

# TOWN OF SOUTHEY

## BYLAW NO. 2022-01

### CEMETERY BYLAW

A Bylaw to regulate and control the Southey Cemetery in the Town of Southey.

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

#### 1. SHORT TITLE

- a) This Bylaw may be cited as the “**Cemetery Bylaw**”

#### 2. DEFINITIONS

- a) **Administrator** – The person appointed as Administrator pursuant to Section 111 of The Municipalities Act;
- b) **Base** – means the bottom part or lower portion of the monument;
- c) **Cemetery** – Mean the land that is set apart for, or used as a place of, interment of the dead or which human bodies may be buried. The land location is part of the North East -07-23-18-2 Land located in the RM of Cupar No. 218;
- d) **Columbarium** – means a structure in a cemetery designed for the purpose of storing or interring cremated human remains in a sealed compartment or niche;
- e) **Council** – Mayor and Councilor of the Town of Southey elected pursuant to the provisions of the Local Government Election Act, 2015;
- f) **Cremated Human Remains** – means human bone fragments that remain after cremation;
- g) **Cremation** – means the technical process of using heat to reduce human remains to bone fragments;
- h) **Flat Marker** – A type of monument set flush with the ground with a flat level surface upon which an inscription may be made or a bronze plaque affixed;
- i) **Foundation** – means the concrete pad that supports the monument;
- j) **Grave** – means a subdivision of land for the purpose of a single burial in the Cemetery as shown on the Town Cemetery plan;
- k) **Human Remains** – means a dead human body, but does not include cremated human remains;
- l) **Interment** – means:
  - (i) the burial of human remains or cremated human remains in a cemetery, or
  - (ii) the interment of cremated human remains in a columbarium.

- m) **Interment Rights** – The right to use a plot for the purpose of the interment of human remains or cremated human remains;
- n) **Licensed Funeral Director** – A person who supervises or conducts the preparation of the dead for burial and directs or arranges funerals;
- o) **Licensee** – means a person or persons who purchase a grave or graves in the cemetery;
- p) **Marker** – means a memorial of granite or marble installed at ground level at the head of a grave;
- q) **Memorial Wall** – means the side walls of the columbarium used for the placement of the personalized plaques in memory of the deceased when ashes have been spread at another location;
- r) **Monument** – means a tombstone or memorial structure set upon concrete footing or foundation, which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration and made with granite, marble, bronze, or other approved material;
- s) **Niche** – means an individual compartment to be used for the interment of cremated human remains;
- t) **Normal Cemetery Business Hours** – weekdays from 8:00 am to 4:00 pm excluding statutory holidays;
- u) **Normal Cemetery Visiting Hours** – 6:00 am to 10:00 pm each and every day of the year;
- v) **Owner** – A person or person's heirs, executors or administrators who purchase a plot in the cemetery;
- w) **Perpetual Care** – The leveling of the ground on 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 the markers, tombstones, monuments or other like structure except as specifically provided by this bylaw;
- x) **Plot** – means an area of land designated by the Cemetery for a single grave;
- y) **Town** – the Town of Southey, its employee or employees whose employment requires them to undertake certain works under the Bylaw, including Town Public Works employees.

### 3. GENERAL RULES

- a) All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner.
- b) Persons within the Cemetery shall use only the Avenues, Roads, Walks and Alleys and no one person is permitted to walk upon or across graves, excepting Town Employees in the course of their duties. The Town of Southey expressly disclaims liability for any injuries by anyone violating this rule.
- c) Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or damaging any memorial, fence, or other structure within the cemetery grounds. Any persons

shall be liable to the Town of Southey for such damages, besides being guilty of a breach of this Bylaw.

- d) Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a speed greater than 10 kilometers per hour.
- e) No dogs, or other pets shall be allowed in the Cemetery. No motorcycles, bicycles, power snow machines of any kind, skiing of any sort, snowshoeing, and tobogganing or sports activities of any kind will be allowed at the Cemetery.
- f) The Town of Southey shall not be liable for the loss of or any damage to any monument, marker, or any part thereof or of any memorial tribute located on the Cemetery.
- g) Notwithstanding section 3, f), the Town of Southey reserves the right to temporarily remove any monument, or marker for the purpose of performing necessary maintenance work.
- h) Any notices given to any person pursuant to this Bylaw shall be deemed sufficient if in writing and mailed postpaid to the last known address of such person as entered on the cemetery records.
- i) Grave covering, fences, borders, railings, curbs, copings, trellises, walls, hedges, shrubs, and herbages of any kind are prohibited in the Southey Cemetery, except as provided in Section 9
- j) No person having alcohol shall be permitted within the Cemetery except for religious ceremony
- k) Any person who damages any grave, marker, monument, fence, building or structure in the Cemetery shall be liable to the Town of Southey for such damages, besides being guilty of a breach of this Bylaw
- l) No person shall remove or destroy, or attempt to remove or destroy any flower, wild or cultivated, growing in the Cemetery.
- m) 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 the 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 the Bylaw.

#### **4. GRAVES, PLOTS, AND NICHES**

- a) The Administration of the Town of Southey shall make all sales of graves, or plots in the Cemetery and shall receive all moneys.
- b) The Administration shall keep an accurate account of all moneys received therefrom and of all expenditures made in connection with the Cemetery, with the name and description of each grave in the Cemetery, with the name and description of the licensee thereof and of every transfer and all other ledgers necessary to keep a complete record of all business transacted by him/her in connection with the Cemetery.
- c) Cemetery Plots may be chosen from the area which had 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.

- d) Cemetery plots may not be reserved unless fully paid for (except for veteran plots) A maximum of four plots may be purchased at any one time under one reservation. Receipts for plot purchases will be deposited into a general cemetery revenue account.
- e) The fee for the purchase, opening and closing of graves and any other charges set out in Schedule "A" attached to this Bylaw. The said Schedule may be amended from time to time by a resolution of the Council.
- f) Cemetery graves and niches shall not be resold or transferred by the licensee but may be transferred back to the Town of Southey. In case of the transfer to the Town of Southey, the Town will refund to the licensee all the money paid by him/her for the grave/niche.
- g) No grave shall be used for any purpose that the burial of the human dead.
- h) The Town of Southey shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss and 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, 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.
- i) Whenever human remains are removed from a plot; the plot shall revert to the Town of Southey.
- j) If a plot is deemed to be abandoned, the Administrator shall follow Section 52 of the Cemeteries Act, 1999, steps including;
  - (i) Contacting the Financial and Consumers Affairs Authority (FCAA) of Saskatchewan with the list of effected plots and the reason for request.
  - (ii) Make an effort to contact the plot owners and disclose the effort to FCAA.
  - (iii) Post in the newspaper and other public media a declaration that interment rights in cemetery plots have been abandoned.
  - (iv) Confirm with FCAA that no burials have occurred in the affected plots.
  - (v) Replace and substitute a plot at no cost to the original plot should they come forward.

## **5. VETERAN'S SECTION**

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

## **6. ADMINISTRATION**

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

## **7. INTERMENTS, AND DISINTERMENTS**

- a) No interments shall be made in the Cemetery until compliance with the provisions of this Bylaw, the Public Health Act and Vital Statistics Act of the Province of Saskatchewan and with any regulations issued thereunder.
- b) Payment for any appropriate charges as set out in Schedule "A" to this Bylaw are due prior to any interment.
- c) Notice shall be given to the Chief Administrative Officer at least forty-eight (48) hours in the summer and seventy-two (72) hours in the winter, before the proposed time of interment. This provision as to notice shall not apply in the case of interment of a person who dies from a communicable disease.
- d) A maximum of one body and two urns of cremated human remains, or three urns of cremated human remains shall be interred in any one cemetery grave. A maximum of two urns of cremated human remains shall be interred in any one columbarium niche.
- e) Notwithstanding Section 7d, 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.
- f) No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Outer shells of wood, fiberglass or steel must be utilized for all burials.
- g) Disinterment shall only be permitted upon the production of a written permission of the Minister of Public Health issued pursuant to an application under the Public Health Act.
- h) When a plot or grave is held by a licensee, or jointly by two or more parties' authority for interment in such plot or grave or any part thereof will be accepted by the Town of Southey.
- i) No interments shall be the permitted in the Cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial, in accordance with this Bylaw.
- j) Graves shall be opened and closed and the required excavation for urns of cremated human remains shall be made only by the persons employed by the Town of Southey, unless otherwise authorized by the Publics Works Foreman or designate.
- k) By order of the Town of Southey, graves in the Cemetery shall be supplied without charge for the burial for indigent persons.

- l) Columbarium Niche Door Plaques and Memorial Wall Plaques will be supplied by the Town of Southey. Plaques other than those supplied by the Town of Southey may not be used.
- m) All opening and closing of graves, whether full burial or cremation, shall be completed by the Town Public Work's, or a contractor of the Town's choosing.
- n) 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.
- o) Individuals or companies providing services of opening or closing graves, other than the Town Public Work's, must be registered for a Town Business License before proceeding with work.
- p) All costs with the snow removal by the Town Publics 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.
- q) No person other than a Licensed Funeral Director shall have charge of the interment or disinterment of the body.
- r) Immediately following the interment, weather permitting, gravesites must be backfilled.
- s) Following the opening and closing of the burial plot, all surrounding sites must be returned to the condition they were prior to the burial. This will include the cleanup topsoil, clay and the raking of grass around the burial site and surrounding area.
- t) An application for Cemetery Interment as seen in Form "A" of this Bylaw, must be filled out before interment of human remains takes place at the Cemetery and the applicant will be given Form "B" the Cemetery Permit in return.
- u) The Town of Southey shall not be held responsible for any mistakes resulting in precise or proper instructions regarding the grave space where an interment is to be or has been made.

## **8. INTERMENT OF INDIGENT PERSONS**

- a) 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.
- b) The interment of indigent persons shall occur in single plots, the location of which shall be within the sole discretion of the Administrator.

## **9. CEMETERY/GRAVE MAINTENANCE**

- a) The Town Public Works shall undertake to maintain as may be practicable, the Cemetery grounds.
- b) 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.
- c) All trees and shrubs in the Cemetery shall be the property of the Town.

- d) There shall be no installation of grave coverings, borders, railings, curbs, walls, copings on the graves. The planting of any vegetation such as trees, shrubs, hedges, perennials or annuals, with the exception of grass, will not be permitted unless except as permitted under Section 7 e).
- e) The Town Public Works shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain the landscape features.
- f) The Town employees shall have authority to remove any floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as in their judgement, they become unsightly, dangerous, detrimental or diseased.
- g) 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.
- h) The Town of Southey 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 by the elements, acts of God, thieves, vandals, and accidents.

## **10. MONUMENTS AND MARKERS**

No Monument, marker, or object of any kind shall be placed on any grave or plot in the Cemetery except as provided for in this section:

- a) All monuments and markers shall be of granite, marble or bronze: Other materials requested for monuments are subject to prior approval by the Administrator. Monuments and Markers, even for temporary use, made of cement, artificial stone, tin or iron will not be permitted.
- b) Only one monument per plot shall be placed at the head of the plot (facing east) in alignment with the adjacent monuments.
- c) 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.
- d) Any monument company providing services of placement of monuments must be a registered for a Town Business License before proceeding with the work.
- e) 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 of Southey will not be held responsible for any monument damages and repairs required due to improper installation.
- f) 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.
- g) 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.

- h) 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
- i) Any monument or marker that varies in dimensions, listed in 10 h) and 10 i) will be removed from the cemetery upon written notice of contravention with the cost of removal to be charged to the offending party.
- j) 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.
- k) Ornaments, including flower holders or vases, crosses, statues, may be permitted on a burial plot as long as they;
  - (i) Are permanently secured to the base of the monument.
  - (ii) Are unbreakable.
  - (iii) Do not exceed 14" in height.
  - (iv) Do not project beyond a plumb line from the outside dimensions of the monument.
- l) To preserve the proper appearance of the Cemetery, the Town Public Works may remove any memorial or memorialization not permanently attached as per Subsection 10 k). 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.
- m) Should any monument or other structure in the Cemetery fall into a state of disrepair, the Town of Southey has the discretion to remove said monument from the Cemetery.
- n) The Town of Southey has 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.
- o) Temporary markers must be placed at the grave site after interment until a permanent monument is placed.

## **11. PENALTIES**

Any person who contravenes the provisions of this Bylaw or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of this Municipality.,

## **12. SEVERABILITY**



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. REPEAL OF FORMER BYLAWS**

That Bylaw No. 2021-04 is hereby repealed.

**14. EFFECTIVE DATE OF BYLAW**

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

**READINGS:**

*Read a first time this 10<sup>th</sup> day of May, 2022*

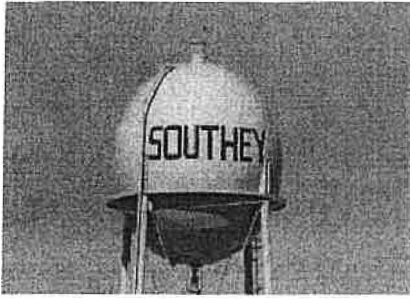
*Read a second time this 10<sup>th</sup> day of May, 2022*

*Read a third time this 10<sup>th</sup> day of May, 2022*



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer



# Town of Southey

260 Keats Street, Box 248  
Southey, SK S0G 4P0  
Phone: 306-726-2202  
Email: [tosouthey@sasktel.net](mailto:tosouthey@sasktel.net)  
Website: [www.southey.ca](http://www.southey.ca)

## Form "A" Application for Cemetery Interment

DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

DECEASED NAME: \_\_\_\_\_

INTERMENT TYPE:      Burial            Cremation     

LOCATION OF PLOT: \_\_\_\_\_      LOCATION OF NICHE: \_\_\_\_\_

INTERMENT DATE: \_\_\_\_\_

RELATIONSHIP TO DECEASED: \_\_\_\_\_

## Form "B" Cemetery Permit

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

DECEASED NAME: \_\_\_\_\_

LOCATION OF NICHE: \_\_\_\_\_      LOCATION OF PLOT: \_\_\_\_\_

DATE OF INTERMENT: \_\_\_\_\_

AUTHORIZED:      Yes            No     

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

**Schedule "A"**  
**Schedule of Cemetery Rates**

**Plot Fee**

Single Plot \$ 200.00

**Plot Open/Close Fees**

Full Burial – Plot Open/Close \$ 1,000.00

Cremation – Plot Open/Close \$ 350.00

**Columbarium**

Niche \$ 1,300.00

*(includes door plaque and installation, one open/close)*

Additional Niche Open/Close \$ 100.00

Memorial Wall Plaque \$ 250.00

**Snow Clearing within Cemetery**

Flat Fee \$ 300.00

**\*\*Work performed on weekends, holidays or after hours (after 4:00 pm) will incur additional charge.\*\***