

BYLAW 02-2019

Short Title

This Bylaw may be cited as the **"Cemetery Bylaw"**.

A BYLAW OF THE TOWN OF FORT QU'APPELLE FOR THE PURPOSE OF MAINTANENCE AND CONTROL OF THE CEMETARY KNOW AS LAKEVIEW CEMETARY LOCATED WITHIN THE TOWN OF FORT QU'APPELLE.

WHEREAS it is desirable to provide for and maintain a cemetery within the Town;

WHEREAS Bylaw #323 known as the Cemetery Bylaw no longer meets the Town's requirements;

NOW, THEREFORE, Council of the **TOWN OF FORT QU'APPELLE** in the Province of Saskatchewan enacts as follows;

1. DEFINITIONS

- (a) **"Administrator"** shall mean the Chief Administrative Officer for the Town of Fort Qu'Appelle.
- (b) **"Base"** shall mean the bottom part or lower portion of a monument.
- (c) **"Block"** shall mean a subdivision of land which is subdivided into plots.
- (d) **"Cemetery"** shall mean the area of land owned by the Town of Fort Qu'Appelle known as Lakeview Cemetery located on SE ¼ 6-21-13W2nd Block 12 Lots B & C Plan 91R53345.
- (e) **"Columbarium"** shall mean a room, building or structure with niches for funeral urns to be stored.
- (f) **"Council"** shall mean the Council of the Town of Fort Qu'Appelle.
- (g) **"Garden"** shall mean a major subdivision of land in that portion of the cemetery owned under title 91R53345.
- (h) **"Licensee"** shall mean a person who purchases a lot in the cemetery.
- (i) **"Lot"** shall mean a subdivision of lot in the cemetery measuring 4.8 meters by 6 meters.
- (j) **"Manager"** shall mean the Operations Manager.
- (k) **"Marker"** shall mean a memorial that is installed with its upper surface flush or level with the ground.
- (l) **"Monument"** shall mean a memorial or tombstone which shall extend above the surface of the ground.
- (m) **"Perpetual Care"** shall mean the basic maintenance of all lots and shall include leveling of the ground, seeding and cutting of grass as required, but shall not include the maintenance, repair or replacement of monuments and markers.
- (n) **"Plot"** shall mean a subdivision of a plot in the cemetery measuring 1.2 meters X 3 meters which shall contain one regular grave or two cremation graves.
- (o) **"Town"** shall mean The Town of Fort Qu'Appelle.
- (p) **"Urn"** a receptacle used for the encasement of human cremated remains.

2. GENERAL REGULATIONS

- (a) Fences, borders, railings, curbs, copings, trellises, walls, hedges or grave coverings of any kind in/ on or around a lot are prohibited.
- (b) The administrator may cause the removal of any such structure erected previous to the passing of this bylaw if by any reason of neglect or age it becomes in a state of disrepair and the licensee or family thereof, neglects or refuses to repair or remove same after a notice has been forwarded to him or her at their last known address.
- (c) The hours of burial in the Cemetery shall be from 8:30 AM until 4 PM daily except Saturdays, Sundays, Public and Statutory Holidays, on which special arrangements will be required. Burials held later than 4:00PM or on Saturdays, Sundays Public and Statutory Holidays shall be assessed a fee for service.
- (d) The Cemetery will be closed to the public after sunset and before sunrise of each day.
- (e) During a burial service, all work in the Cemetery shall be discontinued.
- (f) No grave for the burial of an adult shall be less than six (6) feet in depth from the surface of the ground surrounding the site. And no more than one interment per grave shall be allowed, except however, a maximum of two ash remains may also be interred. Cremation remains will be buried under the monument if the interment of the remains is to take place first. Three ash remains may be interred with no interred body in the following order: head, middle, and foot.
- (g) No interment of remains or cremains is permitted except within the plot acquired by the licensee for that plot.
- (h) Cremains shall be buried no less than two (2) feet in depth from the surface of the surrounding ground.
- (i) No interment of two or more bodies shall be made in one grave, except in the case of a parent and child concurrently or two infants buried concurrently in one casket, subject to applicable legislation. No interment of more than three cremations shall be made in one grave.
- (j) The Town of Fort Qu'Appelle or any official thereof shall not be held responsible for any mistakes resulting from lack of precise instructions regarding the grave space where an interment is to be, or has been made.
- (k) Forty eight (48) hours' notice, including one business day, exclusive of Saturday, Sunday Public and Statutory Holidays must be given to the Town before an interment or disinterment takes place. No application or notice shall be received on a Saturday, Sunday, Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.
- (l) Funeral directors must have all documents for interments signed and the proof of payment, prior to any work being undertaken at the Cemetery.
- (m) Employees working at the Cemetery are not permitted to do any work for a lot owner except upon order of the Manager. Employees shall be civil, respectful and courteous of all visitors.

- (n) All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner.
- (o) All persons entering the Cemetery do so at their own risk and are responsible for any injury or loss, whether to person or property. The Town of Fort Qu'Appelle and its employees and agents shall not be held responsible for any such loss or injury, including loss or damage of monuments or markers when damage is done by a third party.
- (p) All persons are prohibited from removing flowers, wild or cultivated, breaking or injuring trees, shrubs, or plants, writing upon, defacing any property, monument or markers within the Cemetery grounds.
- (q) Vehicles in the Cemetery shall travel only on roadways provided for that purpose and shall not travel at a speed greater than 15 kilometres per hour (15k.p.h.)
- (r) Permanent structures of any kind other than monuments within the limits of the Cemetery are prohibited.
- (s) No A.T.V.'s or Snowmobiles shall be allowed within the limits of the Cemetery.

3. PLOT PURCHASES

- (a) The purchaser of a lot shall have the right to use the grave for no other reason than for the burial of the human dead in accordance with the provisions of this bylaw and any amendments or regulations passed from time to time and shall acquire no other rights whatsoever.
- (b) The fee for the said lots shall be as set out in Schedule "A" hereto attached.
- (c) Cemetery lots shall not be resold or transferred by the licensee but if not required by the licensee shall be transferred back to the town.
- (d) The town will take all reasonable precautions to protect the licensee and the property rights of the licensee within the Cemetery from loss or damage; but the Town distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, including but not restricted to damage caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority whether the damage is direct or indirect other than as herein provided.
- (e) It is the duty of the licensee to notify the Town of any change in his/her postal address.

4. INTERMENT AND DISINTERMENT

- (a) No interment shall be made in the Cemetery until the provisions of the Public Act and The Vital Statistics Act of the Province of Saskatchewan and this bylaw have been complied with.

- (b) Before an interment is made in any grave or columbarium niche, an application shall be made to the Administrator to purchase said plot.
- (c) No person shall be buried in any plot or placed in a columbarium niche unless such person is the owner of the burial rights of the lot or has received consent from the owner or agent of the owner.
- (d)
 - i) Subject to Subsection 2(i), no interment of two or more bodies shall be made in one plot except in the case of a parent and child or two infants in one casket or two cremation urns.
 - ii) Cremated remains may be interred in the same plot with another body or other cremated remains after receiving authorization from the Administrator.
 - iii) The Administrator shall, prior to issuing authorization under Subsection 2(i), obtain the consent of the licensee or the agent of the licensee.
- (e) No more than two sets of remains shall be permitted in a niche of the columbarium.
- (f)
 - i) Subject to Subsection 2, no person other than a Provincial licensed funeral director shall have charge of the interment of any licensee.
 - ii) Cremated remains may be interred by persons other than licenced funeral directors. Persons digging or preparing a grave for the interment of cremated remains shall use a tarp to place any dirt or material thereon and any surplus dirt shall be placed in a designated area.
- (g) Notice that an interment is to take place shall be given to the Town at least 48 hours before the interment is to take place.
- (h)
 - i) No person shall disinter or remove a body from any plot or remains from a columbarium niche, without first producing a written order from the licensee of such lot, his (or her) heirs, executors or assigns and a permit had been obtained from the Minister of Public Health for the Province of Saskatchewan.
 - ii) Disinterment shall take place only under the direction of a funeral director after receiving authorization from the Administrator.

5. CARE OF GRAVES

- (a) The council shall assume the general care of the entire Cemetery.
- (b) The Manager shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as in the judgement of the Administrator, they become unsightly, dangerous, detrimental or diseased.
- (c) No person may plant any tree, shrub, or flower in any place or part of the Cemetery other than the designated garden without first having been given authorization by the Administrator.
- (d) The Parks and Recreation Department shall have the general care of the entire Cemetery. the Licensee of the graves shall observe all rules and regulations passed from time to time by council for keeping the graves in order.

- (e) No permanent structure or material shall be constructed, placed or planted in or around any plot other than for the purpose of operating the Cemetary as authorized by the manager.
- (f) The town of Fort Qu'Appelle shall remove any permanent structure or material erected before the amending of this bylaw, when it reaches a state of disrepair as determined by the manager. An attempt to notify the licensee will be issued before such items are removed.
- (g) The Cemetary employees shall have the authority to remove all floral designs, weeds, tree, shrubs or plants of any kind from the Cemetary as soon as, in the judgement of the manager, they become unsightly, dangerous, detrimental or diseased.

6. MONUMENTS AND MARKERS

- (a) Each monument shall lay on a concrete foundation and must be at least 8 centimeters from the edge of the lot or plot.
- (b) The base shall not exceed more than 100 centimeters in length and 45 centimeters in width.
- (c) Where cremated remains have been interred in a lot or plot already containing one or two graves as the case may be, no further monuments may be erected.
 - i) Not withstand Subsection 1, a marker may be installed on a lot where the cremated remains are installed.
 - ii) The dimensions of a marked shall not exceed 45 centimeters by 60 centimeters.
 - iii) Markers may be installed with or without a foundation, however, they are not to project more than 2 centimeters above the surface of the ground.
- (d) The Administrator shall from time to time report to the Council and the licensee on the condition of any monument or marker which is in disrepair and it shall be the duty of the owner of such monument or marker to repair the same, without delay to the satisfaction of the council.
- (e) If a second internment is placed within an existing plot, the marker must be of a type that is installed level with surface of the grave site. A second monument shall not be approved.
- (f) Whenever any owner of a monument or marker neglects to make the required repairs or alterations, after being given notice by the Operations Manager; if by all reasonable means of contacting the owner have been unsuccessful, the Operations Manager shall allow a period of 30 days to elapse after which time, he/she shall have the power to remove such monument or marker and charge the cost thereof to the licensee which may be recovered as a debt by the licensee to the Town.
- (g) Outside workmen or contractors installing monuments or markers shall leave the Cemetary in a neat and tidy condition removing all excess dirt and material.

7. FLORAL ARRANGEMENTS/STATUES/GIFTS/BENCHES

- (a) Cut flowers, including artificial flowers, and/or fraternal emblems shall be permitted, provided the flower container and/or emblem is permanently secured to the base or marker.
- (b) Fresh Cut flowers may be placed at the base of the columbarium, wilted arrangements will be removed by Cemetery staff, or after a period of ten (10) days, whichever is sooner. Other articles may not be placed at the base of the columbarium and will be removed by Town employees.
- (c) Cemetery employees will remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which is deemed unsuitable for such purpose, unsightly, or is not physically attached to the monument, base or marker.
- (d) No grave or plot shall be decorated by its owner or owners or others interested therein with any trees, shrubs, or plants. This shall not be deemed to prohibit the placing of cut flowers upon grave, as per section #1 above.
- (e) Cemetery staff shall remove from any grave any funereal design of floral piece which becomes wilted, or after a period of ten (10) days, whichever is sooner, or any other article or thing which is, in his/her opinion, unsightly.
- (f) All flower arrangements as described as above in sections 1,2 and 3 shall be removed no later than October 21st of each year.
- (g) Gifts, statues and pictures are only permitted if they are attached to the marker or monument. Gifts, statues and pictures left unattached will be removed by Cemetery staff.
- (h) The placement of benches on the Cemetery property is strictly prohibited. The manager will attempt to contact the person or persons a bench belongs before removal from the Cemetery.

8. BORDERS, FENCES AND HEDGES

- (a) Any border, fence, railing, trellis, hedge or any other objects or structures that are in violation of the amended bylaw will be removed when it reaches a state of disrepair. All reasonable attempts to contact the licensee will be made by the manager before such item is removed.
- (b) Trees, shrubs and hedges may only be planted in designated areas. These areas and what type of planting can take place is at the discretion of the manager.

9. **Columbarium**

The fee for said niches in columbarium shall be as set out in Schedule "A" hereto attached.

Interments:

- (a) All placement of cremated remains shall be performed by a licenced Funeral director.
- (b) All documents for interments must be signed and proof of payment provided, prior to placement.
- (c) No more than two (2) urns will be allowed in one niche space. The columbarium space is 12" x 12" x 13" consideration in urn selection must be given to allow for the placement of both urns.
- (d) Urns must be of an approved permanent material e.g. Bronze, Copper, Steel, Marble, Plastic or Glass.
- (e) Urns made of wood are not permitted.

- 1. Bylaw #323, #333, and #334, #373 is hereby repealed.
- 2. THIS BYLAW shall come into force and take effect upon third and final reading.

Read a first time this 28th day of March, 2019.

Read a second time this _____ day of _____ 2019.

Read a third time this _____ day of _____ 2019.

Mayor

Chief Administrative Officer

Certified a true copy of Bylaw NO. 02-2019 adopted by a
resolution of council on the _____ day of _____ 2019.

Chief Administrative Officer

Cemetery Rates Schedule Schedule A

	Current Pricing	Proposed Pricing
Single Lots/Cremation	\$ 325.00	\$425 -resident \$650-non-resident
Open/Close Burial at all times	\$ 300.00	\$ 400.00
Open/Close Cremation	\$ 70.00	\$ 250.00
Collumbarium	\$ 1,800.00	\$ 1,800.00
Engraving currently at buyers expense	Yes	Yes
Open/Close Collumbarium 2nd urn	No cost	\$ 100.00