

TOWN OF ECKVILLE
CEMETERY BYLAW

BYLAW #709/12

A BYLAW OF THE TOWN OF ECKVILLE TO PROVIDE FOR THE CONTROL AND REGULATION OF THE ECKVILLE CEMETERY.

NOW THEREFORE, the Council of the Town of Eckville, duly assembled enacts as follows:

1. Title

This Bylaw shall be known as the Town of Eckville Cemetery Bylaw, may be cited as such, and will be referred to herein as "this bylaw".

2. Definitions

In this Bylaw:

- a) "base" means a foundation or footing of concrete to support a monument or marker.
- b) "CAO" means the Administrator of the Town.
- c) "caretaker" means the Town employee working at the cemetery under the instruction of the Town of Eckville.
- d) "cemetery" means the cemetery owned and operated by and under the control of the Town of Eckville.
- e) "flowering ornamental" means any perennial, annual, and bi-annual flowering plant.
- f) "grave" means a plot used as a place of burial.
- g) "monument" means any structure in a cemetery erected or constructed on any grave or plot for memorial purposes.
- h) "perpetual care" means the preservation and maintenance of the cemetery and grounds in perpetuity.
- i) "plot" means a plot as shown on a plan of subdivision on record in the Town Office.
- j) "Public Works Department" means the Department of Public Works of the Town.
- k) "reserve plot" means a plot or a number of plots which lie adjacent to one another and which are to be reserved for the burial of one or more than one deceased members of a family.
- l) "ribbon" means an area of cement marking the plots upon which monuments shall be permanently fastened.
- m) "Town" means the Town of Eckville.
- n) "woody ornamental" means any trees, shrubs, creepers and climbers.

3. General

- a) The CAO shall have charge of the cemetery and shall exercise control over all persons employed therein.
- b) The Town shall have authority to have removed any weeds, grass, funeral designs or floral pieces which may become wilted, or any other article or thing which is in its opinion unsightly or if they interfere with regular maintenance.
- c) If, in the opinion of the Town, any woody ornamentals situated on or about the cemetery shall become by means of their roots or branches or in any other way detrimental to adjacent plots, walks, or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public, the Town shall have the right to remove such wood ornamentals, or any parts thereof.

- d) The Town shall have the right to remove fences, borders, railings, walls, hedges, copings, and other enclosures now in existence as it may deem advisable after 30 days notice of this intention to do so has been given to the owner of the plot, or to his relatives if the owner is deceased, or published in a newspaper circulated in the Town, if the relatives are unknown.
- e) No person shall disturb the quiet or good order of the cemetery by improper noise, improper conduct or otherwise.
 - A member of the Royal Canadian Mounted Police or representative appointed by the Town or other person from time to time in charge of the cemetery may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes paragraph "e" hereof.
- f) Whenever the owner of a monument neglects to make the required repairs or alterations to a monument within 30 days after receiving notice from the Town to do so, the Town shall have the power to repair such monument and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Town.
- g) Unless permission has been obtained from the Town, no person shall remove, destroy, prune or otherwise interfere with any woody or flowering ornamentals in the cemetery. Any woody ornamentals or plants planted within the boundaries of the cemetery must be done so under the authorization and/or supervision of the Town.

4. Plots

- a) The plans of subdivision of the lands made available by the Town for burial purposes now on record at the Town Office, together with all subsequent plans of subdivision of such lands approved by the Town, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the Town in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at the Town Office during normal office hours.
- b) The CAO shall supervise all sales of plots and interments in the cemetery.
- c) Plots in the cemetery shall be sold by the Town upon the purchaser paying in advance the amounts set forth in the tariff in Schedule "A" of this Bylaw and on completion of an application to purchase a burial deed in the form of Schedule "B" hereto attached. An individual may purchase a maximum of four (4) plots at any one time.
- d) The Council may from time to time, by resolution, amend the fees and charges for plots and service shown on Schedule "A" of this bylaw.
- e) No person shall make a reservation for one or more plots without making payment in full at the time of the reservation.
- f) Plots shall not be resold to any other party, however plots may be transferred from one family member to another family member but no transfer shall be valid unless such transfer is duly registered with the Town.
- g) Notwithstanding Section 4(f), a plot may be exchanged or transferred back to the Town, whereupon the owner shall be entitled to receive a refund of the original price less an administration fee of 10%. No refund will be given to anyone owning a plot longer than twenty (20) years.
- h) No plots shall be used for any purpose other than burial grounds for human bodies, and the cremated remains of human bodies.
- i) A maximum of 2 caskets or one casket and up to five (5) cremation urns may be buried on a casket plot.
- j) A maximum of one (1) cremation urn may be buried on a cremation plot.
- k) Posts to mark the limits of the plots are prohibited.
- l) Any society desiring to hold a memorial service shall give the Town at least 10 days notice in writing of their intention to do so.

- m) Placement of fences, railings, walls, copings, hedges, woody and flowering ornamentals, and borders in or around the plots is prohibited.
- n) No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in the cemetery.
- o) No person shall deposit any paper, sticks, or refuse of any kind on any portion of the lands within the boundaries of the cemetery except in receptacles provided for that purpose.
- p) No person shall remove the sod from plots in the cemetery without first obtaining written consent from the Town.
- q) All grading, seeding of grass, and sodding work shall be done under the direction of the Town by employees of the Town.
- r) No person other than an employee of the Town, or the owner of a plot or his agent, shall be permitted to care for any plot in the cemetery.
- s) Benches of a style approved by the Town may be permitted in the cemetery under such conditions as the Town may order.
- t) The top of plots or graves shall be kept level with the surrounding ground.
- u) No animal shall be allowed in the cemetery unless such animal is on a leash and accompanied by an adult person.

5. Burials

- a) Disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Town.
- b) No burial shall be permitted in the cemetery until a burial application and permit in the form of Schedule "C" hereto annexed has been completed and given to the Town. Such permit shall contain the following particulars:
 - Name of the deceased
 - Last known residence of deceased
 - Name and address of applicant or closest known relative
 - Name of the Funeral Home
 - Date of Death
 - Date and time of the burial
- c) i) Notwithstanding any other provisions of this Bylaw, orders for Sunday or holiday burials must reach the office of the CAO during regular office hours prior to the date of the burial.

ii) Additional charges in respect to burials carried out on a Saturday, Sunday, statutory holiday, or a declared holiday shall be applied at cost.
- d) The owner of a plot or his agent shall request that the Town mark a plot prior to a grave being dug. Between the months of May and October inclusive, application for marking a plot must be made to the Town at least 48 hours before the time for the interment. Between the months of November and April of the following year inclusive, application for making a plot must be made to the Town at least 72 hours before the time for the interment. The Town shall not be responsible for any errors resulting from the lack of proper instruction or information.
- e) Graves shall be dug and interments made only by persons authorized to do so by the Town. Graves shall be closed only by persons authorized to do so by the Town.
- f) No person or persons not under the control or supervision of the Town shall open any grave for the purpose of interring or removing a body.
- g) No grave for the burial of a deceased person the age of five years or over shall be less than six (6) feet in depth from the surface of the ground surrounding the grave.
- h) No grave for the burial of a deceased person under five (5) years of age shall be less than five (5)

feet in depth from the surface of the ground surrounding the grave.

- i) No grave for the burial of a stillborn child shall be less than four (4) feet in depth from the surface of the ground surrounding the grave.
- j) No grave for the burial of cremated remains shall be less than twenty-four (24) inches from the surface of the ground surrounding the grave to the top of the urn.
- k) The burial of cremated remains shall be in such portion or portions of the cemetery as may from time to time be designated by the Town.
- l) The body of an adult person shall not be interred in the same grave in which a body has previously been interred unless the first body has been buried at a depth of at least eight (8) feet from the surface of the ground to the bottom of the grave.
- m) When more than one body is interred in the same grave, the last interment shall be at a depth of at least four (4) feet from the surface of the ground to the top of the coffin or casket and in no case shall the bodies of more than two adult persons be interred in the same grave.
- n) No second interment shall be permitted in any plot in the cemetery on which there are unpaid charges due and payable to the Town.
- o) All work in the immediate vicinity of a grave shall be discontinued during a burial service.
- p) All burials within the limits of the cemetery shall be under the supervision and control of the Town and are to be made within the confines of the plot.
- q) Interment of indigent and unclaimed bodies shall be provided according to the Cemeteries Act.

6. Monuments

- a) All persons employed in the construction and erection of monuments or doing other work in the cemetery shall be subject to the direction and control of the Town.
- b) No person shall erect any monument without submitting an application to erect a monument, including a description of the monument to the Town and received approval from the Town as shown in Schedule "D".
- c) The placement of monuments shall comply with the following requirements:
 - i) A concrete or granite foundation extending at least eight (8) inches on each side of the extreme lateral dimensions of the monument not less than eight (8) inches in depth and being at the level of ground adjoining the grave plot. The foundation must be adequate to carry the monument or marker.
 - ii) All monuments or markers shall be firmly secured to the foundation.
 - iii) All monuments shall be placed at the head of the plot or lot or where applicable, attached to the ribbon provided. They shall be in a line with other monuments in that section of the cemetery.
- d) No monuments shall be erected on Saturdays, Sundays, or holidays unless permission in writing has been granted by the Town.
- e) All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.
- f) No monuments shall be erected from November 1st until the end of April following.
- g) No person shall erect or cause to be erected more than one monument on any one plot. **Exception** - when cremains are placed in a plot where a body has been interred, only flat monuments may be placed marking the cremains.
- h) Every owner of a monument upon any plot shall maintain it in proper repair.
- i) The Town shall have authority to designate certain areas within the cemetery where monuments shall be installed flush with the ground.

- j) Any and all types of covers over graves are prohibited except where one presently exists in which case the family may install a stone to match an existing one.
- k) The Town assumes no liability or responsibility for loss or damage to any marker or monument placed on a plot.

7. Perpetual Care

- a) A perpetual care fee will be added to the purchase price of all burial and cremation plots.
- b) Perpetual care to be supplied by the Town shall not include the care, maintenance, upkeep, repair or replacement of any monument or marker which has been placed in the cemetery.
- c) The perpetual fee is non-refundable when plots are sold back to the Town.

8. Visitors

- a) The cemetery walk in gate shall remain open at all times however no person shall enter or remain in the cemetery between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day following.

9. Vehicles in the Cemetery

- a) No person shall drive any vehicle through the cemetery at a greater rate of speed than 10 km/hour.
- b) The Town may prohibit the driving of vehicles in any part of a cemetery.
- c) Unless authorized by the Town, no bicycle, motorcycle, or horse shall be allowed in the cemetery except when it is a part of a funeral procession.
- d) The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

10. Provisions for Rules and Regulations

- a) The Council may, by resolution, make rules and regulations not inconsistent with this Bylaw for the effectual carrying out of this Bylaw and for the efficient management, control and regulation of the cemetery.

11. Penalty

- a) Any person who commits a breach of any of the provisions of this Bylaw shall on conviction for such breach, be liable to a penalty of not less than five hundred dollars (\$500.00) exclusive of costs, or in the case of non-payment of the fine and cost imposed to imprisonment for any period not exceeding sixty (60) days.

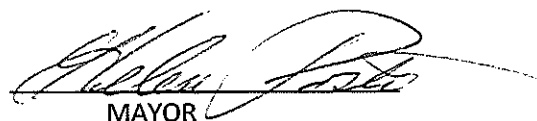
12. Repealed

Bylaws 545/90, 546/90 and 559/92 are hereby repealed.

READ a first time this 12th day of March, 2012

READ a second time this 9th day of April, 2012

READ a third and final time this 23 day of April, 2012


MAYOR


ADMINISTRATOR

*Schedule "A"***PLOT PRICING**

PLOT	SIZE	PRICE
Burial Plots – includes burial of one casket/coffin or one urn.	5' x 12'	\$250.00 + GST
Burial of additional casket within an existing grave		\$125.00 + GST
Burial of additional cremated remains within an existing grave		\$ 100.00 + GST Excluding Perpetual Care
Cremation Plots	2' x 2'	\$100.00 + GST

PERPETUAL CARE PRICING

PLOT		PRICE
Burial Plots		\$150.00 + GST
Cremation Plots		\$150.00 + GST

Schedule "B"

APPLICATION TO PURCHASE BURIAL DEED

Name of Applicant: _____ Date: _____

Address: _____ Phone: _____

Place of Residence: _____ (City/Town/County)

In making this application, and in consideration of the Town of Eckville selling to the undersigned, the undersigned acknowledges and agrees:

1. This application shall constitute a binding contract between the parties for the purchase of the lot(s) specified, and all of the provisions of the Cemetery Bylaw as amended from time to time hereafter shall be deemed to be included as terms and conditions of this contract.
2. That the title deed issued for the lot shall not be a title in fee simple, but shall be an easement or license only to use the burial lot.
3. That this agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and, where permitted, their assigns.
4. The undersigned hereby waives, releases and discharges the Town of Eckville, its officers, agents and employees from all claims, demands and rights of action which the undersigned may hereafter have against the County for loss or damages, howsoever caused, resulting from the theft or vandalism to the monuments or grave markers situate with, upon or under the lots howsoever caused.

Signature of Applicant

PLOT INFORMATION

Block _____

Lot _____

Plot () Cremation Plot ()

Total Payment _____

In consideration of the payment in the amount herein set forth made by the applicant the Town of Eckville hereby grants to the applicant a burial lot deed entitling the applicant to a license or easement to use the burial lot herein described and have access thereto.

Burial Deed Transfer Approval Form

Current Owner Information:

Current Owner Name: _____

Current Owner Address: _____

Current Owner Phone: _____

Purchase Date: _____

New Owner Information:

Transfer to Name: _____

Transfer to Address: _____

Transfer to Phone: _____

Transfer Date: _____

Plot(s) to be transferred:

Block _____

Lot _____

Signature of Current Owner

Date

Signature of New Owner

Date

Signature of CAO – Town of Eckville

Date

Town of Eckville

Schedule "C"

BURIAL APPLICATION

Name of Deceased: _____

Last known place of residence of deceased: _____

Name of applicant (or closest known relative): _____

Address: _____

Phone: _____

Date of Death: _____

Date of Burial: _____ Time of Burial: _____

Name of Funeral Home: _____

PLOT INFORMATION

Block: _____ Lot: _____

Burial of: Body () Ashes ()

Signature of Applicant

Date

Schedule "D"

MONUMENT APPLICATION

Name of Monument Company: _____

Address: _____

Phone: _____

Name of Purchaser: _____

Address: _____

Phone: _____

Name of Deceased: _____

Location of Plot: Block _____ Lot _____

Type of Monument: _____

Size of Monument: _____

Date of Placement: _____

Signature of Applicant

Date

I/We agree that in the event of a cemetery monument permit being granted in respect to the above described works, I/we will comply to all respects to which it is granted and with the requirements of the said bylaw applicable thereto.

Signed

Date

- You are required to call the Town of Eckville (403-746-2171) a minimum of twenty-four (24) hours prior to placing a monument at the Eckville Cemetery so that the location can be marked.
- The Town of Eckville accepts no responsibility for misplacement of monuments or damages to monuments incurred during the placement thereof.

Permit authorized by: _____ Date _____

Monument located and marked by: _____ Date _____

Installation inspected and approved by: _____ Date _____