

Cemetery Bylaw

5-2019

A Bylaw for the Town of Southey in the Province of Saskatchewan to provide for, regulate, and control the Town of Southey Cemetery.

The Council in the Town of Southey in the Province of Saskatchewan enacts as follows:

1.1 In this Bylaw:

- a. **Administrator**- The person appointed as Administrator pursuant to Section 111 of *The Municipalities Act*.
- b. **Cemetery**- That part of the North East-07-23-18-2 Land location located in the RM of Cupar No. 218.
- c. **Council**- Mayor and Councilors of the Town elected pursuant to the provisions of the *Local Government Election Act, 2015*.
- d. **Flat Marker**- A type of monument set flush with the ground with a flat and level surface upon which an inscription may be made or a bronze plaque affixed.
- e. **Grave**- A place of burial for a dead body, typically a hole dug in the ground and marked by a monument.
- f. **Immediate Family Members**- A person's spouse, parents, and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brother-in-law and sister-in-law, daughter-in-law and son-in-law, as well as adopted, half and step members.
- g. **Indigent Person**- A person so poor and needy that they cannot provide the necessities of life (food, clothing, decent shelter) for themselves.
- h. **Interment**- The burial of human remains or cremated human remains in the Cemetery.
- i. **Interment Rights**- The right to use a plot for the purpose of the interment of human remains or cremated human remains.
- j. **Licensed Funeral Director**- A person who supervises or conducts the preparation of the dead for burial and directs or arranges funerals.
- k. **Monument**- A memorial structure set upon a concrete footing or foundation, which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration and made of granite, marble, bronze or other approved material.
- l. **Normal Cemetery Business Hours**- Weekdays from 8:30 a.m. to 4:00 p.m. excluding statutory holidays.
- m. **Normal Cemetery Visiting Hours**- 6:00 a.m. to 10:00 p.m. each and every day of the year.
- n. **Owner**- A person, a person's heirs, executors or administrators who purchase a plot in the Cemetery.
- o. **Perpetual Care**- The leveling of the ground of each lot, seeding, watering, and cutting the grass as required and generally keeping the Cemetery in good order and repair. Notwithstanding the foregoing, it shall not include maintenance, repair or replacement of markers, tombstones, monuments or other like structure except as specifically provided by this Bylaw.
- p. **Plot**- A space for a single grave in the Cemetery.
- q. **Summer**- The period of time from May 1 to October 31 of each calendar year.
- r. **Town**- The Town of Southey, its employee or employees whose employment requires them to undertake certain works under this Bylaw.
- s. **Winter**- The period of time from November 1 to April 30 of each calendar year.

2. CEMETERY PLOTS

- 2.1 Cemetery plots may be chosen from the area which has been currently selected from plots not specifically reserved. The price of each plot, which is four (4) feet by nine (9) feet, shall be fixed by Council as per Schedule "A" of this Bylaw.
- 2.2 A maximum of four plots may be purchased at any one time under one reservation.
- 2.3 Cemetery plots may not be reserved unless fully paid for (except for veteran plots). Receipts for plot purchases will be deposited into a general cemetery revenue account.

- 2.4 Whenever human remains are removed from a plot; the plot shall revert to the Town.
- 2.5 If a plot is deemed to be abandoned, the Administrator shall follow Section 52 of *The Cemeteries Act, 1999*, steps including:
- a. Contacting the Financial and Consumer Affairs Authority (FCAA) of Saskatchewan with the list of affected plots and reason for request.
 - b. Make an effort to contact the plot owners and disclose the effort to FCAA
 - c. Post in the newspaper and other public media a declaration that interment rights in cemetery plots have been abandoned.
 - d. Confirm with FCAA that no burials have occurred in the affected plots.
 - e. Replace or substitute a plot at no cost to the original plot should they come forward.

3. VETERAN'S SECTION

- 3.1 In the designated veteran's section of the Cemetery, there shall be a no charge for a plot for any veterans, or a spouse of a veteran, wishing to be interred in that section. Plots for immediate family members of veterans (other than a spouse) will be charged at the regular price.
- 3.2 For an immediate family member to be buried in the veteran's section, the plot must first have been purchased by a veteran.
- 3.3 The cost of interment in the veteran's section of the Cemetery will remain the same as the regular section of the Cemetery for veterans, spouses and family members.
- 3.4 Veteran's Markers shall be installed as per Veteran Affairs Canada Standards.

4. ADMINISTRATION

- 4.1 The Administrator shall keep an accurate record setting forth the name, location and date of burial of the deceased person.
- 4.2 All records, maps, registers, etc. necessary in the administration of the Cemetery shall be maintained in the Town Office and shall be open to public inspection during regular office hours.

5. INTERMENT

- 5.1 No person shall bury any dead body in the Cemetery until such person has complied with the provisions of the Public Health Act and the Vital Statistics Act of the Province of Saskatchewan, and any regulations issued thereunder, and shall also have complied with the provisions of this Bylaw.
- 5.2 No interment of more than one full burial and two cremated remains, or three cremated remains only, shall be made in any one plot.
- 5.3 Notwithstanding Section 5.2, the Administrator may in their discretion on written requires, increase the number of interments permitted in one plot, having regard to such consideration as the circumstances surrounding the death, the relationship with the deceased, continuity of monuments and landscaping, and any other relevant factor under the circumstances.
- 5.4 All opening and closing of graves, whether full burial or cremation, shall be completed by the Town Public Works, or a contractor of the Town's choosing.
- 5.5 The price of opening and closing graves, whether full burial or cremation, including digging, stockpiling, removing, and backfilling dirt shall be fixed by Council as per

Schedule "A" of this Bylaw, and can vary pending season and plot location. This includes regular and veteran graves.

- 5.6 Individuals or companies providing services of opening or closing graves, other than the Town Public Works, must be registered for a Town Business license before proceeding with work.
- 5.7 All costs associated with snow removal by the Town Public Works in preparation for an interment will be at the expense of the person(s) requesting the burial, as per Schedule "A" of this Bylaw.
- 5.8 No grave shall be less than six (6) feet depth and cremated remains no less than two (2) feet in depth from the surface of the ground.
- 5.9 No person other than a Licensed Funeral Director shall have charge of the interment or disinterment of the body.
- 5.10 No grave shall be used for any purpose other than for the burial of the human dead.
- 5.11 Notice that an interment is to take place shall be given to the Administrator at least forty-eight (48) hours in the summer and seventy-two (72) hours in the winter, before interment is required. This provision shall not apply to where burial is ordered immediately according to Provincial or Federal regulations.
- 5.12 Following the opening and closing of a burial plot, all surrounding sites must be returned to the condition they were prior to the burial. This will include the clean-up of topsoil, clay and the raking of grass around the burial site and surrounding area.
- 5.13 Immediately following interment, weather permitting, gravesites must be backfilled.
- 5.14 The Town shall not be held responsible for any mistakes resulting from lack of precise or proper instructions regarding the grave space where an interment is to be or has been made.
- 5.15 An Application for Cemetery Interment as seen in Form "A" of this Bylaw, must be filled out before interment of human remains or cremated human remains takes place at the Cemetery and the applicant will be given a Form "B" the Cemetery Permit in return.

6. INTERMENT OF INDIGENT PERSONS

- 6.1 The Administrator shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the Town is instructed to provide interment rights free of charge pursuant of Section 50 of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.
- 6.2 The interment of indigent persons shall occur in single plots, the location of which shall be within the sole discretion of the Administrator.

7. DISINTERMENTS

- 7.1 As per Regulations 36 of *The Cemeteries Act, 1999*, the disinterment of human remains shall be permitted only by the order of the Chief Coroner as appointed by *The Coroners Act, 1999*, or upon issuance of a disinterment permit from the Minister of Health or his/her designate issued pursuant to an application under Regulations 30 of *The Public Health Act, 1994* and payment of required fees as set out in Schedule "A" of this Bylaw.
- 7.2 Subsection 7.1 does not apply to cremated remains if a body in question is to be disinterred from one location and reinterred in another location in the same cemetery, as approved by the Administrator.
- 7.3 A person making an application pursuant to Subsection 7.1 shall ensure that a Licensed Funeral Director is present during the disinterment for the handling and transportation of the human remains. Town Public Works staff will only expose to the liner or casket to be maximum depth of six (6) feet. All handling of liners, caskets, or remains, are the responsibility of the Licensed Funeral Director.

8. CEMETERY MAINTENANCE

- 8.1 The Cemetery shall be maintained by the Town Public Works.
- 8.2 Council may, at its discretion and if so needed, hire a caretaker for the Cemetery whose duties and remuneration will be set out in terms of the contract to be negotiated with the caretaker.
- 8.3 All trees and shrubs in the Cemetery shall be the property of the Town.
- 8.4 All persons are prohibited from picking flowers, either wild or cultivated, or break, trim, injure or destroy any tree, shrub, or plant on the Cemetery grounds.
- 8.5 No person shall write upon, deface, or injure in any way, any monuments or other structure in or belonging to the Cemetery.
- 8.6 No person shall define any grave or plot by a border, fence, railing, trellis, coping, edge, curbing, or any other marking. Any such borders, if deemed a nuisance, will be removed by the Town.
- 8.7 No person shall place arbours, trellises, trees, shrubs, artificial flower boxes, decorative rocks, or other objects in any place or part of the Cemetery. Permanent vases attached to monuments are acceptable.
- 8.8 Artificial flowers, flowers, ornaments, or remembrance markers may only be left in containers on the base of monuments. Live flowers will be removed, at the Town's discretion, after a period of ten (10) days or when the flowers have wilted, whichever happens first.
- 8.9 The Town shall have the authority to remove all floral designs, flowers, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the Town, they become unsightly, dangerous, detrimental, or diseased.
- 8.10 The Town shall take all reasonable precautions to protect the property rights of owners within the Cemetery, including plots and monuments, from loss or damage, but the Town distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, acts of God, thieves, vandals, and accidents.

9. MONUMENTS

- 9.1 No monuments or markers for the purpose of designating graves, shall be installed in the Cemetery until the Town Public Works has marked the Centre of each grave location where the monument is to be installed.
- 9.2 All monuments shall be of granite, marble, or bronze. Other materials requested for monuments are subject to prior approval by the Administrator.
- 9.3 Only one monument per plot shall be placed at the head of the plot (facing east) in alignment with adjacent monuments, and only one monument per lot shall be placed at the foot of the place (facing west) in alignment with adjacent monuments. Considerations for the direction of headstones and footstones shall be given based on what currently exists in the Cemetery.
- 9.4 Monuments shall not be placed in front of existing monuments. If a second marker is required on a grave, only a flat marker will be permitted directing in from of the existing monument.
- 9.5 Any monument company providing services of placement of monuments must be registered for a Town business license before proceeding with work.
- 9.6 Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery will advise the Town upon arrival at the Cemetery and shall be responsible for the restoration or repair

of any damages to the Cemetery grounds or fixtures resulting from their actions. The Town will not be held responsible for any monument damages or repairs required due to improper installation.

- 9.7 Any person wishing to install a monument is responsible to determine the width of the grave or graves to be marked for determining maximum dimensions.
- 9.8 No monument shall be erected except on a concrete foundation with a minimum thickness of two (2) inches. The top of the foundation shall be level with the ground. The said foundation shall be of a dimension at least twelve (12) inches longer and twelve (12) inches wider than the base of the monument. If the monument is installed directly on the foundation, the same dimensions apply.
- 9.9 There are no size or shape requirements for monuments except that they are restricted to the boundaries of the plot or portion of the plot purchased.
- 9.10 Any monument or marker that varies in dimensions listed in Subsection 9.8 and 9.9, will be removed from the Cemetery upon written notice of contravention with the cost of removal to be charged to the offending party.
- 9.11 New grave covers of any type, description, or material shall not be permitted. Covers in a state of disrepair shall be removed permanently. At the passing of the Bylaw, all current grave covers can be removed at the discretion of the Town Public Works. It shall be unlawful to cover gravesites with any other substance other than grass.
- 9.12 Ornaments, including flower holders or vases, crosses, and statues, may be permitted on a burial plot as long as they:
 - a. Are permanently secured to the base of the monument.
 - b. Are unbreakable
 - c. Do not exceed 14" in height
 - d. Do not project beyond a plumb line from the outside dimensions of the monument base.
- 9.13 To preserve the proper appearance of the Cemetery, the Town Public Works may remove any memorial or memorialization not permanently attached as per Subsection 9.11. Any memorial or memorialization which has been removed will be kept in storage for thirty (30) days to be claimed by the family. Unclaimed items will be disposed of.
- 9.14 Should any monument or other structure in the Cemetery fall into a state of disrepair, the Town has the discretion to remove said monument from the Cemetery.
- 9.15 The Town reserves the right to temporarily remove any monument or marker for the purpose of performing necessary maintenance work and is not responsible for any damages this temporary removal may cause.
- 9.16 Temporary markers must be placed at the grave site after interment until a permanent monument is placed.

10. GENERAL RULES

- 10.1 All vehicles shall keep to the roadways provided in the Cemetery (work vehicles exempted) and shall not exceed fifteen (15) kilometers per hour.
- 10.2 All persons within the Cemetery shall use only the roads and walkways, and no one person is permitted to walk upon or across graves, except Town Public Works employees in the course of their duties. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.
- 10.3 No motorcycles, ATV's, or snowmobiles of any kind, will be allowed in the Cemetery.
- 10.4 All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner. The Town shall have power to remove from the Cemetery any person

disturbing the quiet or good order of the Cemetery by noisy or improper conduct or language, or any person violating any of the provisions of this Bylaw. No persons performing séances or haunting tours are permitted in the Cemetery for these reasons.

- 10.5 No persons shall engage or play at ay game of sport or discharge any firearms (except at a military funeral) in the Cemetery, or unlawful disturb persons assembled for the burial of the dead, or commit a nuisance, or behave in any indecent or unseemly manner at the Cemetery.
- 10.6 No person having alcohol shall be permitted within the Cemetery, except for religious ceremony.
- 10.7 Dogs shall be leashed and cleaned up after when within the Cemetery.
- 10.8 No person shall injure any shrub or tree or pick or destroy any flower, wild or cultivated, growing in the Cemetery.
- 10.9 No person shall write upon, mark, scratch or deface any grave, marker, monument, fence, building or other structure in or around the Cemetery.
- 10.10 Any person who damages any grave, marker, monument, fence, building, or other structure in the Cemetery shall be liable to the Town for such damages, besides being guilty of a breach of this Bylaw.
- 10.11 No person shall remove or destroy, or attempt to remove or destroy, any remains put in a grave.
- 10.12 No persons shall dig or open any grave or cause any graves to be dug or opened in any place with the Town other than that now used and/or thereafter appropriated for the purpose of a Cemetery. Nor shall any person inter or deposit or cause to be interred or deposited any human remains in any grave with the Town other than as prescribed in this Bylaw.

11. PENALTIES

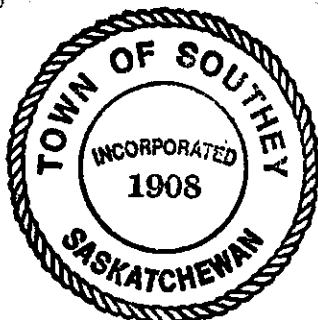
- 11.1 Any persons found guilty of an infraction of the provisions of this Bylaw shall be liable upon summary conviction to the penalties provided for in the General Penalty Bylaw.

12. SEVERABILITY

- 12.1 A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect of this Bylaw.

13. EFFECTIVE DATE OF BYLAW

- 13.1 This Bylaw shall come into force and take effect of the final date of passing by Council.



[Handwritten Signature]

 Mayor

[Handwritten Signature]

 Administrator

Certified to be a true copy of Bylaw No. 5-2019

Adopted by the Council of the Town of Southey,

on the 24 day of Sept. 2019

[Handwritten Signature]

 Administrator

Administrator

Town of Southey
Schedule "A" to Bylaw 5-2019
Cemetery Fees

Plot & Monument Fees

- | | |
|--|-----------|
| 1. Cemetery Plot & Perpetual Maintenance | \$200.00 |
| 2. Cemetery Plot for Veteran | No Charge |

Burial Opening and Closing Fees

- | | |
|---------------------------|--------------------|
| 1. Full Burial & Backfill | \$500.00-\$1000.00 |
| 2. Cremation & Backfill | \$250.00-\$350.00 |

Disinterment Fees

- | | |
|-----------------------------|---------------------|
| 1. Full Burial Disinterment | \$500.00- \$1000.00 |
| 2. Cremation Disinterment | \$250.00-\$350.00 |

Snow Clearing within Cemetery- \$300.00 flat fee

Town of Southey
Form "A" to Bylaw 5-2019
Application for Cemetery Interment

DATE: _____

NAME OF APPLICANT: _____

ADDRESS: _____ PHONE NUMBER: _____

NAME OF DECEASED: _____

CREMATION OR TRADITIONAL BURIAL: _____

LOCATION PLOT: _____

DATE OF INTERMENT: _____

APPLIANT RELATIONSHIP TO DECEASED: _____

Form "B" to Bylaw 5-2019

Cemetery Permit

NAME: _____

ADDRESS: _____ PHONE NUMBER: _____

NAME OF DECEASED: _____

LOCATION PLOT: _____

DATE OF INTERMENT: _____

Work Authorized

Yes

No

Town Administration

Date