

TOWN OF MAHONE BAY

BY-LAW NO. 45

A BY-LAW RESPECTING THE MANAGEMENT OF PARK CEMETERY AND BAYSIDE CEMETERY

Short Title

1. This By-Law shall be known as and may be cited as the “Cemetery By-Law”

Name

2. The names of the Cemeteries of the Town of Mahone Bay shall be the “Bayview Cemetery and Park Cemetery.”

Definitions

3. In this By-law:
 - a. “CAO” means the Town Chief Administration Officer of the Town of Mahone Bay and includes any person designated by the CAO to carry out any responsibilities contained within the by-law;
 - b. “Cemetery” means the Bayview Cemetery and Park Cemetery located in the Town of Mahone Bay.
 - c. “Council” means the Town Council of the Town of Mahone Bay;
 - d. “Committee” means the councillors and citizens of Mahone Bay appointed by the Town of Mahone Bay Town Council who are charged with the responsibility of administering the within By-law except where otherwise noted;
 - e. “Director of Operations” means the person appointed by the CAO to be the facilities manager of the Town;
 - f. “Flower” includes real and artificial flowers;
 - g. “Grave” means a place for the permanent placement of human remains;
 - h. “Mayor” means the Mayor of the Town of Mahone Bay;

- i. “Memorial” means a memorial, marker, monument, headstone, footstone, tombstone, plaque, tablet or plate marking a grave and includes an inscription of letter or ornamentation, or both.
- j. “Plants include real or artificial trees, shrubs, flowering or other forms of vegetation;
- k. “Purchaser” includes the heirs, administrators, successors and assigns of the purchaser and the agent of them;
- l. “Town” means the Town of Mahone Bay;
- m. “Traditional Burial” refers to a full casket burial;

Sale and Use of Lots

- 4. (1) Lots for burial purpose maybe sold at such prices and on such terms as Council may determine from time to time by Resolution and according to the plans of the Cemetery on file at the Town CAO’s office.
- (2) No lot shall be sold, transferred, assigned, or reserved by the Town of Mahone Bay until the purchase price of same has been paid in full.
- (3) Person ordering lots will be responsible for payment thereof.
- (4) Any person who has purchased any lot or made use of same and not paid for it, shall be liable for the price of same, to be recovered from them by action in the name of the Town of Mahone Bay.
- (5) Purchasers of Cemetery lots have the right and privilege of burial of the human dead and erecting memorials subject to the provisions of the within By-law.
- (6) The conveyance of lots to the purchaser shall be made evident by the delivery to such purchaser of a deed executed by the Town CAO.
- (7) There are no lots available in Bayview Cemetery.

Transfer

5. No owner of any lot shall have the right to sell, transfer or assign any lot or part of any lot to any other person, without the consent of the Committee and the endorsement of the Mayor and CAO.

No Remuneration

6. Lot owners shall not allow interments to be made in their lots for remuneration.

Work by Town

7.
 - (1) The Town may have all the maintenance and repair work done on any lot or grave in the Cemetery by any Town employee or by an individual or firm contracted by the Town to carry out work in the Cemetery.
 - (2) The Town may levy a charge for any work done on any lot or grave in the Cemetery, which has not been previously paid for.
 - (3) The Town shall maintain the roads in the Cemetery but does not guarantee access to the Cemetery as a result of weather conditions.

Memorials and Foundations

8.
 - (1) There shall not be more than one memorial on any one lot (1,500 mm x 3,000 mm or 5'x10'); except two footstones or head-stones if on one base.
 - (2) A memorial, structure, object or any inscription placed upon any lot, which in the opinion of the Committee is offensive or improper shall be removed and the Committee shall have power to authorize any person to enter upon such a lot and remove same.
 - (3) All memorials to be erected shall be placed in the position selected on the lot by the CAO and a monument permit shall be required for all memorials.
 - (4) The Town reserves the right to change the position of any monument erected on any lot prior to the passing of the By-law or to do any work as, in the opinion of the Committee, may be necessary for the purpose of uniformity and to conform with the general plans, rules, regulations and by-law as adopted by Town Council.
 - (5) All foot stones and flat markers shall be even with the ground.

- (6) The bases of all memorials shall be smooth at the surface.
- (7) All memorials shall be made of cut stone, granite or marble or such other materials as approved by the Committee.
- (8) Forty eight (48) hours prior notice shall be given to the office of the CAO before any memorial work is brought into the Cemetery.
- (9) The Town accepts no responsibility for damage to or for the maintenance, repair or replacement of any memorial.

Interments and Disinterments

9. (1) The Town does not provide interment services and each lot owner is responsible to make their own arrangements whenever an interment is required.
- (2) No interment shall be made without permission from the Town.
- (3) Notice of each interment and disinterment shall be given to the CAO at least forty-eight (48) hours prior to such proposed interment, except under special circumstances as determined by the Committee. Such notice shall be given during regular working hours and interment permit shall be required for each interment.
- (4) In each case of interment, a written statement giving the deceased's name, last residence, age, date of death, name of parent, if not an adult, in which lot and location the body is to be interred and the name of the funeral director and officiating minister (if applicable) must be furnished to the Town in order that an accurate register thereof may be made.
- (5) Fees may be charged by the Town for each interment.

Graves

10. (1) The standard sizes for graves are:
 - (a) Single grave – 1,500 mm x 3,000 mm (5' x 10');
 - (b) Double grave – 3,000 mm x 3,000 mm (10' x 10'); and
- (2) One Traditional Burial shall be made in any single grave with the following exceptions:
 - (a) four (4) cremated human remains may be buried in a single grave;
 - (b) up to three (3) cremated remains may be placed above the remains of a

Traditional Burial in any single lot.

Cemetery Maintenance

11. The Director of Operations or designate shall be responsible for the overall maintenance and appearance of the Cemetery.

Trees, Flowers, etc.

12. (1) Trees, shrubs or other plants are not permitted to be cultivated on graves or lots.
- (2) The Town reserves the right to exercise entire control over every tree, shrub, vine, flower, or other form of vegetation, real or artificial within the Cemetery, whether planted or placed there by any lot owner or otherwise and may remove, cut, trim or otherwise deal with same as it may determine from time to time. The Town is not responsible for the deterioration, damage or loss of any vegetation or any other articles.
- (3) No flower boxes or other similar floral or plant containers shall be placed in the Cemetery without the Director of Operations' prior permission.
- (4) No person shall, except as provided in Subsection (2) and (5) hereto, take trees, shrubs, vines, flowers, or other forms of vegetation, real or artificial from lots or graves in the Cemetery without prior authorization from the Director of Operations, or take any flowers either wild or cultivated, or break any tree, shrub or plant, or any real or artificial material, or write upon any grave, deface or injure any memorial or other structure in or belonging to the Cemetery.
- (5) A maximum of two real or artificial flower arrangements may be placed on a memorial, but none shall be permitted on the surrounding ground.

No fixtures or landscaping

13. (1) The erection or placing of cut-stones, copings, boarders, fences, or wheelings, walls, hedges, chairs, trellis, iron rods or any other fixtures on or around lots is prohibited unless approved by the Director of Operations.
- (2) No person shall make any walk, cut any sod or move any corner posts or grave markers in the Cemetery.

Garbage

14. The throwing of any garbage on the roads, or upon any portion of the Cemetery grounds is prohibited.

Smoking

15. Smoking of any substance is prohibited in the Cemetery.

Vehicles

16. (1) Motor vehicles will not be permitted to enter the Cemetery when, in the Director of Operations' opinion, the roads are unfit to drive on.
- (2) No motor vehicle shall travel on the roadways located in the Cemetery at a rate faster than fifteen (15) kilometers per hour.

No Gratuities

17. No gratuities shall at any time be given to any Town employee while working at the Cemetery, nor shall they be given any reward for any personal services or attention. Any Town employee who accepts any such gratuity or reward shall render themselves liable to be dismissed from their position.

Dogs

18. No dogs shall be allowed in the Cemetery without the animal being on a leash and under the apparent restraint or control of some person.

Peace and Good order

19. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates any of the foregoing provisions, may be removed from the Cemetery by order of the CAO or designate.

Repair and Maintenance

20. (1) All lot owners are required to keep in proper care at their own cost and to the satisfaction of the Committee all memorials or other erections upon such lots, and must remove all garbage occasioned by the putting up or repairing of such memorials or other erections to such places of deposit as provided for by the Town for that purpose

- (2) The Director of Operations shall from time to time report to the Committee any memorials and other erections which are in need of repair and the lot owner if known shall be notified that the same must be put in proper repair to the Commission's satisfaction. If any owner after three (3) months of the issuance of such notice, refuses or neglects to put such memorial or erection in proper repair, the CAO may, if authorized by the Committee, repair, remove or otherwise deal with same at the lot owner's expense.

Notices

21. All notices required to be given to lot owners, may be given personally to the owners or mailed by ordinary mail to such owners or their legal representatives at their last known mailing address.

Penalty

22. (1) Anyone who violates or fails to comply with any provision of this By-Law shall be guilty of an offence and, upon summary conviction, shall be liable to fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and, in default of payment, to imprisonment for a period not exceeding ninety (90) days.
- (2) Any person who violates any provision of this By-law and who is given notice of the violation may pay to the Town, at the place specified on the notice, the sum of \$200.00 as stated in the notice, within 14 days of the date of the notice and shall thereby avoid prosecution for that violation.

Fees, Rules and Regulations

23. In addition to any other provision to this bylaw the Committee may establish fees, rules and regulations pertaining to the Cemetery and approved by resolution of Town Council.

Repeal

24. All former Cemetery Bylaws of the Town are hereby repealed and the substituted therefore.

Effective Date

25. This Bylaw is effective upon publication

C. Joe Feeney, Mayor

James A. Wentzell, CAO

This is to certify that the foregoing is a true copy of the bylaw passed at a duly convened meeting of the Council of the Town of MAHONE BAY, held the 14th day of January, 2014.

Give under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of MAHONE BAY this 15th day of January, 2014.

Clerk's Notation:

FIRST READING:	November 28, 2013
"NOTICE OF INTENT" PUBLICATION:	December 18, 2013
SECOND READING:	January 14, 2014
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	January 22, 2014
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FORWARDED TO TOWN WEBSITE	January 23, 2014