



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
A By-law Respecting the Management of the Riverbank Cemetery

1. Short Title

1.1. This By-Law shall be known as and may be cited as the "Cemetery By-law".

2. Definitions

2.1. In this By-Law:

- a. "CAO" means the Chief Administrative Officer for the Municipality of the District of West Hants.
- b. "Cemetery" means the Riverbank Cemetery, in the community of Hantsport, Nova Scotia.
- c. "Cemetery Manager" means the person appointed by the CAO for the daily oversight and management of the Cemetery.
- d. "Committee" means the Committee of the Whole for the Council of the Municipality of the District of West Hants.
- e. "Council" means the Council of the Municipality of the District of West Hants.
- f. "Disinterment" means to take out the place of interment.
- g. "Grave" means a space in a burial lot where human remains are buried.
- h. "Interment" means the burial or placement of human remains in a lot.
- i. "Lot" means the measured portion of Cemetery land purchased for the purposes of burial.
- j. "Lot Owner" means a person who has purchased the right to use a lot in the Cemetery for burial purposes, and includes the heirs, successors, assigns and the personal representative of the Lot owner and the agent of any of them, but notwithstanding anything in this by-law the lot owner acquires rights to use the lot in accordance with this by-law and other applicable by-laws but does not become the owner in fee simple of the land itself .

- k. "Memorial" means a foot marker, monument, headstone or plaque marking a grave.
- l. "Municipality" means the Municipality of the District of West Hants.
- m. "Parks & Grounds Superintendent" means the person responsible for the direct oversight for the maintenance care of the Cemetery.
- n. "Perpetual Care" means the maintenance care of the lawn and grass only.
- o. "Winter burial" means an interment carried out during the months of November 15 to April 15.

3. Management of the Cemetery

3.1. The CAO shall be responsible for the administration of this By-Law and all policies related to the Cemetery approved by Council.

3.2. The CAO may establish the position of Cemetery Manager and delegate authority to him or her.

3.3. The CAO may establish the position of Parks & Grounds Superintendent and delegate authority to him or her.

3.4. The following records shall be maintained by the Municipality:

- a. Survey plans of the cemetery;
- b. Lots purchased or transferred;
- c. Accounts showing receipts and expenditures;
- d. Interment files containing the name, sex, age, place and date of death, the number of the lot and location in which the person is buried, and the date of the interment; and,
- e. Burial permits and cremation certificates.

4. Purchase of Lots and rights and obligations of Lot Owner

4.1. Lots shall only be purchased from the Municipality.

- 4.2.** Lots may be sold at the price and on the terms set by Council, and in accordance with the plans of the Cemetery.
- 4.3.** Council shall set aside a portion or all of the sale of each lot for Perpetual Care with the amount of such portion to be determined by Council from time to time.
- 4.4.** Council may levy a charge for burial and disinterment additional to any charges levied by a contractor for carrying out such services.
- 4.5.** Lot Owners granted a burial permit are responsible for all costs of interment and disinterment.
- 4.6.** Winter burials may incur additional cost to be paid by the Lot Owner as set by Council.
- 4.7.** The Municipality may require Lot Owners to pay the costs to repair any damage to Municipal property, including a lot, during interment or disinterment.
- 4.8.** Lot Owners are required to keep memorials in proper repair at their own cost and to the satisfaction of the Municipality.
- 4.9.** All costs of memorial maintenance and levelling are the responsibility of the Lot Owner.
- 4.10.** The Lot Owner who has paid the Municipality for the lot shall receive a receipt showing the lot number purchased.
- 4.11.** A lot shall not be transferred without consent of the CAO.
- 4.12.** The Municipality shall purchase a lot for which consent of transfer has not been granted at the original price for which it was purchased from the Municipality.
- 4.13.** The Municipality shall not be bound by any personal agreements concerning the disposition of lots unless these agreements have been approved by the CAO.

5. Interment

- 5.1.** No person shall bury any human remains or conduct any interment without a burial permit or cremation certificate issued by a licensed funeral home.

5.2. A copy of the burial permit or cremation certificate must be filed with the Cemetery Manager before the interment takes place, and the timing of a burial is subject to approval of the Cemetery Manager.

5.3. All excavations in the Cemetery shall be directed by the Cemetery Manager or the Parks & Grounds Superintendent or designates.

5.4. The Municipality may have work done on any lot by any Municipal Employee or Municipal contractor.

5.5. Winter burials will be at the discretion of the Cemetery Manager.

5.6. A full burial lot shall measure four (4) feet by ten (10) feet .

5.7. A cremation lot shall measure three (3) feet by four and a half (4.5) feet.

5.8. Burials shall be allowed in each lot in accordance with the following:

a. Full burial lot:

- i. One (1) casket burial and up to two (2) cremations burials at the discretion of the Cemetery Manager; or
- ii. Up to Four (4) cremation burials at the discretion of the Cemetery Manager

b. Cremation Lot:

- i. Up to two (2) cremation burials at the discretion of the Cemetery Manager

6. Disinterment

6.1. The disinterment of a body, once properly interred, shall be made in accordance with all legislation and regulations, by-laws and policies applicable in the Province of Nova Scotia and the Municipality.

6.2. Disinterment and the terms, conditions and circumstances under which disinterment occurs shall be directed by the Cemetery Manager.

7. Memorials

- 7.1.** There shall not be any more than one memorial on each lot and the memorial, including the base, must fit within the lot.
- 7.2.** The memorial on a full burial lot shall have a maximum height of thirty-two inches (32") above ground level, including the foundation and base.
- 7.3.** The memorial on a cremation lot shall be level with the ground and shall be a maximum of twenty-two inches (22") long, twelve inches (12") wide and four to six inches (4" - 6") thick.
- 7.4.** All memorials shall be constructed of granite, cut stone or marble.
- 7.5.** The foundation of all memorials shall be of a type and size deemed appropriate by the Cemetery Manager.
- 7.6.** The Cemetery Manager shall mark the site for memorial placement and interments for each lot.
- 7.7.** All memorials are to be installed by a monument dealer or its agent.
- 7.8.** The Cemetery Manager shall from time to time report to the CAO any memorials which are in need of repair in the Cemetery Manager's opinion, whereupon the CAO shall notify the Lot Owner at the last known address of the owners supplied to the Municipality that the memorial must be put in proper repair to the CAO's satisfaction.
- 7.9.** If any owner after three (3) months of the issuance of such notice (under section 7.8) refuses or neglects to put such memorial in proper repair, the Cemetery Manager may, if authorized by the CAO, require the memorial to be repaired, removed or otherwise adjusted at the Lot Owner's expense.
- 7.10.** If a Lot Owner refuses or neglects to put such memorial in proper repair, the Cemetery Manager may, with the permission of the CAO, use the fund set aside for Perpetual Care or, alternatively, where a budget has been approved by Council for same, may use funds raised through area tax rates or general tax rates to cover the expense of the memorial's repair, removal or adjustment (under section 7.9), without prejudice to the right of the Municipality to recover expenses against the Lot Owner.
- 7.11.** There shall be forty-eight (48) hours' notice given to the Cemetery Manager or the Parks & Grounds Superintendent before any private contractor may proceed with any work within the Cemetery.

7.12. No person shall erect a monument which does not conform to the requirements of this By-Law.

8. Restrictions

8.1. Trees shrubs or other plants are not permitted to be cultivated on lots unless they are approved by the Cemetery Manager or the Parks & Grounds Superintendent.

8.2. The Cemetery Manager or the Parks & Grounds Superintendent may exercise control over every tree, shrub, vine, flower, wreath or other form of vegetation, real or artificial within the Cemetery whether planted or placed there by any Lot Owner, including but not limited to removal, cutting or trimming, at the expense of the Lot Owner.

8.3. No person shall take any flower, wild, artificial or cultivated, or break any tree, shrub or plant, or remove any real or artificial material, or write upon, deface or injure any memorial or other structure in or belonging to the Cemetery or Lot Owner.

8.4. The Municipality is not responsible for the deterioration, damage or loss of any vegetation.

8.5. Containers, vases, receptacles or ornaments made of glass are prohibited in the Cemetery and such items will be removed from the Cemetery.

8.6. The erecting or placing of cut-stones, copings, borders, fences, walls, hedges, trellis, iron rods, chairs or any other fixtures on or around lots is prohibited.

8.7. No person shall modify a lot including walkways, sod removal, or the removal of survey markers or memorials.

8.8. No Lot Owner shall change a lot in any manner which interferes with the grading of the area and the Municipality shall have the right to re-grade any area so affected at the expense of the Lot Owner.

8.9. No motorized vehicles are permitted in the Cemetery for recreational purposes.

8.10. No vehicle shall travel within the Cemetery at a rate over ten (10) kilometers per hour.

8.11. No vehicle shall drive on or park on any grassy area in the Cemetery without the permission of the Cemetery Manager or the Parks & Grounds Superintendent.

9. Other

9.1. All notices required to be given to Lot Owners shall be mailed by ordinary mail to such owners or their legal representatives at their last known address.

9.2. Any person who violates any provision of this By-Law shall be guilty of an offence punishable on summary conviction to a penalty of not more than one thousand dollars (\$1000.00) or, in default of payment of the penalty, imprisonment for a term not exceeding thirty (30) days.

10. Repeal

10.1. All previous Riverbank Cemetery By-Laws and amendments of the former Town of Hantsport are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____ day of _____(month), _____(year).

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	<i>Date</i>
Notice Published:	<i>Date</i>
Second Reading & Approval	<i>Date</i>
Final Publication	<i>Date</i>
Notice to Municipal Affairs	<i>Date</i>
Description: Initial Approval of Cemetary By-law for West Hants and repeal of previous Riverbank Cemetery By-law of the former Town of Hantsport.	



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