



# **TOWN OF SHELBURNE**

## **CEMETERY BY-LAW**

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**THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING CEMETERY BUSINESSES.**

#### **Short Title**

1. This By-Law shall be cited as "**Cemetery By-Law**".

#### **Interpretation**

2. In this By-Law unless the context otherwise indicates:
  - (a) "**Cemetery**" means the Pine Grove Cemetery, located at 114 Victoria Street, Shelburne, Nova Scotia.
  - (b) "**Lot**" means an individual grave lot site.
  - (c) "**Lot Holder(s)**" means an individual who has purchased a lot for the future or for impending burial.
  - (d) "**Monument**" means a permanent head stone, cenotaph, tablet or other item placed at the lot site; not including plants or removable objects.
  - (e) "**Niche**" means an individual compartment within a columbarium.
  - (f) "**Niche Holder(s)**" means an individual who has purchased a niche for the future or for impending burial.
  - (g) "**Resident**" means a person who has resided in the Town of Shelburne for a period of not less than 12 months at the time of their death. Resident also refers to a native of Shelburne who has/was residing at a long-term care facility elsewhere at the time of their death, or a person who has previously resided in the Town of Shelburne for more than 50% of their life time.
  - (h) "**Perpetual Care**" means continued long-term care in perpetuity; regular cleaning, mowing and maintenance of lots and cemetery as a whole in general by Town of Shelburne staff.

- (i) **"Town"** means the Town of Shelburne, Nova Scotia.
- (j) **"Transfer"** means a lot holder selling or assigning the whole of a purchased lot, at any time, to another holder(s) with the consent of the Town Office.
- (k) **"Title Certificate"** means document of proof of lot number.

## **Cemetery Records**

- 3.** Town staff shall keep a record of the purchasers of lots and niches, the lots and niches which are disposed and the lots and niches which are available for purchase and use. This same record shall record the name, age, date of death and date of internment, as well as the number of the lot or niche of internment.
- 3.1** Town staff shall keep a Cemetery plan map up to date with the lots and niches which are disposed and lots and niches which are available for purchase and use marked clearly.
- 3.2** The Town Finance Department shall keep a receipt of all lots and niches purchased.
- 3.3** The record of lot or niche holders kept at the Town Office is the only evidence of the title of the lot or niche holder which is recognized by the Town, therefore, when a person receives a lot or niche by transfer from a currently recorded lot or niche holder, or purchases a lot or niche from a currently recorded lot or niche holder, they should send the Title Certificate to Town Office for record updating purposes at once.
- 3.4** Notice of internment shall be provided to the Town Office.

## **Lot and Niche Purchasing Requirements**

- 4.** Any person paying for a lot(s) shall have the privilege of choosing a lot in any part of the Cemetery not already in disposed of and which has been laid out as a lot according to a cemetery lot plan approved by Town staff. No lot shall be reserved from sale until the proposed reservation is approved by Town staff and paid for in full. Title of lot will be issued by the Town staff upon purchase.
- 4.1** Any person paying for a niche(s) shall have the privilege of choosing a niche in any section of a Town-owned Columbaria not already purchased. No niche shall be reserved from sale until the proposed reservation is approved by Town staff and paid for in full. Title of niche will be issued by the Town staff upon purchase.

- 4.2** Purchasers of lots acquire the right and privilege of burial of the human remains and erecting of monuments, subject to this by-law; monuments must be set upon a concrete foundation if required by the management company providing the monument.
- 4.3** Purchasers of niches acquire the right of interment of human remains.
- 4.4** Any lot or niche holder may sell or assign the whole of a purchased lot or niche at any time with the consent and authorization of Town staff. No lot shall be subdivided without the consent and authorization of the Town staff. No lot shall be portioned less than half thereof for the purpose of sale by the lot holder; the sale of lots in this measurement (less than half) is not permitted.
- 4.5** Non – residents of the Town of Shelburne are required to pay double the fee(s) for any and all fee associated items within this by-law.
- 4.6** Copies of the By-Law will be provided to the owners upon purchase of the lot or niche.

### **Perpetual Care**

- 5 Perpetual care shall consist of cleaning, mowing and keeping the lot and Cemetery, as a whole, in a general, good and uniform appearance.

### **Monument Requirements and Restrictions**

The lot owner may build vaults, erect monuments, and place memorial arrangements with the approval of authorized Town Office staff, following the requirements and restrictions below:

- 6 Authorized Town Office staff shall have the right to change the position of the any monument on any lot, or to do any other work which the Town deems necessary for the purpose of uniformity and in order to conform to the general plans for the regulation of the Cemetery.
- 6.2** No trees, shrubs, flowering plant or otherwise, may be cultivated on lots. The Town reserves the right to have entire control of every plant, tree, shrub, or vine growing within the Cemetery enclosure whether planted by the lot owner or otherwise, including the right of removal should any plant be deemed to be necessary to remove for conformity or other reasoning; the lot owner will be notified accordingly where possible by staff.

- 6.3 Locations for memorial plantings will be designated by the Town and available on a first come, first served basis.
- 6.4 All approved monuments or work done on lots by lot owners or by order of the lot owner shall be done with approval of authorized Town Office staff.
- 6.5 No tree or plants can be removed from the Cemetery without the approval of authorized Town Office staff.
- 6.6 The Town shall have the power and discretion to remove or order to be removed any noxious or offensive plant, or indecent or offensive monument; lot owners will be notified by authorized Town Office staff of any such removals and provided reason(s) for removal.
- 6.7 In order to maintain a uniform aesthetic to the columbaria, niche owners shall use a uniform inscription style as determined by the Town Office.

**Fees**

- 7 a. Fees for lots, including perpetual care maintenance, are as follows, plus current applicable tax amounts. Non-Residents of the Town of Shelburne shall pay double the set fees. Perpetual care maintenance shall constitute half of the following fees. Prices for Cemetery lots may vary from time to time at the discretion of the Town Office, with a motion of Council.

Size: North/South, 10 1/2', East/West 4'  
1 Lot            \$180.00 + Applicable Tax

Size: North/South, 10 1/2', East/West 8'  
2 Lots            \$360.00 + Applicable Tax

Size: North/South, 10 1/2', East/West 16'  
4 Lots            \$720.00 + Applicable Tax

- 7b. Fees for niches, including perpetual care maintenance, are as follows, plus current applicable tax amounts. Non-Residents of the Town of Shelburne shall pay double the set fees. Perpetual care maintenance shall constitute half of the following fees. Prices for Cemetery niches may vary from time to time at the discretion of the Town Office, with a motion of Council.

\$575/incl. HST niche for Town Residents

\$1,150/incl. HST niche for Non-Residents

**Prohibitions and Restrictions**

- 8 Bars, fences, railway ties, walls, cut stones, copings and hedges, in and around individual or group lots are prohibited.
- 8.2** No material for building or setting up of monuments or other work of any description will be received or allowed to be delivered Saturdays, Sundays or holidays, unless by the explicit authorization of appropriate Town staff.
- 8.3** All rubbish resulting from work of any kind must be cleaned by the parties employed on that work and the grounds left in good order. All work must be done during working hours of the Cemetery, unless by the explicit authorization of appropriate Town staff.
- 8.4** Any flowers remaining on the ground longer than two weeks following a burial shall be removed by the lot owner or the Cemetery staff worker.
- 8.5** No work or monuments will be allowed to be set or delivered in the spring until the ground has fully settled and is in proper condition according to Town staff.
- 8.6** Unless the party(s) in charge of the arrangements for the burial give notice of any changes to the lot location to the Town, the Town will not be responsible for any error in location.

**By-Law Enforcement**

- 9 It shall be the duty of any By-Law Enforcement Officer and of any Special Constable appointed for the Town of Shelburne under the Nova Scotia Police Act, to report all violations of this By-Law and to enforce them under the Municipal Government Act, Section 505.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy and was duly passed at duly called meeting of the Council of the Town of Shelburne, held on the 19<sup>th</sup> day of February, 2019.

GIVEN under the hand of the Clerk and the corporate seal of the said Town this 28<sup>th</sup> day of February, 2019.

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Mayor, Karen Mattatall

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Town Clerk, Julie Ferguson

**The Cemetery By-Law of the Town of Shelburne passed on in 2015 is hereby repealed and replaced with this amended Cemetery By-Law.**

## **BYLAW**

Date of First Reading: January 21<sup>st</sup>, 2019

Date of Advertisement in Vanguard: January 30<sup>th</sup>, 2019

Date of Second Reading: February 19<sup>th</sup>, 2019

Date of Advertisement of Passage in Vanguard: February 27<sup>th</sup>, 2019

Date Mailed to the Minister: February 28<sup>th</sup>, 2019