

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 CEMETERY KNOWN AS LAKEVIEW CEMETERY 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) “**cremated human remains**” means human bone fragments that remain after cremation;
- (h) “**Full Burial**” shall mean burial in a plot by means of a casket.
- (i) “**Garden**” shall mean a major subdivision of land in that portion of the cemetery owned under title 91R53345.
- (j) “**Interment**” means:
 - (i) the burial of human remains or cremated human remains in a cemetery;
 - (ii) the inurnment of cremated human remains in a columbarium
- (k) “**Licensee**” shall mean a person who purchases a lot in the cemetery.
- (l) “**Lot**” shall mean a subdivision of lot in the cemetery measuring 4.8 meters by 6 meters.
- (m) “**Manager**” shall mean the Operations Manager.
- (n) “**Marker**” shall mean a memorial that is installed with its upper surface flush or level with the ground.
- (o) “**Monument**” shall mean a memorial or tombstone which shall extend above the surface of the ground.
- (p) “**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.
- (q) “**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 three cremation graves.
- (r) “**Town**” shall mean The Town of Fort Qu'Appelle.
- (s) “**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 regular hours of burial in the Cemetery shall be Monday to Friday 8:30 AM to 4:00 PM. Prior arrangement will be required for burials on Saturday, Sunday, and Statutory Holidays for which additional fees will apply.
- (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) Human remains are to be interred so that the top of the outer burial container is at least 76 centimetres or 2.5 feet below the surface of the ground. Burial plot combinations may consist of the following:
 - 1. A casket and two cremation remains buried above the casket, located one at the head and one at the foot of plot.
 - 2. Three (3) cremation remains – 1st burial at the Head of the plot, 2nd buried at the middle, and the 3rd buried at the foot of the plot.
- (g) No interment is permitted except within the plot acquired by the licensee for that plot.
- (h) Cremated Human Remains shall be buried no less than two (2) feet in depth from the surface of the surrounding ground.
- (i) 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.
- (j) 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.
- (k) Funeral directors must have all documents for interments signed and the proof of payment, prior to any work being undertaken at the Cemetery.
- (l) 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.
- (m) All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner.
- (n) 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.

- (o) 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.
- (p) 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.)
- (q) No A.T.V.'s or Snowmobiles shall be allowed within the limits of the Cemetery.

3. PLOT PURCHASES

- (a) The purchaser of a plot shall have the right to use the grave for no other reason than for the burial of the human remains 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 plots shall be as set out in Schedule "A" hereto attached.
- (c) Cemetery plots shall not be resold or transferred by the licensee but if not required by the licensee shall be sold to the Town for the original purchase price..
- (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 contact information.

4. INTERNMENT AND DISINTERNMENT

- (a) No internment 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 internment is made in any plot or columbarium niche, an application shall be made to the Administrator to purchase to purchase or verify plot.
- (c)
 - 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 internment 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.

- (d) 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 has 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 Manager shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental or diseased.
- (b) No person may plant any tree, shrub, or flower in any place or part of the Cemetery other than in the designated garden without first having been given authorization by the Manager.
- (c) The Parks and Recreation Department shall have the general care of the entire Cemetery. The Licensee of the plot shall observe all rules and regulations passed from time to time by Council for keeping the plot in order.
- (d) No permanent structure or material shall be constructed, placed or planted in or around any plot other than for the purpose of operating the Cemetery as authorized by the Manager.
- (e) 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.

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 of the monument shall not exceed 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) The dimensions of a marker shall not exceed 45 centimeters by 60 centimeters;
 - ii) 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 Manager 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 interment is placed within an existing plot, the marker must be of a type that is installed level with surface of the plot. 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 30 days written notice by the administrator, and with the approval of Council, the Manager shall 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 Cemetery 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 however wilted arrangements will be removed by staff, or after a period of ten (10) days, whichever is sooner. Other articles placed at the base of the columbarium will be removed by Town employees.
- (c) Town 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) Gifts, statues and pictures are only permitted if they are attached to the marker or monument, and left unattached will be removed by Town employees.

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.

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.
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- 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 25th day of APRIL 2019.

Read a third time this 25th day of APRIL 2019.

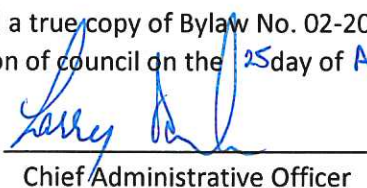


Mayor



Chief Administrative Officer

Certified a true copy of Bylaw No. 02-2019 adopted by a resolution of council on the 25 day of April 2019.



Chief Administrative Officer

