

BYLAW N^o 7-2015

RURAL MUNICIPALITY OF DUFFERIN #190

A BYLAW TO PROVIDE FOR THE REGULATION AND CONTROL OF THE BETHUNE CEMETERY

The Council of the Rural Municipality of Dufferin No. 190, in the Province of Saskatchewan, enacts as follows:

1.0 SHORT TITLE

1.1 This Bylaw may be sited as The Bethune Cemetery Bylaw.

2.0 DEFINITIONS

2.1 In this Bylaw:

- a) Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning as those words as defined in The Cemetery Act, 1999
- b) "CAO" means the Chief Administrative Officer of the Rural Municipality of Dufferin #190, formerly referred to as the RM of Dufferin Administrator.
- c) "Cemetery" means land set apart for or used by the RM of Dufferin #190 as a place for the interment of the dead or which human bodies have been buried, known as RM of Dufferin #190 Cemetery.
- d) "Columbarium" means a building designed for the purpose of storing or interring cremated human remains compartments or niches.
- e) "Council" means the Council of the RM of Dufferin #190.
- f) "Cremains" means the ashes of a cremated human body.
- g) "Director" means the person appointed by the Council to be in charge of the cemetery.
- h) "Former Resident" means a person or persons who have resided in the RM of Dufferin #190 for a majority of his/her life.
- i) "Grave Lot" means a parcel of land in the cemetery to be utilized solely for the interment of human remains or ashes.
- j) "Interment" means the burial of human remains or cremated remains in a cemetery.
- k) "Licensee" means a person or persons who purchased a grave lot or lots in the cemetery.
- l) "Lot" means a parcel of land in the cemetery which comprises of two or plots and is to be utilized solely for the interment of human remains or ashes.
- m) "Marker" means a memorial made of granite, marble or bronze that is flush with the ground.
- n) "Monument" means any upright tombstone or other structure erected or constructed above the ground on any lot or lots in the cemetery for the memorial purposes.
- o) "Perpetual Care" means the basic maintenance of all graves and shall include the leveling of the ground and the seeding, cutting and watering the grass, as required. It shall not include the maintenance, repair or replacement of monuments or markers.
- p) "Plot" means a subdivision of land in the cemetery for the purpose of a single burial of human remains and/or the burial of cremated remains.
- q) "RM" means the Rural Municipality of Dufferin #190.
- r) "Bethune Cemetery" means the portion of land legally described as Parcel B, Block CX682 which is 4.91 acres more or less.

3.0 LICENSES

- 3.1 The RM of Dufferin #190 may grant a license to any person for the exclusive use of any grave lot or lots as provided for in this Bylaw. The said license shall be issued subject to all provisions of this Bylaw and any arrangements thereto passed from time to time by Council.
- 3.2 The fees and all charges for work done or services rendered at the cemetery shall be in accordance with the Cemetery Fees Schedule, attached hereto and identified as Schedule "A" and forming a part of this bylaw.
- 3.3 Grave lots or plots shall not be resold or transferred by the licensee. Licensee may only transfer a lot or plot to an immediate family member (ie. father, mother, child, grandchild or grandparents). A licensee may surrender his license to the RM for any unused plot by completing a Buyback Request/Transfer Form available through the Director. The RM will refund to the original licensee or next of kin the original purchase price of the license less a fee of one-half of the original purchase price.
- 3.4 An adjoining reserve grave plot maybe purchased after there has been death in the family by the spouse or a member of the immediate family of the deceased person. The reserved plot must be paid for in full at the time it is reserved. The purchase price for the grave lot shall be current purchase price as shown in Schedule "A" of this bylaw.

4.0 INTERMENTS AND DISINTERMENTS

- 4.1 No person shall bury any human body or cremated remains in the RM Cemetery unless and until the person has complied with the provisions of:
 - a) The Public Health Act and regulations there under;
 - b) The Vital Statistics Act and regulations there under; and
 - c) The provisions of this bylaw.
- 4.2 No traditional interment shall be less than six feet in depth from the surface of the ground surrounding the grave, and no more than one body per grave shall be allowed, except in the case of parent and child concurrently. A maximum of three (3) ash remains may also be interred with said regular burial. A traditional plot may be purchased solely for the interment of cremains and shall preferably be made in the center of the grave lot, interred at the head, middle and foot, unless recorded otherwise.
- 4.3 Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
- 4.4 For all casket interments, a minimum Fiberglass Dome Grave Liner is required.
- 4.5 No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the party applying for the burial.
- 4.6 Whenever the remains of a grave plot(s) are removed, the grave space(s) so vacated shall revert to the RM.
- 4.7 No disinterment shall be made without written authority from the Licensee of the grave lot in question or his heirs, executor or assigns. No disinterment shall be made until a permit has been obtained from the Minister of Public Health of the Province of Saskatchewan.
- 4.8 Interments shall be made only between the hours of 8.30 a.m. and 5.00 p.m. Monday to Friday. Burials after 5.00 p.m. shall be subject to an additional fee as per Schedule "A".
- 4.9 Weekend or holiday burial fees shall be charged an additions fee as per Schedule "A".

5.0 MONUMENTS AND MARKERS

- 5.1 All monuments, markers or foundations shall be installed entirely within the plot for which it was intended. The initial monument or marker for each lot must be placed at the head of the grave.
- 5.2 All monuments shall be manufactured of granite, marble, bronze or other material approved by the Director.
- 5.3 Flat or pillow markers must be used in the designated cremation areas. Upright monuments or markers are not permitted.
- 5.4 Each monument placed at the head of the traditional grave shall be set on a

concrete foundation of a minimum thickness of 4". The upper surface of each foundation shall be to ground level and in each case the foundation shall project 4" on all sides of the base of the monument erected thereon.

- 5.5 Each marker placed at the head of the grave will not require a foundation, if they have a minimum thickness of 3". If a minimum thickness is less than 3" all markers should be either embedded in concrete with a minimum thickness of 4" or be placed on a foundation with a minimum thickness of 4".
- 5.6 Flat markers with a minimum thickness of 3" placed on a plot do not require a foundation.
- 5.6 There shall not be more than one monument and one marker permitted on one lot except where cremated remains are to be buried in an occupied grave with an existing monument or marker. In such cases, additional flat markers would be allowed providing the monuments or markers together do not exceed specifications for a single or double monument.

6.0 MONUMENTS AND MARKERS IN DESREPAIR

- 6.1 The Director may declare any monuments, markers or any other structures in the Cemetery to be in state of disrepair or of unacceptable quality and may order the Licensee to repair the same via written notice.
- 6.2 If the Licensee of the monument or marker neglects to make the required repairs or alterations within the said period of 30 (thirty) days, the Director may have the monument, marker or other structures removed from the Cemetery and disposed of, or at the Licensee's request, the Director may make the repairs to the monument, marker or other structures and charge the cost thereof to the Licensee, which may be removed as debt by the Licensee to the RM.

7.0 FLORAL ARRANGEMENTS AND DECORATIONS

- 7.1 The planting of flowers and wreaths shall be allowed only in receptacles which are affixed to the monument excepting that flowers, wreaths and other items are permitted to be placed on the grave the day of the burial and left for a period of 10 (ten) days after which the flowers, wreaths and other items will be removed and disposed of.
- 7.2 The Cemetery or RM employee will remove or prevent the placing of a stand, holder, vase, or other receptacle for flowers or plants which are deemed to be unsuitable for such purpose and are unsightly or not physically attached to the monument, base or marker.
- 7.3 The Cemetery or RM employees will remove from any grave any funeral design or piece which has become wilted, or after a period of 10 (ten) days, which is sooner, or any other article or thing which is, in her/his opinion, unsightly.
- 7.4 No grave or plot shall be decorated by its owner/owners or other interested therein with any trees. Shrubs or plants without written permission of the Director. This shall not be deemed to prohibit the placing of cut flowers upon graves as per Section 7.1 as above.
- 7.5 All flower arrangements as described in section 7.1, 7.2 or 7.3 above shall be removed no later than October 15th of each year.
- 7.6 All items placed in the Cemetery by the public shall be at their own risk. The RM will not accept responsibility for damaged or missing items.

8.0 BURIAL OF INDIGENT POOR

- 8.1 The RM of Dufferin, at the direction of Social Services, shall furnish graves at the Cemetery, free of charge, for the dead of indigent poor of any denomination.

9.0 MAPS, PLANS AND RECORDS

- 9.1 The maps, plans and records for the RM of Dufferin Cemetery showing the subdivision of land made available to the RM for cemetery purposes shall be open for inspection free of charge at the RM office during regular business hours.
- 9.2 Such maps and records are to show the grave plots that are occupied and the grave plots that are reserved.

10.0 GENERAL REGULATIONS

- 10.1 All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- 10.2 Persons within Cemetery shall use only the avenues, roads, walks and alleys and no one is permitted to walk upon or across graves.
- 10.3 Persons visiting the Cemetery or attending funerals are strictly prohibited from picking wild or cultivated flowers, trees, shrubs or plants.
- 10.4 No one shall write upon, desecrate or injure any memorial, fence or other structure within the Cemetery grounds.
- 10.5 Motor vehicles in the Cemetery shall travel on the roadways provided for that purpose and shall not exceed 20 (twenty) kilometers per hour, except for maintenance vehicles.
- 10.6 No children under the age of 12 (twelve) years shall be admitted to the grounds of the Cemetery unless accompanied by an adult.
- 10.7 No pets shall be allowed in the Cemetery.

11.0 INFRACTIONS OF THE BYLAW

- 11.1 A person or persons found guilty of an infraction of any provision of this bylaw shall be liable upon summary conviction to a fine or not less than \$50.00 not more than \$500.00.

12.0 INDEMNITY

- 12.1 The RM shall indemnify and save harmless each of its employees and servants including the Director, CAO and /or their designates, from all liability, claims or causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in performance of his or her duties or services hereunder, provided the same have been carried out in good faith.

13.0 REPEALED

- 13.1 Bylaw 2007-20 is hereby repealed.

14.0 COMING INTO FORCE

- 14.1 This bylaw shall come into force on the final passing thereof.

(seal)

Administrator

Certified a true copy of the bylaw passed by the unanimous consent of the Council present at their regular meeting held on the 9th Day of September 2015.

Administrator

