descent.



Plot owners may not sell or otherwise allow interments in their plots for their private remuneration or otherwise except as may be approved in advance by the Superintendent and in accordance with applicable law, rules and regulations. When plots are held jointly by two or more owners, the County shall permit the interment of eligible members of the family of any joint owner upon written application therefor subject to the advance written approval of the Superintendent, unless the majority ownership interest therein objects to same.

**Section 6. PLOTS IN TRUST**

A plot owner or heirs and assigns may re-convey or devise such plot to the County in trust for the purpose of burial of certain named eligible persons, subject to the approval thereof by the Superintendent. The County may impose a fee as part of such conveyance.

**Section 7. PERPETUAL CARE AND MAINTENANCE**

Perpetual care and maintenance of such plots shall be provided to the owners thereof; and the price thereof shall be included in the purchase price.

**Section 8. POWERS OF THE COUNTY**

The County shall have the right to assign plots and gravesites to purchasers and/or owners thereof. The County shall have the right to reassign plots and gravesites and/or amend or correct assignments; and shall have the right to determine sites for plots, graves or other dispositions of remains regarding interments, reinterments, disinterments or removals. The County shall have the right to adopt and amend laws, rules, regulations and schedules for the operation and maintenance of the Cemetery, its facilities and properties. The County shall have the right to establish and amend charges and fees for all properties and services relating to the Cemetery. The County shall have the right to allow, determine and amend the description, transfer and/or conveyance of any plot, gravesite, property or interest therein and may deny, reverse or cancel any such transfer or conveyance either by substitution of other property or interest therein in lieu thereof of equal value and similar location as far as may be possible; or by refunding the amount paid to the County therefor plus the legal rate of interest thereupon from the date of payment to the County; or either or a combination of both, in the sole discretion of the County. Such right shall include the right of the County to remove or transfer remains to such other property or location upon written notice to the affected family or authorized representatives thereof.

**Section 9. GRAVESITES**

Flowers, ribbons, decorations, flags, papers, glass, grave blankets, religious items, insignia and other items left on plots and gravesites will be removed and disposed of by Cemetery staff. The advance written permission of the Superintendent shall be required before any item is placed, attached or affixed to or on a grave or plot. Planting of any plants, ground cover or other matter on any ground or gravesite by any person is not permitted. The use of pins, wires or other devices to affix items to monuments or grass is not permitted. The Superintendent shall establish, post and publish such standards, rules and regulations as shall specify the placement, size, shape, materials, dimensions and color of all monuments and foundations. The advance approval of the Superintendent shall be required prior to the installation or placement of any monument and/or foundation on any plot, gravesite or other property within the Cemetery. Temporary grave markers may be allowed, in the discretion of the Superintendent, provided that such markers remain in suitable condition and appearance. Allowance may be made for the placement of certain markers and/or decorations by the Grand Army of the Republic, the American Legion, the Veterans of Foreign Wars or such other patriotic, veterans or service organization subject to the supervision and control of the Superintendent.

**Section 10. FUNERALS AND SERVICES**

During any funeral, interment, religious services or other ritual on Cemetery property, any work or other activity which may tend to disturb same by noise or otherwise shall cease. The Superintendent shall supervise and coordinate all such services and shall coordinate, direct and cooperate with funeral directors, honor guards and other persons involved therewith.

**Section 11. MONUMENTS AND FOUNDATIONS**

Foundations and/or footings composed of concrete shall be required as part of the placement of all monuments. The Superintendent shall require that all foundations are sufficient as to depth, placement and composition. The minimum depth of all foundations shall be the deepest point of the lowest interment unless amended or waived in writing by the Superintendent. The Superintendent shall have the power to require such additional structures and work as may be deemed appropriate and necessary, including but not limited to forms or other supports. All such additional structures and work shall be at the sole expense of the owner. No foundation shall be exposed above the level of lawn or soil. Any exceptions to these rules shall require the advance written approval of the Superintendent. The following are prohibited at all times: corner markers, posts, hedges, fences, trellises, designs, chairs, benches, settees, copings, enclosures, frames, boxes, urns, lights, candles, memorabilia, and such other items; and if placed will be removed immediately. Such items become the property of the Cemetery and will be disposed of accordingly. The County by prior written approval of the Superintendent may allow the use of bases, monuments or other markers which rise above the surface level of the ground. All such markers shall rise above such ground level to a uniform height, subject to the supervision and approval of the Superintendent.

**Section 12. INTERMENTS**

All interments shall be under the direction, control and supervision of the Superintendent. Interments shall be permitted only during the hours provided therefor, which shall be established and posted by the Superintendent. The Superintendent may require reasonable advance notice of interments. The Superintendent may require written authorization from the owner or duly authorized representative prior to opening a grave. The Superintendent may allow multiple interments in plots or graves as same may be reasonably accommodated as allowed by law, rule or regulation. A grave liner or vault satisfactory to the Superintendent shall be provided at the owner's expense prior to any interment unless waived in writing by the Superintendent. All charges and fees due for services and materials related to interments must be paid in advance. No interment will be permitted in the absence of the filing with the Superintendent of a certificate of death, burial certificate and other written documentation as the Superintendent may reasonably require under applicable laws, rules and regulations. Such documentation shall include the name and prior primary residence of the deceased; time, place and cause of death; rank, serial and social security numbers; branch(es) and years of service; theatre of service, if any; date and place of entry into and separation from service; evidence and status of discharge and terms thereof; honors; and other information as appropriate and necessary. All caskets used for burials must be hermetically sealed or the equivalent. No reinterments of remains removed from other cemeteries shall be permitted unless the Superintendent shall have received the proper documentation including such removal and transport permits as are required by law. No removal of remains from the Cemetery shall be allowed unless the Superintendent shall have received the proper documentation including such removal and transport permits as are required by law and the written authorization of the appropriate family member or representative. The Superintendent shall determine the hours and days when interments, reinterments and removals may be allowed.

**Section 13. LANDSCAPING**

All landscaping and landscape planning with respect to sections; location and variety of trees, shrubs, grass, other plantings and design of same are the sole responsibility of the County. No plantings of any kind may be made by owners or families, friends or representatives of eligible persons. Fences, curbing, ditches, excavations, holes or other ground markings of any kind are prohibited except as may be provided by County.

**Section 14. ELIGIBILITY**

The following persons are eligible to be interred in the Cemetery: deceased individuals who, at the time of their death, satisfied at least one of the following:

- i. an active member in good standing of the Armed Forces of the United States as defined herein, who was during or immediately prior to their service, a permanent resident of Orange County;
- ii. a veteran of the Armed Forces of the United States who was discharged under other than dishonorable conditions who was a permanent resident of Orange County either at the time of their death or at the time of full payment by them or their representatives for a plot or plots in the Cemetery;
- iii. the spouse of a person described in i. or ii. above whose marriage to such individual ended with the death of either of them;
- iv. the parent or parents of an active member of the Armed Forces of the United States whose life was lost as a result of active engagement in combat; or
- v. the dependent child or children of the persons described in i., ii., iii., or iv. above.

The following persons are not eligible to be interred in the Cemetery:

- i. persons whose separation from the Armed Forces of the United States was under dishonorable conditions or whose character of service results in a bar to veterans benefits;
- ii. a person who was ordered to report for induction into the Armed Forces of the United States but was not actually inducted;
- iii. any person whose date of conviction of subversive activities occurs after September 1, 1959 for any such activities whenever occurring; such eligibility may be reinstated only upon the granting of a pardon for such conviction from the President of the United States; or
- iv. others not qualifying for eligibility under the laws, rules and regulations of the County.

As used in this Section, these terms shall have the following definitions:

“dependent child(ren)” shall mean the natural or legally-adopted child(ren) of a veteran who are neither emancipated nor have been the object(s) of a successfully completed proceeding brought in a court of competent jurisdiction to terminate the parental rights of such veteran, and are, at the time of the death of such child(ren), either:

younger than eighteen (18) years of age; or between the ages of eighteen (18) and twenty-five (25) years of age and a full-time student; or any age and suffering from a permanent or chronic physical, mental and/or medical condition of such severity as to preclude such child(ren) from ever becoming capable of living independently, autonomously and self-sufficiently, and who remain dependent upon said veteran for support.

“Veterans and members of the Armed Forces (of the United States)” shall mean:

**A. Members of the Armed Forces**

i. any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard who dies on active duty;

ii. any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death;

iii. any veteran discharged under other than dishonorable conditions; undesirable, bad conduct, and any type of dishonorable discharge shall result in the ineligibility of such veterans unless there is a special determination of an Adjudication Officer of the Veterans Administration or successor agency that such individual be deemed eligible for benefits accorded to honorably discharged veterans, subject to the further approval of the County of Orange.

**B. Members of Reserve Components and Reserve Officers' Training Corps**

i. any member of a reserve component of the Armed Forces, the Army National Guard or Air National Guard who during a period of active duty for training was disabled or died from a disease or injury incurred or aggravated in the line of duty or during a period of inactive duty training was disabled or died from an injury incurred or aggravated in the line of the duty.

ii. members of reserve components who die under other than dishonorable conditions while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

iii. members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under other than dishonorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under other than dishonorable conditions while engaged in one of those activities.

**C. Commissioned Officers, National Oceanic and Atmospheric Administration**

i. any Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

ii. any Commissioned Officer who served before July 29, 1945, and:

a. was assigned to an area of immediate hazard described in the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. Sec. 855a), as amended.

b. served in the Philippine Islands on December 7, 1941.

c. transferred to the Department of the Army or the Department of the Navy under the provisions of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. Sec. 855).

**D. Public Health Service**

i. any Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular

Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22) of title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty to be eligible hereunder.

ii. any Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

- a. in time of war;
- b. on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or
- c. while the Service was part of the military forces of the United States pursuant to Executive Order of the President.

iii. any Commissioned Officer serving on inactive duty training as defined in section 101(23) of title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

#### **E. World War II Merchant Marine**

All American merchant seamen who were in active oceangoing service at any time during the period from December 7, 1941 to August 15, 1945 who are eligible to receive and have received discharge certificates. Application for same may be made to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Upon successful application, an individual who is issued a DD214 which establishes eligibility for veterans benefits including burial in a national cemetery (Public Law 95-202) will be considered eligible hereunder.

#### **F. Spouses and Dependents**

i. the eligible spouse as defined herein of an eligible person even if said eligible person is not buried or memorialized in a national cemetery. In addition, the spouse of a member of the Armed Forces of the United States lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action or whose remains have been donated to science or cremated and the ashes scattered is considered eligible. An "eligible spouse" as used herein is defined as the lawful spouse of an eligible person whose marriage to such person ended as a result of the death of either of them.

#### **G. Eligible Persons Generally**

Eligible persons shall include:

- a. any person who served on active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps and Coast Guard) who entered active duty as an enlisted person or officer and whose discharge or separation from active duty was under other than dishonorable conditions;
- b. any member of the Reserve components of the Armed Forces, the Army National Guard or the Air National Guard, whose death occurs under other than dishonorable conditions while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under other than dishonorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States (38 CFR 1.620(c));
- c. any member of the Reserve components of the Armed Forces, the Army National Guard or the Air National Guard who dies from an injury incurred while

proceeding directly to or returning directly from active duty for training or inactive duty training, as the case may be. Eligibility will be adjudged on the basis of specific circumstances surrounding such travel, as determined under Federal law (38 CFR 3.6(e)) and in the discretion of the County.

d. any member of the Reserve Officers Training Corps (ROTC) of the Army, Navy or Air Force whose death occurs under other than dishonorable conditions while:

(1) attending an authorized training camp or on an authorized practice cruise;

(2) performing authorized travel to or from that camp or cruise; or

(3) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under other than dishonorable conditions while:

(a) attending that camp or on that cruise;

(b) performing that travel; or

(c) undergoing that hospitalization or treatment at the expense of the United States (38 CFR 1.620(d));

e. service at any time as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy (38 CFR 3.6(b)(4));

f. any citizen of the United States who during any war in which the United States is or has been engaged served in the Armed Forces of any Government allied with the United States during that war, whose last such service terminated under other than dishonorable conditions, who was a citizen of the United States at the time of entry on such service and at the time of death (38 CFR 1.620(e));

g. any person who served full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service:

(1) on or after July 29, 1945; or

(2) before that date under circumstances affording entitlement to "full military benefits" (38 CFR 3.7(q));

h. any person who served full-time duty as a commissioned officer of the Coast and Geodetic Survey or of its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration:

(1) on or after July 29, 1945; or

(2) before that date; or

(a) while on transfer to one of the Armed Forces; or

(b) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard; or

(c) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter (38 CFR 3.7(g));

i. regular "Old" Philippine Scouts who entered service prior to the enactment of Public Law 190 (October 6, 1945) (38 U.S.C. 107(b) and 38 CFR 3.8(b) by exception);

j. any member of the Women's Army Corps (WAC) who served on or after July 1, 1943 (38 CFR 3.7(u));

k. any member of the Women's Reserve of Navy, Marine Corps, and Coast Guard who qualify under the provisions of paragraph 3h (38 CFR 3.7(v));

l. any member of the Russian Railway Service who served during World War I as certified by the Secretary of the Army (38 CFR 3.7(w));

m. any person who served in the following groups which has been certified as active military service for the purpose of receiving VA benefits under the provisions of section 401, Public Law 95-202 (38 CFR 3.7(x)):

(1) Women's Air Forces Service Pilots (WASP) who served in World War II (38 CFR 3.7(x)(1));

(2) Signal Corps Female Telephone Operators Unit who served in World War I (38 CFR 3.7(x)(2));

(3) Engineer Field Clerks who served in World War I (38 CFR 3.7(x)(3));

(4) Women's Army Auxiliary Corps (WAAC) who served in World War II (38 CFR 3.7(x)(4));

(5) Quartermaster Corps Female Clerical Employees who served with the American Expeditionary Forces (AEF) in World War I (38 CFR 3.7(x)(5));

(6) Civilian Employees of the Pacific Naval Air Bases who actively participated in the defense of Wake Island during World War II (38 CFR 3.7(x)(6));

(7) Reconstruction Aides and Dietitians who served in World War I (38 CFR 3.7(x)(7));

(8) Male Civilian Ferry Pilots (38 CFR 3.7(x)(8));

(9) Wake Island Defenders from Guam (38 CFR 3.7(x)(9));

(10) Civilian personnel assigned to the Secret Intelligence Element of the Office of Strategic Service (OSS) (38 CFR 3.7(x)(10));

(11) Guam Combat Patrol during World War II (38 CFR 3.7(x)(11));

(12) Quartermaster Corps Keswick Crew on Corregidor during World War II (38 CFR 3.7(x)(12));

(13) U. S. Civilian Volunteers who actively participated in the Defense of Bataan during World War II (38 CFR 3.7(x)(13));

(14) United States Merchant Seamen who served on blockships in support of Operation Mulberry during World War II (38 CFR 3.7(x)(14));

(15) American Merchant Marines in oceangoing service during the period of armed conflict, December 7, 1941 to August 15, 1945 (WW II) (38 CFR 3.7(x)(15));

(16) Civilians employed by the U. S. Army Transport Service (later redesignated U. S. Army Transportation Corps, Water Division), or the Naval Transportation Service, or the U. S. Army Coast Artillery Corps, or the U. S. Army Air Force, or the U. S. Army Signal Corps, or the U. S. Army Corps of Engineers who served aboard ships in oceangoing service during the period of armed conflict, December 7, 1941 to August 15, 1945 (WW II) (Section 401, Public Law 95-202);

(17) Civilian Navy Identification Friend or Foe (IFF) Technicians who served in combat areas of the Pacific during the period December 7, 1941 to August 15, 1945 (WW II) (38 CFR 3.7(x)(16));

(18) U. S. Civilians of the American Field Service (AFS) who served overseas operationally in World War I during the period August 31, 1917 to January 1, 1918 (38 CFR 3.7(x)(17));

(19) U. S. Civilians of the American Field Service (AFS) who served overseas under certain U. S. Armies and U. S. Army Groups in World War II during the period December 7, 1941 through May 8, 1945 (38 CFR 3.7(x)(18)). Other than dishonorable service in the following units and time frames qualifies:

(a) 5th U. S. Army, January 5, 1943 to December 16, 1944.

(b) 15th Army Group, December 16, 1944 through May 8, 1945.

(c) 7th U. S. Army, July 10, 1943 to August 1, 1944.

(d) 6th Army Group, August 1, 1944 through May 8, 1945.

(e) 12th Army Group, July 14, 1944 through May 8, 1945.

(f) 1st U. S. Army, October 20, 1943 through May 8, 1945.

(20) U. S. Civilian employees of American Airlines who served overseas as a result of American Airlines' contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(19));

(21) Civilian crewmen of certain United States Coast and Geodetic Survey (USCGS) vessels who performed their service in areas of immediate military hazard while conducting cooperative operations with and for the United States Armed Forces within a time frame of December 7, 1941 to August 15, 1945. (38 CFR 3.7(x)(20)) To qualify, crewmen must have served aboard one or more of the following USCGS vessels: DERICKSON; EXPLORER; GILBERT; HILGARD; E. LESTER JONES; LYDONIA; PATTON; SURVEYOR; WAINWRIGHT; WESTDAHL; OCEANOGRAPHER; HYDROGRAPHER; and PATHFINDER during the period:



(a) December 7, 1941 through May 8, 1945 (V-E Day) in all those Atlantic areas outside U. S. inland waters to include Atlantic and Gulf of Mexico coastal waters; or

(b) December 7, 1941 through August 14, 1945 (V-J Day) in all those Pacific areas outside of U. S. inland waters to include Pacific coastal and Alaskan coastal waters (Section 401, Public Law 95-202);

(22) Honorably discharged members of the American Volunteer Group (Flying Tigers) who served during the period December 7, 1941 to July 18, 1942. (38 CFR 3.7(x)(21))

(23) Civil Service crewmembers aboard United States Army Transport Service and Naval Transportation Service vessels in oceangoing service during the period December 7, 1941 to August 15, 1945 (WW II) (Section 401, Public Law 95-202);

(24) U. S. civilian flight crew and aviation ground support employees of United Air Lines (UAL) who served overseas as a result of UAL's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(22));

(25) U. S. civilian flight crew and aviation ground support employees of Transcontinental and Western Air (TWA), Inc., who served overseas as a result of TWA's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(23));

(26) American Field Service (AFS) who served honorably on flights with the 3rd Combat Cargo Squadron, Army Air Forces, during the period December 7, 1941 through August 14, 1945 (WW II) (Section 401, Public Law 95-202);

(27) U. S. civilian flight crew and aviation ground support employees of Consolidated Vultee Aircraft Corporation (Consairway Division) who served overseas as a result of Vultee Aircraft Corporation's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(24));

(28) U. S. civilian flight crew and aviation ground support employees of Pan American World Airways and its subsidiaries and affiliates who served overseas as a result of Pan American World Airway's contract with the Air Transport Command and Naval Transport Service during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(25));

(29) Members of the American Volunteer Guard, Eritrea Service Command, who served during the period June 21, 1942 to March 31, 1943 (38 CFR 3.7(x)(26));

(30) U. S. civilian flight crew and aviation ground support employees of Eastern Airlines-Military Transport Division (EAL-MTD) who served overseas as a result of EAL-MTD's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (Section 401, Public Law 95-202);

(31) U. S. civilian flight crew and aviation ground support employees of Northwest Airlines who served overseas as a result of Northwest Airline's

Contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (Section 401, Public Law 95-202);

(32) U. S. civilian female employees of the U. S. Army Nurse Corps while servicing the defense of Bataan and Corregidor during the period January 2, 1942 to February 3, 1945 (Section 401, Public Law 95-202);

n. such other persons or classes of persons as may be designated by the Secretary of Veterans Affairs (38 CFR 1.620(h)); subject to the discretion of the County.

#### **H. Others**

Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. Sec. 2402(6)) or the Secretary of the Air Force (Public Law 95-202, Sec. 401); subject to the discretion of the County.

### **Section 15. GENERAL RULES**

The Superintendent shall have general care, custody and control of the Cemetery and all operations thereof. The Superintendent shall establish, post and publish the hours during which the Cemetery and Cemetery offices shall be open for visitors and the conduct of business. The Superintendent shall establish, post and publish the hours and days during which the Cemetery shall accommodate funerals, interments, reinterments, removals and other operations. Plot owners, families and friends and other appropriate persons are welcome as visitors at any time during the hours the Cemetery is open. All persons shall conduct themselves with the propriety and decorum which is appropriate to the facility. Persons violating the rules of the Cemetery and behaving in such fashion as may interfere with the peaceful and quiet use of the Cemetery by visitors may be required to leave the premises. Repeated violation of the rules of decorum may result in a temporary or permanent exclusion from the premises. The Superintendent may close the Cemetery temporarily to visitors and others for any purpose or for reasons of inclement weather or other reasons making use of or visits to the Cemetery unsafe. Visitors may not disturb any plot or gravesite or monuments or other parts thereof; nor disturb or injure any plant, shrub, grass or flowers; nor remove anything from Cemetery grounds. Only invited friends and family members may approach the proximity of a grave during an interment service. Eating, drinking, picnicking, bicycling, music (other than ritual music), ballplaying and other forms of recreation and/or entertainment is not permitted on Cemetery grounds at any time. Any person found on Cemetery grounds after closing shall be considered a trespasser and may be prosecuted as such by the County. All County employees are absolutely prohibited from accepting payment, gifts, gratuities or any other offer of money, services or value in return for any service or consideration regarding the Cemetery, its operation or plots therein. The speed limit for all vehicles in the Cemetery shall be ten (10) miles per hour. Driving or parking shall be on designated roads and paved lots only and is prohibited on lawns, plots and otherwise as designated by the Superintendent. No domesticated animals are permitted on Cemetery grounds. All children twelve years of age and under must be accompanied by a responsible adult at all times; said adult shall be responsible for ensuring that all children comply with the standards and rules of proper decorum. No solicitation or advertising of any kind shall be permitted on Cemetery grounds. The County shall not be responsible for damage to plots, gravesites, monuments, lawns, grass, shrubbery, or other property belonging to owners resulting from vandalism, force majeure, or other factors beyond the control of the County. The County shall not be responsible for any personal property left on Cemetery property or plots or gravesites; or lost, stolen or abandoned property found on Cemetery property. Any missing property should be reported in writing to Cemetery staff. Well disposed persons are requested to report any unsightly or dangerous conditions or any breach or violations of rules to Cemetery staff. All persons engaged in work upon or preparation of plots, gravesites, monuments, services or any other activity on Cemetery property are subject to the direction, supervision and control of the Superintendent at all times. All materials brought into the Cemetery must be placed upon pavement areas or upon palettes or planking or other material protective of lawns, plants and monuments. All work is subject to the advance permission of the Superintendent. Receptacles will be placed at appropriate locations for

waste paper and other discarded items. All trash must be placed in the receptacles for same. All persons are prohibited from placing household or other municipal solid waste in Cemetery receptacles. The County shall retain the right at all times to take all appropriate and necessary actions as will maintain all property within the Cemetery in a safe, clean, orderly and presentable condition and appearance. All costs incurred by County in such maintenance may be charged to the owners or other responsible party. The County shall cooperate with the families and representatives of eligible persons to coordinate the receipt and use of all benefits including burial benefits to which they may be entitled from the United States and other governments. The County is not responsible for ensuring the receipt of such benefits nor for any changes in entitlements thereto. The County may in the future acquire additional lands for use as a cemetery. A Certificate of Insurance will be required by the Superintendent adequate as to scope of coverage and amount to be filed with the Cemetery from all private companies, contractors and persons doing any excavation or construction of any sort on Cemetery property. All violations of the rules and regulations of the Cemetery may be prosecuted by the County; and all costs incurred as a result of prohibited actions plus the costs of all administrative and/or legal proceedings shall be recoverable by the County against all parties responsible therefor. The Cemetery is not responsible for arranging military ceremonies or honors. These must be arranged by families or representatives and approved by the Superintendent in advance. These rules and regulations shall be in addition to all other applicable laws, rules and regulations of the United States, the State of New York and the County of Orange. The County shall have the power to adopt and from time to time amend a schedule of fees to be charged in connection with the property, facilities and services of the Cemetery. The amendment of such fee schedule may be by resolution of the County Legislature by simple majority vote. The County shall have the power to waive any or all or a part of its fees in the event of the indigence of eligible persons and/or their survivors. Such waiver shall be granted by the County Veterans Service Agency. The County may adopt standards and guidelines to determine indigence hereunder, and may require proof of such prior to waiving any fees. In the absence of the adoption by the County of other standards of determining indigency, the standards currently employed by the County Department of Social Services shall apply hereto. The County may seek such benefits from the United States or other government or sources as may be available on behalf of such indigent eligible persons and may seek reimbursement of County costs and expenses disbursed on their behalf. The Superintendent and/or the County Executive shall from time to time and as requested keep such records and accounts and make such reports as shall disclose the operations, use, status, finances and administration of the Cemetery, its property and facilities, to the County Legislature, the State of New York and such other supervisory and regulatory agencies as may be required, appropriate and necessary. The Superintendent shall be responsible for and shall, with the control and approval of the County Executive, adopt such rules and standards and shall establish all necessary elements of a program of occupational safety and health for all employees and others doing work upon Cemetery property and facilities. Such program where necessary shall include hazard communication, hearing and respiratory protection, medical surveillance, education and training, chemical identification and handling, protective clothing and equipment, accident prevention and reporting, fire protection, confined space entry, and such other components as needed. The staff and management shall comply with all laws, rules and policies relating to ethical conduct and related responsibilities as the County Executive and/or County Legislature and other lawful authorities shall require.

The Superintendent shall have the power and responsibility of controlling vehicular and other traffic flow on Cemetery property at all times. The County may adopt such rules, regulations and procedures as it may deem appropriate to accommodate the disposition of cremated remains. The County shall have the right to accommodate on Cemetery ground such memorials as it deems appropriate to honor the memory of eligible persons; including but not limited to those which honor persons: (a) who are missing in action; (b) whose remains have not been recovered or identified; (c) whose remains have been scattered or buried at sea, whether by choice or otherwise; (d) whose remains have been donated to science. The County may adopt a plan or plans designating different sections and areas of the Cemetery for various kinds of burials, monuments, gravesites and other particular functions and uses. The County and/or the Superintendent may adopt, publish and amend rules and regulations governing the use of flags on Cemetery property. All such rules and regulations shall comply with existing laws and rules, and shall at all times comply with standards of proper

etiquette and good order and appearance in maintaining respect for the flags of the United States and other municipalities and patriotic and service organizations. The Superintendent shall continuously maintain interment records, monument records, a system of gravesite set-aside and reservation, equipment records, staff records, records of all private workers and work done on Cemetery property, operating records and all other records as necessary to the orderly operation of the Cemetery.

**Section 16. SCHEDULE OF FEES**

<u>Fee</u>	<u>Services Provided</u>
\$500.00	Full-size gravesite, first opening and closing, setting gravemarker, perpetual care and related maintenance.
\$250.00	Small-size (approx. 4' x 4') gravesite for cremains, first opening and closing, perpetual care and related maintenance.
\$250.00	Each additional re-opening and closing following initial interment.
\$100.00	Transfer of a plot in trust to the County for future burial of a named eligible person.

Unless otherwise waived or provided in writing by the County, all charges and fees for property, use, services or facilities of or in connection with the Cemetery must be paid in full in advance of the transfer, conveyance or use of same.

**Section 17. REGULATION AND ADMINISTRATION**

The County may from time to time amend Cemetery rules and regulations by Resolution of the County Legislature. In the case of rules and regulations established by the Superintendent, such may be amended by written notice, posting and publication of amendments by the Superintendent. All rules and regulations of any kind are subject to the review, approval and amendment of and by the County Legislature. The County may establish from time to time such separate funds, accounts, endowments and other financial resources as it deems appropriate and necessary. The County may retain from time to time such consultants, contractors and outside agents as it may deem appropriate and necessary to the operations of the Cemetery.

**Section 18. SEVERABILITY AND EFFECTIVE DATE**

In the event any part of this Local Law shall be rendered invalid by a higher lawful or regulatory authority, the balance hereof shall remain in full force and effect. This Local Law shall take effect immediately, as provided in the Municipal Home Rule Law.

Local Law No. 5 of 1998 was passed October 9, 1998 by the following roll call vote:

Ayes: 19  
Noes: 0  
Absent: 2

Approved by the County Executive: October 29, 1998

Effective: November 9, 1998

**A LOCAL LAW FURTHER AMENDING LOCAL LAW NO. 8 OF THE YEAR 1972 ENTITLED "A LOCAL LAW FIXING THE COMPENSATION OF THE COMMISSIONERS OF ELECTIONS", AS LAST AMENDED BY LOCAL LAW NO. 5 OF THE YEAR 1995, BY INCREASING THE COMPENSATION OF SUCH COMMISSIONERS OF ELECTIONS.**

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

**Section 1.** Section 1 of Local Law No. 8 of the year 1972 entitled "A LOCAL LAW FIXING THE COMPENSATION OF THE COMMISSIONERS OF ELECTIONS", as last amended by Local Law No. 5 of 1995, is hereby amended by striking out the figures therein, and inserting in place thereof the following salary schedule:

1998	\$45,823
1999	\$47,655
2000	\$49,085

**Section 2.** Said annual salaries for the Commissioners of Elections of the County of Orange, as increased pursuant to Section 1 hereof, shall be payable from January 1, 1998.

**Section 3.** This Local Law shall take effect and shall be subject to referendum on petition as provided in Section 24 of the Municipal Home Rule Law.

Local Law No. 6 of 1998 was passed October 9, 1998 by the following roll call vote:

Ayes: 19  
 Noes: 0  
 Absent: 2

Approved by the County Executive: October 29, 1998

Effective: December 17, 1998

**LOCAL LAW NO. 7 OF 1998**

**A LOCAL LAW TO PROVIDE AN EXEMPTION FROM TAXES AND SPECIAL AD VALOREM LEVIES FOR CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS.**

Be it enacted by the County Legislature of the County of Orange as follows:

**Section 1. Purpose** This local law is adopted pursuant to Section 421-f of the Real Property Tax Law for the purpose of exempting capital improvements to residential buildings from taxation and special ad valorem levies as hereinafter provided and shall be applied in accordance with that statute, as amended from time to time.

**Section 2. Definitions**

- a. "Residential building" means any building or structure designed and occupied exclusively for residential purposes by not more than two families.
- b. "Reconstruction," "alteration," and "improvement" shall not include ordinary maintenance and repairs.

**Section 3. Exemption**

- a. Residential buildings reconstructed, altered, or improved subsequent

to the effective date of this local law shall be exempt from taxation and special ad valorem levies to the extent provided herein.

- b. No such exemption shall be granted for reconstruction, alterations, or improvements unless:
  - i. such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law; and
  - ii. the value of such reconstruction, alteration, or improvement exceeds three thousand dollars; and
  - iii. the greater portion, as so determined by square footage, of the building reconstructed, altered, or improved is at least five years old.
  
- c. Nothing herein shall require any assessor to find that any alteration, installation or improvement has necessarily increased or improved the assessed value of any property.

**Section 4. Calculation of Exemption** The buildings described in Section 3 shall be exempt for a period of eight years to the extent of the following percentages of the increase in the “exemption base” as defined in Real Property Tax Law Section 421-f as the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, modified as required by paragraph 2.(a) (ii).

<u>Year</u>	<u>Exemption Percentage</u>
1	100.0
2	87.5
3	75.0
4	62.5
5	50.0
6	37.5
7	25.0
8	12.5

The exemption shall be limited to eighty thousand dollars in increased market value of the property attributable to such reconstruction, alteration, or improvement, but not less than five thousand dollars.

**Section 5. Application for and Grant of Exemption**

- a. An exemption shall be granted only upon application by the owner of the building on a form prescribed by the State Board of Real Property Services. The application shall be filed with the assessor of the local municipality having the power to assess property for taxation on or before the appropriate taxable status date of such local municipality.
  
- b. If satisfied that the applicant is entitled to an exemption pursuant to this local law, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this local law shall be entered by

the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

**Section 6. Termination of Exemption** In the event that a building granted an exemption pursuant to this local law ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption shall cease.

**Section 7. Effective Date** This local law shall become effective upon filing in the office of the Secretary of State, as provided and in the manner described in the Municipal Home Rule Law. Following its adoption, a copy of this local law shall be sent to and filed with the New York State Board of Real Property Services, with the Director of the Real Property Tax Service Agency of Orange County, and with all the assessors of local municipal governments of Orange County.

This local law shall automatically expire and the exemption authorized hereunder shall no longer be available to new applicants after two (2) years from the date of its adoption unless further acted upon by action of the County Legislature. This local law shall automatically expire and be of no further effect and the exemption granted hereunder shall cease immediately upon the adoption of a local law by this County Legislature pursuant to any amendment of Real Property Tax Law Section 421-f including a Special Law enacted by the State Legislature pursuant to a Home Rule Request under Municipal Home Rule Law. However, all exemptions granted hereunder which shall have become effective prior to the automatic expiration thereof by any event defined in this paragraph shall continue beyond such expiration according to the terms of Sections 1 through 6 hereof.

Local Law No. 7 of 1998 was passed December 3, 1998 by the following roll call vote:

Ayes: 14  
Noes: 5  
Absent: 0

Approved by the County Executive: December 23, 1998

Effective: January 11, 1999