



Cemetery By-law

1. Short Title

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

2. Name

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

3. Definitions

In this By-law:

- a. “CAO” means the Chief Administrative 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. “Flower” includes real and artificial flowers;
- f. “Grave” means a place for the permanent placement of human remains;
- g. “Memorial” means a single (excluding footstone), permanent, marker, monument, headstone, ~~footstone~~, tombstone, plaque, tablet or plate marking a grave and includes an inscription of letter or ornamentation. or both;
- h. “Plants” include real or artificial trees, shrubs, flowering or other forms of vegetation;
- i. “Purchaser” includes the heirs, administrators, successors and assigns of the purchaser and the agent of them;
- j. “Town” means the Town of Mahone Bay;
- k. “Traditional Burial” refers to a full casket burial;
- l. “Off highway vehicle” refers to a vehicle or class of vehicle designated as an off-highway vehicle as defined in the Off-Highway Vehicles Act.

4. Sale and Use of Lots

a. Lots for burial purpose may be 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 with the Town.

- b. 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.
- c. Person ordering lots will be responsible for payment thereof.
- d. 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.
- e. Purchasers of Cemetery lots have the right and privilege of burial of the human dead and erecting memorials subject to the provisions within this by-law.
- f. 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.
- g. There are no lots available in Bayview Cemetery.

#### 5. Transfer

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 CAO.

#### 6. No Remuneration

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

#### 7. Work by Town

- a. 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.
- b. 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.
- c. The Town shall maintain the roads in the Cemetery but does not guarantee access to the Cemetery as a result of weather conditions.

#### 8. Memorials and Foundations

- a. 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 headstones if on one base.
- b. 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.
- c. All memorials to be erected shall be placed in the position selected on the lot by the CAO or designate and a monument permit shall be required for all memorials.
- d. 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-laws as adopted by Town Council.
- e. All foot stones and flat markers shall be even with the ground.
- f. The bases of all memorials shall be smooth at the surface.

- g. All memorials shall be made of cut stone, granite or marble or such other materials as approved by Council on recommendation of the Committee.
- h. Forty-eight hours prior notice shall be provided to the Town of Mahone Bay before any memorial work is brought into the Cemetery.
- i. The Town accepts no responsibility for damage to or for the maintenance, repair or replacement of any memorial.

#### 9. Interment and Disinterment

- a. The Town does not provide interment services and each lot owner is responsible to make their own arrangements whenever an interment is required. The Town does not provide interment services and each lot owner is responsible to make their own arrangements whenever an interment is required.
- b. No person shall engage, direct or cause the performance of any interment or disinterment in a cemetery without approval of the Town of Mahone Bay.
- c. Notice of each interment or disinterment shall be provided to the Town of Mahone Bay at least 48 hours prior to such activity.
- d. Notice of interment shall be in a format acceptable to the Town of Mahone Bay and shall include the following:
  - Deceased name
  - Last residence
  - Age
  - Date of birth
  - Parents name (if not an adult)
  - Location for interment
  - Funeral director
  - Lot in which the deceased will be interred
- e. Fees for interment charged by the Town and will be determined at time of notification.

#### 10. Graves

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

## 11. Cemetery Maintenance

The CAO or designate shall be responsible for the overall maintenance and appearance of the Cemetery.

## 12. Trees, Flowers, etc.

- a. No person shall plant trees, shrubs or other plants on graves or lots.
- b. 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.
- c. No flower boxes or other types of plant containers shall be placed without permission from the CAO or designate.
- d. No person shall remove shrubs, vines, flowers or other forms of vegetation from any lot or grave in a cemetery without approval from the CAO or designate.
- e. No person shall damage any vegetation, real or artificial, from any cemetery belonging to the Town.
- f. No person shall write upon any grave, deface any memorial or structure in a cemetery belonging to the Town.
- g. A maximum of two (2) flower arrangements, real or artificial shall be placed on a memorial.

## 13. No Fixtures or Landscaping

- a. The erection or placing of cut-stones, copings, borders, fences or wheelings, walls, hedges, chairs, trellis, iron rods or any other fixtures on or around lots is prohibited unless approved by the CAO or designate.
- b. No person shall make any walk cut any sod or move any corner posts or grave markers in the Cemetery.

## 14. Garbage

No person shall throw any garbage on the road or upon any portion of the Cemetery grounds.

## 15. Smoking

No person shall smoke any substance of any kind on Cemetery grounds.

## 16. Vehicles

- a. No person shall operate a vehicle when posted by the town that the roads are unfit.

- b. No person shall operate a motor vehicle on the roadways located within a cemetery in excess of the posted speed limited.
- c. No off-highway vehicles are permitted in a cemetery unless in the employ of or with permission of the Town.
- d. No person shall operate a vehicle other then on a travel roadway unless in the employ of or with permission of the Town.

#### 17. No Gratuities

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 be subject to disciplinary action in accordance with the policies of the Town.

#### 18. Dogs

No dog shall be permitted in cemetery without the animal being on a leash and under the restraint or control of the dog's handler.

#### 19. Peace and Good Order

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.

#### 20. Repair and Maintenance

- a. All lot owners are required to keep in proper care, at their own cost, and to the satisfaction of the Town; all memorials.
- b. From the 1<sup>st</sup> to the 14<sup>th</sup> of October and the 1<sup>st</sup> to the 14<sup>th</sup> of April, each year, cemetery clean up will take place by the Town's Public Works Department. All items placed on plots other than memorials and items attached to the memorials will be removed during clean up.
- b. The CAO or designate 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 Committee's satisfaction. If any owner after 3 months of the issuance of such notice, refuses or neglects to put such memorial or erection in proper repair, the CAO may repair, remove or otherwise deal with same at the lot owner's expense.

#### 21. Notices

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.

#### 22. Penalty

- a. 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 a fine of not less

than \$250.00 and not more than \$1,000.00 and, in default of payment to imprisonment for a period not exceeding 90 days.

b. 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.

23. Fees, Rules and Regulations

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

24. Repeal

All former Cemetery by-laws of the Town are hereby repealed and substituted therefore.

25. Effective Date

This by-law is effective upon publication.

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David Devenne, Mayor

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Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the    day of 2022.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this    day of    2022.

CLERK’S NOTATION

FIRST READING:	
“NOTICE OF INTENT” PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER:	
FORWARDED TO TOWN WEBSITE:	