

VILLAGE OF MAYO

By-law #55

A By-law to establish and provide for the regulation of cemeteries plus the collection of cemetery fees.  
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WHEREAS Section 285 of the Municipal Act provides that Council may lay out, develop, improve, regulate, maintain and operate cemeteries; and

WHEREAS Section 228 of the Municipal Act provides that Council may by bylaw establish and collect fees;

NOW THEREFORE the Council of the Municipality of the Village of Mayo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SECTION 1 — SHORT TITLE

1. This bylaw may be cited as the Cemeteries Bylaw.

SECTION 2 — DEFINITIONS

1. In this bylaw,

- (a) "attendant" means the attendant in the cemetery and, unless the context otherwise implies, any person authorized to carry out his/her duties.
- (b) "cemetery" means those areas of land outside the municipal boundaries of the Village that are set aside for the burial of human bodies or ashes, as described in Appendix "A" to this bylaw.
- (c) "Council" means the duly elected Council of the Village of Mayo.
- (d) "holiday" means a statutory or declared holiday as well as any day designated by bylaw which the Village is party to.
- (e) "immediate family" is defined as spouse, mother, father, sister, brother, son, daughter, grandparents, and may also include common-law relationships.
- (f) "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.
- (g) "Manager" means the Manager of the Village of Mayo.
- (h) "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.
- (i) "monument" means a memorial of stone or other material which projects above the level of surrounding ground.

- (j) "plot" means a piece of ground used as a grave.
- (k) "Village" means the municipality of the Village of Mayo.

SECTION 3 PUBLIC ACCESS

1. Cemeteries shall be open to public access from 8:00 a.m. until 8:00 p.m.
2. No person shall enter or remain in a cemetery between the hours of 8:00 p.m. and 8:00 a.m. without the permission of the Manager of the Village of Mayo or his/her designate.
3. 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.

SECTION 4 ADMINISTRATION

1. The cemeteries of the Village shall be under the general supervision and control of the Manager.
2. The records, plans, documents and instruments relating to the cemeteries shall be under the supervision, charge and control of the Manager or his/her designate.
3. The Manager of the Village of Mayo shall:
  - (a) designate the size of plots;
  - (b) on application and payment of fees, make all sales of plots;
  - (c) on application and payment of fees, make all reservations of plots;
  - (d) on application by the holder, make all cancellations of reserved plots and then refund the fees paid therefor;
  - (e) on application and payment of fees, issue interment permits;
  - (f) keep books or records of the name, plot location, and date of all persons buried in a cemetery, and such other books or records as he/she may deem necessary from time to time; and
  - (g) ensure that documentation required for statistical purposes is sent to the Village Clerk's office for retention.

SECTION 5 PLOTS

1. A grave in a cemetery shall be dug to a minimum depth of:
  - (a) six (6) feet for the body of a person;
  - (b) three (3) feet for the interment of ashes; or
  - (c) ten (10) feet for the first body in a double tier burial.
2. Ashes may be interred in a plot which:
  - (a) contains the body or ashes of a member of the deceased's immediate family; or

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- (b) when sold was designated by the purchaser to be used for the interment of the ashes of specified individuals in addition to the body or ashes of the person for whom the first plot was purchased.
3. No body or ashes shall be interred in a cemetery unless it be that of a human for which an interment permit has been issued pursuant to this bylaw.
  4. No body or ashes shall be interred in a cemetery except by employees of the Village.
  5. Except as otherwise provided in this bylaw, no body shall be interred within twenty-four (24) hours after the issuance of an interment permit.
  6. Only the Medical Health Officer may order the immediate interment of a body.
  7. Interments shall take place between the hours of 8:00 a.m. and 5:00 p.m. on a regular work day as designated in the conditions of employment bylaw.
  8. Two (2) bodies may be interred in a plot, in separate caskets and with two (2) feet of soil between the top and bottom casket.
  9. On application and payment of fees, a body buried in a cemetery may, with the written permission of the Manager, be disinterred and reinterred, subject to the terms of the Burial Sites Ordinance Act.
  10. Double tier burial will only be allowed by prior written request or at the request of the immediate family of the deceased.

SECTION 6 MEMORIALS

1. A memorial shall be made of granite, marble or other suitable material commonly used for the purpose.
2. A memorial shall not be installed except with the approval of the Manager, and after notification has been given to the immediate family.
3. A memorial shall be installed on a base provided by the Village or a base approved by the Manager.
4. The dimensions of a memorial as illustrated in Appendix "D" shall not exceed twenty centimetres (20cm) in height, seventy-five centimetres (75cm) in width, and thirty centimetres (30cm) in depth unless prior approval has been obtained from the Manager.
5. An organization or group wishing to construct a specific memorial for their organization shall submit detailed design drawings of the memorial to the Manager for approval.

SECTION 7 GENERAL PROVISIONS

1. All applications for all acts contemplated in this bylaw shall be made in the forms prescribed and attached as Appendix "B" to this bylaw.

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2. The fees payable for all acts contemplated in this bylaw shall be in the amounts prescribed and attached as Appendix "C" to this bylaw.
3. The Village shall provide care and maintenance for all cemetery land governed by this bylaw.
4. If a grave site is required to be prepared, a minimum of two (2) working days notice shall be given to the Village prior to the time set for the burial. A working day shall mean those days from Monday to Friday inclusive, but shall not include a holiday.
5. No person shall at any time, except as specified in Section 3, Clause 3, take into a cemetery a motorcycle, snow machine or all-terrain vehicle.
6. 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.
7. No person shall play any game, recreational, sporting or play activity in any cemetery.
8. The Manager shall have full authority, after consultation with Council, to remove any unsightly works, adornments, stand, holder, vase or plants, artificial or otherwise, which is deemed to be unsuitable for such purposes or unsightly in appearance.
9. No person shall damage any tree, shrub or plant growing in a cemetery, nor pick or destroy any flower growing therein, or write upon, mark or scratch or deface any tablet, memorial, plaque, cross, building or structure within or around a cemetery.

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.