

CEMETERY BYLAW 2019-MC-17

A BYLAW OF THE TOWN OF MAPLE CREEK TO PROVIDE FOR THE MANAGEMENT, MAINTENANCE AND CONTROL OF THE CEMETERY IN THE TOWN OF MAPLE CREEK

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

1. This bylaw shall be called the "Cemetery Bylaw."

2. **INTERPRETATION:**

In this Bylaw the words:

- a. "Town" shall mean the Town of Maple Creek and its employees.
- b. "Council" shall mean the Council of the Town of Maple Creek.
- c. "Administrator" shall mean the Administrator of the Town of Maple Creek and any person authorized by the Administrator to carry out his/her duties.
- d. "Perpetual Care" shall mean the basic maintenance of all graves and shall include leveling the ground and the seeding and cutting of grass, as required. It shall not include the maintenance, repair, replacement or removal of monuments, grave covers or grave edgings, foundations and markers.
- e. "Cemetery" shall mean the lands described as Pt. of the NE of 15-11-26-W3rd and established and set apart for the use as a public cemetery to be known as the Maple Creek Cemetery.
- f. "Columbarium" means a free-standing structure designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
- g. "Niche" means an individual unit in the Columbarium and Family Columbariums.
- h. "Monument" shall mean any structure conforming to this bylaw erected for memorial purposes. A monument shall only be permitted at the head of the grave. Definitions pertaining to Erection of Monuments are as follows:
 - i. "Base" means the lower portion of a two-piece Monument set on a foundation;
 - ii. "Die" means the upper portion of a two-piece Monument and the part of the Monument that is placed on the base;
 - iii. "Die without a base" means a Monument consisting of a single piece placed on a foundation;
 - iv. "Foundation" means a pre-cast or poured-in-place pad, usually made of concrete, set at grade, upon which a Monument is placed;
 - v. "Length" means the dimension of the Monument as measured from the left edge to the right edge, facing the Monument;
 - vi. "Width" means the dimension of the Monument as measured from the front edge to the back edge, facing the Monument; and
 - vii. "Height" means the dimension of the Monument as measured from the top to the bottom;
- i. "The Cemeteries Act" means The Cemeteries Act, 1999, S.S. 1999, Chapter C-4.01;
- j. "Cremated human remains" means human bone fragments that remain after cremation, also referred to as "cremated remains" or "cremains".

- k. “Disinterment” means the removal of human remains or cremated human remains from a grave or columbarium.
- l. “Family Columbarium” means a structure containing up to 2 niches, each of which may accommodate up to two cremated human remains, in one family columbarium specifically designed and constructed for the use of the owner;
- m. “Flat Marker” means 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. Markers may be permitted at the head or foot of the grave.
- n. “Flat Monument” means a type of Monument attached to a foundation. Flat monuments are permitted at the head of the grave only.
- o. “Grave” means a plot in a cemetery specifically designated and of sufficient size to accommodate the in-ground interment of human remains or cremated human remains;
- p. “Interment” means the placement of human remains or cremated human remains in a grave or columbarium.
- q. “Owner” means a person who has been granted the interment rights for one or more graves or niches within a cemetery owned by the Town;
- r. “Upright Monument” means a monument projecting above the ground. Set upon a foundation that shall be restricted to concrete or must be of a material that has proven longevity.
- s. “Urn” means a container into which cremated human remains are placed prior to interment or entombment;
- t. “Vault” means a structural enclosure designed to cover a casket and used to prevent sinking or slumping of graves and must be made of fiberglass.
- u. “Casket” means a rigid container designed for the encasement of a body for interment, entombment or cremation and usually constructed of wood or metal, also referred to as a coffin;

3. **SUPERVISION AND CONTROL**

- a. The Cemetery shall be under the general supervision, charge and control of the Administrator, and all books, plans, records and documents relating to the Cemetery shall be under his/her supervision, charge and control at the office of the Town of Maple Creek.
- b. The Administrator shall keep the plans of subdivision of the Cemetery and all records regarding sale of grave plots, persons interred in the Cemetery and the dates of such burials and further records as may be required by the Province of Saskatchewan and the Town of Maple Creek.
- c. The provisions and amendments of all applicable Provincial Acts and Regulations including but not limited to *The Cemeteries Act*, *The Public Health Act* and the *Disease Control Regulations* shall apply.

4. **PURCHASE OF GRAVE RIGHTS**

- a. Cemetery grave rights may be purchased at the office of the Administrator upon application and payment of the appropriate fees as set by resolution of Council from time to time. Fees shall, in all cases, include a fee for Perpetual Care.

- b. The purchaser of a grave, shall have the right to use the grave for the burial of human remains in accordance with the provisions of this bylaw, and shall acquire no other rights whatsoever.
- c. No person may purchase more than 4 graves or niches.
- d. Grave rights shall not be sold, assigned, transferred or disposed of by any person other than by written notification to the Town, by the owner or owner representative. Grave rights may also be transferred back to the Town, with full refund of purchase price given. Proof of payment may be required.
- e. The Town is authorized to recover unused graves in accordance with the provisions of the *Cemeteries Act*.
- f. In all cases, where a body is disinterred from a lot, so as to leave such lot vacant, the property shall revert to the Town, and the party paying the original fee shall be entitled to a refund of one-half the purchase price of the lot, the balance to be retained by the Town as a rental fee for the use of the property.
- g. All fees collected for Perpetual Care shall be held by the Town in a separate fund called the "Perpetual Care Fund" and shall be invested in accordance with the provisions of the *Cemeteries Act*.
- h. The Town 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 to the provisions of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.
- i. The interment of indigent persons shall occur in single plots, the location of which shall be within the sole discretion of the Town.
- j. No one may install a Monument on a plot utilized for the interment of an indigent person until the Perpetual Care fee, set out in the Cemetery Bylaw, has been paid.

5. **INTERMENTS AND DISINTERMENTS**

- a. The Administrator shall be notified in advance, during regular office hours, of any interment/disinterment as follows:
 - (i) a minimum of 72 hours in advance of any interment/disinterment; and
 - (ii) this notification excludes weekends and holidays.
- b. Interments/disinterments with less than the required notice may be approved at the discretion of the Administrator.
- c. No grave shall be used for any other purpose than for the burial of the human dead.
- d. No interments shall be made in the Cemetery until the provisions and regulations of the *Public Health Act* and *The Vital Statistics Act* of the Province of Saskatchewan, and this bylaw, have been complied with.
- e. In a single grave, two burials will be permitted provided that a minimum of thirty-six inches of soil covers the second burial.
- f. In double depth burials, the minimum requirement for each burial, shall be a fiberglass vault.
- g. Cremated human remains may be interred at the foot on the same site with another body or other cremated remains upon registering such with the office of the Administrator. Additional cremation interments will be allowed but shall be limited to 4 per single grave or 2 per cremation plot.

- h. No person shall be buried in any lot unless such person is the owner of the burial rights of the lot or has received written consent from the owner or agent of the owner, with a copy of such consent filed in the office of the Administrator.
- i. The use of a child grave shall be determined on the basis of the child being 12 years of age and younger and the casket measuring less than 120 cm (48 inches) in length.
 - 1. Additional interments of cremated remains may be permitted in a child grave provided that:
 - i) The grave was previously purchased and used for a child interment;
 - ii) The cremated remains to be interred with the child are those of a parent or sibling; and
 - iii) The total number of interments does not exceed three.
- j. The use of an infant grave shall be determined on the basis of the infant being one month of age and younger and the casket measuring less than 60 cm (24 inches) in length. No additional interments shall be permitted in an infant grave.
- k. No interments or disinterments shall be allowed in any grave until the owner, the owner's legal representative or authorized decision-maker is in possession of a burial permit or disinterment permit, and responsibility for the Cemetery charges have been confirmed. In the case of the disinterments of cremated remains, no disinterment permit is required, however, such requests shall still need to be confirmed with the Administrator.

6. **ERECTION OF MONUMENTS**

- a. The Town shall not be liable for the loss of or damage to any monument, marker or other object or planting in the cemetery and The Town reserves the right to permanently move or remove from any grave any monument or marker that is in disrepair or poses a safety concern.
- b. No person shall erect a cement base, monument, marker or plaque in the Cemetery without first obtaining a permit from the office of the Administrator and having paid the subscribed fee. A copy of the Monument Application Form is attached to these Regulations as Schedule "A".
- c. The plan of any monument, marker or plaque and full particulars regarding the material, method of construction, installation and design shall be submitted to the Administrator for approval, before any construction or installation is commenced.
- d. Only Monument work approved by an application submitted to the Town Office shall be carried out, and only during the normal office hours of operation. Any work to be carried out other than during normal scheduled hours of operation requires approval of the Administrator. The installation of flat markers and foundations for upright Monuments shall not take place until the gravesite is suitably landscaped.
- e. All foundations, monuments, or other items associated with the grave shall be confined within the boundaries of the respective lots. Construction of all monuments/markers shall be restricted to granite or marble or must be of a material that has proven longevity, withstands the elements, is of permanently lasting quality and requires no maintenance.
- f. All monuments placed at the head of the grave must be in a line designated by the Administrator.
- g. One flat marker (as defined in Section 2 (m)), will be permitted at the foot of any grave, in addition to the headstone.
- h. Flat monuments/markers (as defined in Section 6(k)) or upright monuments will be permitted on cremation graves and must be constructed as in Section 6(i).

- i. All monuments shall have, as a minimum a reinforced concrete foundation or any other material of a proven longevity, withstands the elements or is of permanently lasting quality and requires no maintenance, that is a rectangular piece of support concrete of no less than three(3) inches (10.16 cm) thickness so placed as to be level with the surrounding ground, and four (4) inches (10.16 cm) wider all around than the monument to be placed on it.
- j. For any monument to be constructed or replaced on a single grave, the concrete foundation shall not exceed a total length of forty-eight (48) inches (121.92 cm) and a width of thirty (30) inches (76.20 cm).
- k. For any monument to be constructed or replaced on companion graves the concrete foundation shall not exceed a total length of ninety-six inches (243.84 cm) and a width of thirty (30) inches (76.20 cm).
- l. A monument/base which projects above the surrounding ground shall be a maximum length of forty (40) inches (101.60 cm) for single graves and eighty-eight (88) inches (223.52 cm) for double graves, a maximum width of twenty-two (22) inches (55.88 cm) **and a maximum height of 42 inches (106.68 cm).**
- m. A flat monument shall not extend above its foundation more than 8 inches (20.32 cm). In the case of permitted multiple cremation interments on a single grave, only one (1) upright monument at the head of the grave and only one (1) flat marker at the foot of the grave shall be allowed.
- n. Flat markers and flat monuments (attached to a foundation) must be at maximum 24 inches in length and at maximum 12 inches in width.
- o. The Town accepts no responsibility for degrading of the Monuments or markers due to normal wear or deterioration. Minor chipping of the base portion of the Monuments as a result of the turf mowing operations is considered normal wear.
- p. Each family columbarium must be placed on an appropriate concrete foundation. The general terms for Monuments, set forth in this section of the bylaw, shall apply to every family columbarium.

COLUMBARIUM

A person may purchase a niche from the town by payment of the purchase price which is set by the Town Council. The price includes access fee, perpetual care, fee for the niche and a plaque.

Access fee will be charged for each opening of a niche in the columbarium.

The purchaser of a niche may not sell the niche but may upon application to the Administrator transfer the ownership to the immediate members of his/her family.

7. GENERAL REGULATIONS

- a. No borders, fences, railings, grave covers, concrete or stone corners, hedges, copings or iron posts shall be permitted in the Cemetery. Where any of the same have previously been erected on or around a plot and have become unsightly or objectionable by reason of age, neglect or damage, the Town may cause the same to be removed in order to ensure the area conforms to the general good appearance of the cemetery and ensures the area is left in a safe condition. When any of the above materials warrant removal, such removal shall be subject to consultation with the Heritage Advisory Committee and Town Council.
- b. The Town shall notify, in writing, the owner at the last known address, if a monument or other constructed item, falls into disrepair, and/or becomes unsightly. Sixty days after date of such notice, if the work detailed is not

completed, the Town may remove and/or dispose of such item, according to the discretion of the Administrator.

- c. No lots or graves are to be raised above the level of the surrounding graves.
- d. No person shall place or deposit a glass, or other breakable material, encased wreath or any stand, holder, vase, receptacle, jar, bottle or pot made of glass or other breakable material on any plot in the Cemetery.
- e. No person shall place LED lights anywhere in the Cemetery unless the lights are a part of the permanent monument.
- f. No vases shall be permitted on flat monuments, flat markers or any other structure at the foot of the grave.
- g. The Town shall not accept responsibility for lost or damaged floral arrangements under any circumstances.
- h. No person shall place artificial or fresh flowers or potted plants on any plot in the Cemetery unless the flowers or plant are totally contained in a vase that is part of a permanent monument, and no part of the floral arrangement or potted plant is in contact with the grass. Arrangements or potted plants that are not totally contained in a permanent vase attached to a monument will be removed.
- i. Flowers, funeral designs or floral pieces will be permitted on the grave the day of the burial for a period of fourteen calendar days. The Administrator shall have the authority to remove any funeral designs or floral pieces, which may become wilted, or any other article or thing after the expiration of fourteen days from date of service.
- j. The Town reserves the right to plant all flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds. Permission from the Administrator will be required by anyone wanting to plant flowers, trees, shrubs or any other object that could be considered an obstruction to maintenance of the Cemetery.
- k. The Town has full authority to remove any items not in accordance with this bylaw, or any item deemed to be inappropriate, unsightly, untidy, in disrepair, or impedes maintenance activities notwithstanding Section 7(b).
- l. Vehicles shall keep to the roadways provided in the Cemetery and shall not exceed the speed of ten (10) miles (16 kms) per hour.
- m. No unseemly conduct or mischievous or destructive behavior shall be permitted in the Cemetery.
- n. Digging of graves will be tendered.

8. **MINOR MODIFICATIONS**

On all regulations in this bylaw, the Administrator, may, at his/her discretion, make minor modifications or requirements on an individual basis if he/she feels that the efficient operation of the Cemetery will not be disturbed.

PENALTY

Any person or organization found guilty of any infraction or breach of any of the provisions of this bylaw, is guilty of an offense and liable on summary conviction to a

fine not less than twenty-five (25.00) dollars and not exceeding twenty-five hundred (2500.00) dollars.

9. Bylaw No. 2019-MC-14 is hereby repealed.

10. This Bylaw shall come into force and effect upon final passing by the Council of the Town of Maple Creek.

Mayor

S E A L

Chief Administrative Officer



SCHEDULE "A"

BYLAW NO. 2019-MC-17

PERMISSION TO INSTALL (OR MAKE ALTERATIONS TO) A CEMETERY MARKER

Name: _____ Date: _____ has permission to:

Address: _____

Phone: _____

Check one Install a marker/monument/base and or foundation.
 Make alterations to a marker/base and or foundation.

Check one Which conforms to the specifications set out in the Cemetery Bylaw.
 The design of which has been approved by the CAO or Support staff.

On: Block _____ Plot _____ Lot _____ Head: _____ / Foot _____ of Lot

Name of Deceased: _____ Date of Death: _____

Type of Monument _____ / Marker _____: Bronze Granite Marble

Style: Pillow Upright Flat

Size of Monument/Marker: Width _____ Length _____ Height _____

Type of Base: Granite Marble Other Width _____ Length _____
Height _____

Type of Foundation: Concrete Granite Other

Width _____ Length _____ Height _____

Approved by CAO/Support Staff _____

Date: _____

Date Installed/Completed: _____

Note: Permit Forms **must be** faxed or mailed to the address below for approval before any Monument/Marker/Base/Foundation will be accepted.

Permit Fee \$75.00 Paid Receipt # _____

Box 428 Maple Creek, SK S0N 1N0, Ph: 306-662-2244, Fax:306-662-4131 or email to townofmaplecreek@sasktel.net