

TOWN OF HANTSPORT

BY-LAW 2008-5

**RESPECTING THE MANAGEMENT OF THE RIVERBANK CEMETERY**

**The Council of the Town of Hantsport, in the Province of Nova Scotia, enacts as follows:**

**Short Title:**

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

**Interpretation:**

2. In this By-Law:

2.1 "Committee" means the Riverbank Cemetery Committee.

2.2 "Lot" means measured portion of Cemetery land purchased for the purposes of burial

2.3 "Lot Owner" means a person who purchases a Lot of land in the Cemetery without acquiring any ownership interest in the land, and includes the heirs, successors and assigns and the personal representative of the Lot owner and the agent of any of them.

2.4 "Perpetual Care" means the Town shall maintain the Cemetery in a neat and trim condition.

**3. Management of the Cemetery**

3.1 Town Council shall appoint a Riverbank Cemetery Committee.

3.2 Town Council shall establish the position of a Cemetery Manager.

3.3 The following records shall be maintained in the Town Office.

(a) The survey plans of the Cemetery

(b) All Lots purchased or transferred

(c) Accounts showing receipts and expenditures

(d) Interments containing the name, sex, the place and date of death, the number of the Lot and location in which the person is buried and the date of interment

(e) Burial permits.

3.4 The Committee will keep a list of plants that are approved for use on Lots.

**4. Purchase of Lots**

4.1 Lots for burial purposes may be sold only by the Town.

4.2 Lots for burial purposes may be sold at such prices and on such terms as Town Council may determine from time to time by Resolution and according to the plans of the Cemetery on file in the Town Office.

4.3. The purchaser of a Lot in the Cemetery who has paid the Town for it shall receive an ownership certificate.

4.4 A portion of the sale of each Lot shall be set-aside for Perpetual Care with the amount of such portion to be set from time to time by Council.

4.5 The ownership of a Lot shall not be transferred without the consent of Town Council.

4.6 Council shall purchase a Lot for which consent of transfer has not been granted at the purchase price for which it was purchased from the Town.

4.7 The Town shall not be bound by any personal agreements concerning the disposition of Lots.

## **5. Interments and Disinterments**

5.1 No person shall buy any human remains or conduct any interment or disinterment without a burial permit issued by a licensed funeral home.

5.2 A copy of the burial permit must be filed with the Town Office.

5.3 Persons granted a burial permit are responsible for all costs of interment or disinterment and are subject to all provisions in this By-Law.

5.4 All excavations in the Cemetery shall be directed by the Cemetery Manager or the Superintendent of Public Works or their designates.

5.5 The Town may have work done on any lot by any Town Employee or Town contractor.

5.6 The Town may require Lot Owners to pay the costs to repair any damage to Town Property, including a Lot, during burial, interment or disinterment.

5.7 A burial shall be allowed in each lot in accordance with the following:

- (a) One casket burial
- (b) one casket burial and then a cremation burial

(c) the number of cremation burials shall be at the discretion of the Cemetery Manager.

5.8 The Cemetery Manager may determine from time to time specific areas within the Cemetery for double casket burials and provisions for the multiple burials of cremated remains.

## **6. Memorials**

6.1 There shall not be more than one memorial on each lot.

6.2 All lot owners are required to keep all memorials upon such lots in proper repair at their own costs and to the satisfaction of the Committee

6.3 The Cemetery Manager shall from time to time report to the Committee any memorials which are in need of repair in the Manager's opinion, whereupon the Committee shall notify the lot owner that the same must be put in proper repair to the Committee's satisfaction.

6.4 If any owner after three (3) months of the issuance of such notice, refuses or neglects to put such memorial in proper repair, the Superintendent of Public Works may, if authorized by the Committee, repair, remove or otherwise deal with same at the lot owner's expense.

6.5 There shall be 48 hours notice to the Cemetery Manger or the Superintendent of Public Works before any private contractor may proceed with any work within the Cemetery.

## **7. Restrictions**

7.1 Containers, vases, receptacles or ornaments made of glass are prohibited in the Cemetery

7.2 Trees, shrubs or other plants are not permitted to be cultivated on Lots unless they are on the Committee's list of approved plants.

7.3 The Cemetery Manager may remove any items not found on the list of approved plants, or any items prohibited by this By-Law, at the expense of the Lot Owner

7.4 The erection or placing of cut-stones, copings, borders, fences, walls, hedges, trellis, iron rods or any other fixtures on or around lots is prohibited unless approved by the Committee

7.5 The Committee 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.

7.6 The Committee and Council are not responsible for the deterioration, damage or loss of any vegetation or any other articles.

7.7 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.

7.8 No person shall make any walk, cut any sod or move any corner posts or Lot markers in the Cemetery.

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

7.10 No vehicle shall travel within the Cemetery at a rate over twenty kilometres per hour.

## **8. Other**

8.1 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.

8.2 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 \$1000.00 or, in default of payment of the penalty, imprisonment for a term not exceeding thirty (30) days.

## **9. Repeal**

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

I, Jeffrey A. Lawrence, Chief Administrative Officer for the Town of Hantsport, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Hantsport and held on the day of

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this day of .  
JEFFREY A. LAWRENCE Chief Administrative Officer

