

**THE TOWN OF BEAUSEJOUR
BY-LAW NO. 1766/19**

BEING a By-Law of the Town of Beausejour providing for the operation of cemeteries within the Town of Beausejour.

WHEREAS Section 256, of the Municipal Act, S.M. 1996, C.58, provides in part that:

“A municipality that operates a cemetery must keep the money received from the sale of plots in a separate account and use the money only for the maintenance of the cemetery.”

WHEREAS cemeteries have been established on lands owned by the Town of Beausejour in the Town of Beausejour;

AND WHEREAS it is deemed expedient that regulations pertaining to these cemeteries be established and that the care and maintenance of the cemeteries be ensured;

1. INTERPRETATION

In all parts of this by- law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

2. DEFINITIONS

- a) "Cemetery" means land that is set aside by the Town and used for the interment of human remains, including cremated remains.
- b) "Traditional Plot" means an area of land, located in a section of the cemetery used for the interment of human remains, including cremated remains.
- c) "Ash Plot" means an area, located in a section of the cemetery used for the interment of cremated remains.
- d) "Columbarium" means an above-ground structure of vaults lined with recesses for ash urns.
- e) "Internment" means the burial of human remains.
- f) "Liner or vault" means a protective coffin enclosure made of fiberglass or cement.
- g) "Mausoleum" means a structure, wholly or partly above the level of the ground and designed for the burial or storage of dead human bodies.
- h) "Owner" means the proprietor or owner of a lot to which he has or is entitled to a deed.

- i) "Perpetual care" means the preservation, improvement, embellishment, and maintenance, in perpetuity and in a proper manner of lots, plots, tombs, monuments or enclosures, in a cemetery or of compartments in a columbarium or mausoleum.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-Law of the Town of Beausejour, in Council duly assembled, as follows:

- 1) THAT for the purpose of this By-Law the term "Town" shall mean the Town of Beausejour.
- 2) THAT all cemeteries owned and operated by the Town shall be considered public cemeteries.
- 3) THAT the cemetery shall be laid out in the form of plots and/or lots or blocks, consisting of traditional plots and ash plots. The term "lot" or "block" shall apply to a numbered division which consist of more than one plot.
- 4) THAT the fee for traditional cemetery plots shall be one thousand (\$1,000.00) dollars.
- 5) THAT the fee for ash burial plots shall be five hundred (\$500.00) dollars.
- 6) THAT all future mausoleums must be approved by Council and an agreement must be signed with respect to the requirements before any construction commences.
- 7) THAT payment of plot fees shall be made payable to the Town and shall not be refunded for an amount greater than the original purchase price.
- 8) THAT the Town shall issue a cemetery deed to the purchaser of a plot and no transfers of plots shall be made without presentation of the said deed or signed documentation stating that the deed has been lost or destroyed, thus authorizing the transfer to be made with the Town not being held liable for a transfer being made without the deed being returned.
- 9) THAT all maps and other original documentation shall be held in safekeeping in the office of the Town.
- 10) THAT as of the date of the passing of this by-law, all buildings, equipment and materials which had been accumulated for each cemetery shall be determined to belong to the cemetery for which they were obtained.
- 11) THAT the Rules and Regulations attached hereto as Schedule "A" of this by-law shall be deemed to be a part of this by-law.
- 12) THAT an example of the layout of traditional plots, ash plots and the mausoleums is attached hereto as Schedule "B" of this by-law and shall be deemed to be a part of this by-law.
- 13) THAT the Town shall retain, in a separate account, 100% of the monies received for the payment of cemetery plots and columbarium niches for perpetual care.

- 14) THAT monies received, as stated in Section 256 of *The Municipal Act*, for perpetual care of any cemetery and shall be retained in the account of the cemetery for which it was received. These monies shall be designated for maintenance and care of the entire cemetery for which they were received.
- 15) THAT the Town reserves, and shall have, the right to correct any errors that may be made either in making interments, disinterment or removal or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible or as may be selected by the management, or, in the sole discretion of the Town, by refunding the amount of money paid on account of said purchases. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- 16) THAT By-Law No. 1686/13 and all amendments thereto be repealed.

DONE and PASSED in Council, duly assembled, this 25th day of June, A.D. 2019.



Mayor



Chief Administrative Officer

Read a First Time this 28th day of May, A.D. 2019
Read a Second Time this 25th day of June, A.D. 2019
Read a Third Time this 25th day of June, A.D. 2019

SCHEDULE "A" to By-Law No. 1766/19

CEMETERY RULES AND REGULATIONS

1. All fees or charges for services are payable at the office of the Town of Beausejour.
2. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.
3. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds.
4. No plot shall be used for any other purpose than for the burial of the human dead.
5. The right to enlarge, reduce, replot or change the boundaries or grading of the cemetery, or sections, from time to time, including the right to modify thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over plots for the purpose of passing to and from other plots.
6. The Town will take all reasonable precautions to protect the property rights of plot owners, within the cemetery from loss or damage; but the cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order or any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
7. It is the duty of the plot owner to notify the Town of any change in his address.
8. The instrument of conveyance of these Rules and Regulations and any amendments thereto constitute the sole agreement between the cemetery and the plot owner. The statement of any employee or agent, unless confirmed in writing by the Town shall in no way bind the cemetery.
9.
 - (a) The traditional plots shall be of sufficient size to accommodate a maximum of one adult interment and two ash burials which shall be placed at the head of the grave. Ash burials shall take place after the traditional burial.
 - (b) All traditional burial plots shall require a minimum of a fiberglass liner or a vault.
 - (c) Ash Plots shall be a sufficient size to accommodate two (2) interments of ashes.

- (d) The Town may under special circumstances and at its discretion waive the conditions set out in Section 9(a).
10. No interment of two or more bodies shall be made in one grave except in the case of mother/father and child or two infants buried in one casket.
 11. Where more than one plot has been purchased by an individual or family, the location of an interment shall be designated by the owner of the plots. Should the plot owner fail or neglect to make such a designation, the Town reserves the right to make the interment in the lot designated by Council.
 12. The right is reserved by the Town to insist upon at least twenty-four hours notice prior to any interment and at least one weeks notice prior to any disinterment or removal. (Please also refer to Rules/Regulations No. 21)
 13. The Town will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular location in a plot, where interment is desired.
 14. The Town will not be liable for the interment permit nor for the identity of the person sought to be interred.
 15. The Town will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain urns of plants. Planting of flowers or trees on individual plots is not permitted.
 16. The Town shall have authority to remove all floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.
 17. The Town shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.
 18. The Town shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control.
 19. The Town reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the management gives consent.
 20. In the best interest of uniformity and to facilitate cemetery maintenance:
 - (a) On traditional lots/plots only monuments or markers of marble, granite or stone, shall be placed at the head of the lot or plot; except in the old section of the cemetery where there are existing cement markers. All markers or monuments shall be set on the cement base. All traditional plots will be levelled flush with the cement base and finished with sod or top soil and seed. Existing cement covers are allowed but the Town at its discretion shall remove them upon deterioration and no future cement covers shall be installed.
 - (b) Ash burials in lots/plots without a concrete foundation require a flat marker to be placed level with the surrounding ground.

21. Besides being subject to these Rules and Regulations, all interments, disinterment, and removals are made subject to the orders and laws of the properly constituted public authorities.