

TOWN OF WATSON LAKE

BY-LAW 010-i2

A by-law to establish and provide for the regulation of cemeteries plus the collection of cemetery fees.

WHEREAS Section 265 of the Municipal Act (2002) provides that Council may pass bylaws for municipal purposes, subject to the Cemeteries and Burial Sites Act, respecting cemeteries, and

WHEREAS Section 266 of the Municipal Act provides that without restricting section 265, Council may by bylaw regulate, control or prohibit and provide for a system of licences, inspections, permits or approvals , and

WHEREAS the Cemeteries and Burial Sites Act (2002) provides for the regulation and restriction of use of lands identifies as a cemetery,

NOW THEREFORE the Council of the Town of Watson Lake, in open meeting assembled hereby ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

1. This by-law may be cited as the "Cemeteries By-Law".

SECTION 2 - DEFINITIONS

- a) "ashes" means the cremated remains of a deceased human body.
- b) "burial plot" means a piece of ground which has been designated for the interment of a casket of urn containing human remains.
- c) "casket" means the container/coffin in which deceased human remains are interred.
- d) "cemetery" means those areas of land within the municipal boundaries of the Town that are set aside for the interment of human remains or ashes.
- e) "Clerk" means the Clerk of the Town of Watson Lake or designate.
- f) "Council" means the duly elected Council of the Town of Watson Lake.
- g) "Holiday" means a statutory or declared holiday as well as any day designated in a collective agreement of which the Town is a signatory.
- h) "Human remains" means the remains of a deceased human body.
- i) "Interment" means the digging and preparation of the grave, placing of the casket or urn, filling the grave, levelling the ground, and re-establishing the grass.
- j) "Manager" means the Chief Administrative Officer of the Town of Watson Lake or designate.
- k) "Memorial Tablet" means a structure of bronze, marble, or granite or other material for memorial purposes placed on any grave or plot level with the surrounding surface.
- l) "Monument" means a memorial of stone or other material which projects above the level of surrounding ground.
- m) "Normal Business Hours" means the hours of 7:30 am to 3:30 pm, Monday to Friday, excluding statutory holidays.
- n) "Public Works Department" means the Public Works Department of the Town of Watson Lake.

- o) "Town" means the Town of Watson Lake.
- p) "Urn" means the container for cremated human remains.

SECTION 3 - PUBLIC ACCESS

- 1. No person shall drive an automobile or other vehicle anywhere in a cemetery other than on a designated road or lane, with the exception of vehicles or equipment necessary for the operation and maintenance of the cemetery.
- 2. No person shall at any time take into a cemetery an off-road motorcycle, snow machine or all-terrain vehicle.

SECTION 4 - ADMINISTRATION

- 1. The cemeteries of the Town shall be under the general supervision and control of the Public Works Department.
- 2. The maintenance of established Burial plots shall not be deemed to be the responsibility of the Town.
- 3. No human remains shall be interred or cremated prior to the issuance of a burial permit or cremation certificate by a district registrar of vital statistics under the Vital Statistics Act being provided to the Clerk.
- 4. The records, plans, documents and instruments relating to the cemeteries shall be under the supervision, charge and control of the Clerk.
- 5. The Clerk shall:
 - a) on application and payment of fees, make all sales of plots;
 - b) on application and payment of fees, make all reservations of plots;
 - c) on application by the holder, make all cancellations of reserved plots and then refund the fees paid therefore;
 - d) keep a record of the name, plot location, and date of all persons buried in a cemetery, and such other records as the Clerk may deem necessary from time to time.

SECTION 5 - PLOTS

- 1. A grave in a cemetery shall be dug to a minimum depth of:
 - a) Six feet for the interment of a casket;
 - b) Two feet for the interment of ashes; or
 - c) Ten feet for the first casket placed in a double tier burial plot.
- 2. Urns may be interred in a burial plot which:
 - a) contains the human remains or ashes of a member of the deceased's immediate family; or
 - b) when sold was designated by the purchaser to be used for the interment of the ashes of specified individuals in addition to the casket or urn of the person for whom the first plot was purchased.
- 3. No human remains shall be interred in a cemetery except by, or in the presence of employees of the Town.
- 4. Interments shall take place between the hours of 8:00 am and 3:00 pm during the weekdays of Monday to Friday, excluding statutory holidays.
- 5. Fees charged for interments approved by the Chief Administrative Officer to take place at a time other than a regular work day shall be subject to overtime rates.

Removed by Bylaw # 11-01

6. Two (2) bodies may be interred in a burial plot, in separate caskets and with two (2) feet of soil between the top and bottom casket.
7. Double tier interments will only be permitted by prior written request or at the request of the family of the deceased.

SECTION 6 - MEMORIALS

1. The Town of Watson Lake shall be advised of the placement of any memorial tablet or monument prior to installation and such installation shall follow the standard as determined by the Town.
2. All monuments and memorial tablets are considered to be the property of the purchaser and required care or repair is the responsibility of the purchaser. It is the responsibility of the purchaser to arrange for the delivery of the monument of memorial tablet to the cemetery for placement.
3. The repair and maintenance of pre-existing memorials may be done by the family in accordance with Section 6(2), however only Public Works staff may operate equipment within the cemetery.

SECTION 7 - PLOT RESERVATION AND ASSIGNMENT

1. A person may apply to the Town for reservation of a plot within the cemetery and upon payment of the fee shall be issued a plot, providing the plot is available.
2. The issuance of a plot does not grant the plot holder any rights regarding the plot, beyond the right to be interred in the plot.
3. The plot holder shall not allow or permit any interment in the reserved plot to another person, group or organization unless that interment, transfer or disposal is made pursuant to this bylaw. Where a particular plot has been reserved, and the plot holder wishes to transfer the reservation to a different plot in the cemetery, the Town may transfer the reservation upon a request being made to the clerk.
4. Where a plot holder wishes to cancel a reservation for a plot that has not yet been used for interment, they shall notify the Manager in writing requesting this cancellation.
5. Where a person has requested cancellation of a plot reservation pursuant to Section 7(4), he shall be entitled to a full refund of the amount paid without interest.
6. In the event that an error on the part of the Town is discovered in a plot reservation prior to the use of the plot for interment, and the plot is not longer available, the Town shall:
 - a) Amend the plot reservation so as to provide a plot in a similar location acceptable to the plot holder; or
 - b) Cancel the plot reservation and refund the full amount paid as evidence in the City's records.
 - c) The plot holder shall notify the Town of the plot holder's preference within 30 days of the notification of error, otherwise the Town shall be entitled to make the decision.
7. The fees payable for all acts contemplated in this bylaw shall be in the amounts prescribed and attached as Appendix "A" to this Bylaw.

INTERMENT

1. No caskets other than that containing deceased human remains shall be interred in the cemetery.

2. No burial plot shall be dug or opened or closed by any person other than the Public Works Department or other person duly authorized by the Town.
3. If the scheduled date and time of an interment is such that the plot must be dug or closed other than during normal business hours, the after normal hours fees shall be charged as set out as attached as Appendix "A" as part of this By-Law.
4. If a burial plot is required to be prepared, a minimum of three (3) working days notice shall be given to the Town prior to the time set for the interment.
5. No methods of interment above ground shall be permitted in the cemetery.

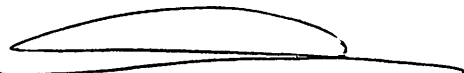
GENERAL PROVISIONS

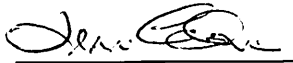
1. The town shall provide care and maintenance for all cemeteries governed by this By-Law.
2. The Town shall provide a rough box, lowering device, and hearse plus driver.
2. No picnic, parties, or gatherings, except for funerals or some ceremony or observance permitted by the Manager shall be held or allowed within a cemetery.
3. No person shall play any game, recreational, sporting or play activity in any cemetery.
4. The Town is responsible for the complete care and maintenance of all designated roads, lanes or walkways in and around the cemetery.
5. No person shall damage any tree, shrub or plant growing in a cemetery, or write upon, mark, scratch or deface any monument, plaque, cross, building or structure within or around a cemetery.
6. All persons and funeral or other interment processions in the cemetery shall behave with proper decorum and respect, and shall not disturb the quiet and good order of the cemetery. The Town may remove any person not complying from the grounds of the cemetery.
7. The use of alcohol or dugs on the cemetery ground is strictly prohibited.
8. No owner of an animal shall permit such animal anywhere in a cemetery other than on a designated road, lane or walkway. The animal shall be on a leash which is not longer than six (6) feet and which is held at all times by a person able to control the animal. The exception is animals used by visually impaired individuals as guide dogs.

SECTION 8 - ENFORCEMENT

1. Every person who violates any provision of this bylaw is guilty of an offence and is liable to a fine not exceeding Five Hundred Dollars (\$500.00) or to imprisonment for a term not exceeding six (6) months, or to both fine and imprisonment as set out in the Summary Convictions Act of the Yukon.

READ a FIRST and Second time this 7th day of September, 2010.
READ a THIRD time and finally passed this 19th day of October, 2010


R. Durocher - Mayor


T. Close - Clerk

By-Law 00-12

APPENDIX "A"

SCHEDULE OF CEMETERY FEES

- | | | | |
|----|-----|---|--------------|
| 1. | (1) | Purchase of a burial plot and perpetual care: | |
| | | a) for casket | \$400.00 |
| | | b) for urn | \$200.00 |
| 2. | (1) | Interment of casket: | |
| | | a) during normal business hours | \$285.00 |
| | | b) after normal hours | Actual cost |
| | (2) | Interment of urn: | |
| | | a) during normal business hours | \$135.00 |
| | | b) after normal business hours | Actual cost |
| 3. | (1) | Funeral service - Recreation Centre | |
| | | a) Main Hall without kitchen | \$275.00/day |
| | | b) Main Hall with kitchen | \$300.00/day |