

TOWN OF LUNENBURG

MANAGEMENT OF THE LUNENBURG CEMETERY BY-LAW #27

The Council of the Town of Lunenburg under the authority vested in a special Act of the Legislature, respecting a Public Cemetery for the Town of Lunenburg, of 1935, Chapter 68, and all other relevant legislation, enacts the following By-law:

Short Title 1. This By-law shall be known as and may be cited as the "Cemetery By-law".

Name 2. The name of the Cemetery of the Town of Lunenburg shall be the "Hillcrest Cemetery".

Definitions 3. In this By-law:

"Cemetery" means the Hillcrest Cemetery located in the Town of Lunenburg.

"Council" means the Town Council of the Town of Lunenburg;

"Flower" includes real and artificial flowers;

"Grave lot" means a place for the permanent placement of human remains at the Hillcrest Cemetery;

"Mayor" means the Mayor of the Town of Lunenburg;

"Memorial" means a memorial, marker, monument, headstone, footstone, tombstone, plaque, tablet or plate marking a grave lot and includes an inscription of letter or ornamentation, or both, on the front or back of a memorial and includes a vault for the permanent placement of human remains;

"Plants" include real or artificial trees, shrubs, flowering or other forms of vegetation;

"Purchaser" includes the heirs, administrators, successors and assigns of the purchaser and the agent of them;

"Town" means the Town of Lunenburg;

"Town Engineer" means the Town Engineer of the Town of Lunenburg and includes their designated Public Works Superintendent; and

"Town Manager/Clerk" means the Town Manager/Clerk of the Town of Lunenburg and includes their designated Deputy.

Sale, Use and
Transfer of Grave
Lots

4. (1) Grave lots for burial purposes 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 at the Town Engineer's office.

(2) No grave lot shall be sold, transferred or assigned by the Town of Lunenburg until the purchase price of same has been paid in full and the endorsement of the Mayor and Town Manager/Clerk on the said transfer or assignment has been given.

(3) No owner of any grave lot shall have the right to sell, transfer or assign any grave lot or part of any grave lot to any other person, without the consent and the endorsement of the Mayor and Town Manager/Clerk.

(4) Purchasers of grave lots have the right and privilege of burial of the human dead and erecting memorials only subject to the provisions of this By-law.

(5) The conveyance of grave lots to a purchaser shall be made evident by the delivery of a deed and executed by the Mayor and Town Manager/Clerk. Any such deed shall be subject to the provisions set out in this By-law and such rules and regulations as embodied in such deed.

(6) The Town retains the right of passage over every grave lot so that Cemetery operations and maintenance may be efficiently performed.

No
Renumeration

5. Grave lot owners shall not allow interments to be made in their lots for renumeration.

Work by Town

6. (1) Town employees may work on any grave lot in the Cemetery or the Town Engineer may make alternative arrangements as deemed necessary.

(2) The Town may levy a charge for any work done on any grave lot which has not been previously paid for.

Memorials
and
Foundations

7. (1) There shall not be more than one above ground monument and/or one ground-level footstone on any one grave lot except in the designated cremation section as described in subsection (2) herein.

(2) In the designated cremation section of the Cemetery only one ground level flat marker on any one grave lot shall be permitted. No above ground memorials, containers or any other objects are permitted in the cremation section of the Cemetery.

(3) Flat markers in the section of the Cemetery specifically designated for cremated remains shall not be any wider than 914 mm (36") by 533 mm (21") in depth.

(4) No memorial or base shall be installed within 75 mm (3") of the any grave lot boundary.

(5) The Town Engineer shall approve the location of all memorials and their foundations prior to installation.

(6) The Town Engineer may authorize Town staff to install a foundation at a price to be determined by the Town Engineer.

(7) The Town shall not be responsible for the maintenance and/or repair of any foundation or memorial installed by either the Town or others.

(8) No memorial shall be delivered to the Cemetery until the foundation is complete and the supplier is ready to install the memorial.

(9) The Town Engineer may authorize the temporary removal of a memorial and/or foundation to enable work to be performed in the Cemetery that could not otherwise be carried out in the Town Engineer's opinion. The memorial and/or foundation will be reinstalled thereafter at the expense of the person requesting the work.

(10) Council may change the position of any memorial erected on any grave lot prior to the passing of the By-law or to do any work as, in the opinion of Council, maybe necessary for the purpose of uniformity and to conform with the general plans and the within By-law as adopted by Council for the regulation of the Cemetery.

(11) The bases of all memorials shall be smooth at the surface.

(12) Lettered bars designating graves are prohibited.

(13) All memorials shall be made of cut stone, granite or marble or such other materials as approved by the Town Engineer.

Interments
and
Disinterments

(14) Forty eight (48) hours prior notice shall be given to the Town Engineer before any memorial work is carried out in the Cemetery unless permission to do so has been given in advance by the Town Engineer.

8. (1) The Town Engineer or other person acting under the direction of the Town Engineer may be in attendance at each interment and disinterment.

(2) The Town shall be responsible for preparing grave lots for interments in the Cemetery. Disinterments and the burial of human remains in vaults shall be the responsibility of a person who requests such a service.

(3) Notice shall be given to the Town Engineer at least forty-eight (48) hours prior to any interment and at least one (1) week prior to any disinterment. Such notice shall be given during regular working hours. The Town Engineer shall not be required to prepare any grave lot for an interment or disinterment unless such notice has been given or directed by Council.

(4) No interment shall be made unless a burial permit has been issued by the Town Manager/Clerk.

(5) No disinterment shall be made unless the Town Engineer receives satisfactory proof that the immediate family and Provincial Medical Officer of Health or equivalent have been notified and approve of the disinterment.

(6) In each case of interment, notification to the Town Engineer is required giving the deceased's name, last residence, name of the grave lot owner, the interment date and time, where the service is to be held, whether a cremation or conventional burial, billing information, the grave lot in which the body is to be interred and the name of the funeral director and officiating minister (if applicable) in order that an accurate register thereof maybe made.

(7) No grave lot or vault shall be open for interment or disinterment by any person unless authorized by the Town Engineer to carry out this work.

(8) Any person ordering the opening of any grave lot for an interment or disinterment shall be responsible for the cost incurred in respect thereof as determined by resolution of Council from time to time.

(9) The Town shall not be liable for any damage caused when opening a grave lot for either an interment or disinterment due to the nature of this work. The Town, its officers and employees are not liable for any loss or damage for anything pursuant to this By-law.

Graves

9. (1) The standard sizes for grave lots are:
- (a) single grave lot - 1219 mm x 3505 mm (4' x 11' ½");
 - (b) double grave lot - 2438 mm x 3505 mm (8' x 11' ½"); and
 - (c) single grave lot in the designated cremation section - 1219 mm x 1753 mm (4' x 5' 8").
- (2) Normally one burial shall be made in any single grave lot with the following exceptions:
- (a) in areas designated for double burials, the first interment in a double grave lot must be made at the lower level as established by the Town Engineer;
 - (b) four (4) cremated human remains may be buried in a single grave lot under the direction of the Town Engineer; and
 - (c) cremated remains may be placed above the remains of the deceased as long as the total number of interred in the single grave lot does not exceed four (4).
- (3) Council may determine from time to time specific areas within the Cemetery for double burials and the burial of cremated remains.

No Trees,
Flowers, etc.

10. (1) Trees, shrubs or other plants are not permitted to be cultivated on grave 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 grave 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 person shall except as provided in subsection (2), take flowers or plants from grave lots in the Cemetery without prior authorization from Council , or take any flowers either wild or cultivated, or break any tree, shrub or plant, or any real or artificial material, or write upon, deface or damage any memorial or other structure in or belonging to the Cemetery.

(4) No flower boxes or other similar floral or plant containers shall be placed on the ground in 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 ground subject to subsection (6).

(6) No real or artificial flowers, trees, shrubs, any type of container, device, or similar articles may be placed in the designated cremation section of the Cemetery.

No Fixtures
or Land-
scaping

11. (1) The erection or placing of cut stones, copings, boarders, fences, wheelings, walls, hedges, chairs, trellis, iron rods or any other fixtures on or around grave lots is prohibited unless approved by the Town Engineer.

(2) No person shall construct any walkway, cut any sod or move any corner posts or grave markers in the Cemetery.

Vehicles

12. No motor vehicle shall travel on the roadways located in the Cemetery at a rate faster than twenty kilometres per hour.

Repair and
Maintenance

13. (1) All grave lot owners are required to keep in proper care at their own cost and to the satisfaction of Council all memorials or other erections upon such grave 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 that purpose.

(2) Any grave lot owners with memorials and other erections which are in need of repair in the Town Engineer's opinion, may be notified that the same must be put in proper repair to the Town Engineer'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 Town Engineer may repair, remove or otherwise deal with same at the grave lot owner's expense.

Notices

14. All notices required to be given to grave 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 15. (1) Any person who violates any provision of this By-law shall on summary conviction be liable to a penalty of not more than \$1,000.00 or, in default of payment of the penalty, imprisonment for a term not exceeding ninety days.

(2) Where the Town Engineer or Council is required to do any corrective work as a result of a violation of this By-law, the cost of this work may be billed to the violator of this By-law for payment.

Repeal 16. All former Cemetery By-laws of the Town are hereby repealed and this By-law substituted therefor.

Effective Date 17. The effective date of this By-law is December 11, 2007.

<u>Clerk's Annotation For Official By-law Book</u>	
Date of first reading:	<u>October 25, 2007</u>
Date of advertisement of notice of intent to consider:	<u>November 6 and 20, 2007</u>
Date of second and third/final readings:	<u>November 29, 2007</u>
Date of advertisement of passage of By-law:	<u>December 11, 2007</u>
Date of mailing to Minister a certified copy of By-law:	<u>December 17, 2007</u>
I certify that this CEMETERY BY-LAW was adopted by Council and published as indicated above.	
_____	_____
Clerk	Date