

**TO CONTROL AND REGULATION OF THE MUNICIPAL CEMETERY IN THE
TOWN OF BEINFAIT**

TOWN OF BEINFAIT

BYLAW NO. 5 (2020)

**A BYLAW OF THE TOWN OF BIENFAIT TO PROVIDE FOR THE CONTROL AND
REGULATION**

OF THE MUNICIPAL CEMETERY IN THE TOWN OF BIENFAIT

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

In this Bylaw, unless contents otherwise requires:

Section 1. Interpretation

- | | |
|------------------------------|---|
| a) "Town" | -Means the Town of Bienfait |
| b) "Act" | -Means the Cemeteries Act, 1999 and its successors Acts |
| c) "Council" | -Means the Council of the Town of Bienfait |
| d) "Child" | -Means an individual 10 years of age or less |
| e) "Disinterment" | -Means the removal of human remains or cremated remains from a cemetery lot |
| f) "Bienfait Cemetery" | -Means the portion of the town which is shown as parcel "X" and parcel "Y" on a Plan of Record in the Land Titles Of The Regina Land Registration District. |
| g) "Fees, Charges and Rates" | -Means the purchase price of cemetery services as outlined In Schedule "A" |
| h) "Fixtures" | -Means any item that is attached to a monument, or marker including vases, statues, pictures, lanterns, metal rod or Similar item |
| i) "Interment" | -Means the placement of human remains or cremated human remains in a grave |
| j) "Infant" | -Means an individual no more that two years of age |
| k) "Licensee" | -Means a person or persons who purchases a lot or lots in the Cemetery |
| l) "Lot" | -Means a space in a cemetery used or intended to be used for the interment of human remains or cremated human remains and includes a tomb, crypt, compartment or vault in a mausoleum and a niche or compartment in columbarium; |
| m) "Marker" | -Means a flat memorial marker installed flush with the surrounding turf on a plot or lot, in memory of a deceased person. |
| n) "Monument" | -Means an upright memorial |
| o) "Normal Business Hours" | -Means weekdays, 8:00 am to 12:00 noon; 12:30 pm to 4:30 pm excluding holidays |
| p) "Care in Perpetuity" | -Means the basic maintenance of all graves and shall include leveling of the ground and seeding, cutting of grass and generally keeping the Cemetery in good order and repaid. It shall not include maintenance, repair or replacement of monuments, markers, tombstones or other like structures except specifically provided by this bylaw. |
| q) "Plant Material" | -Includes grass, flowers, trees, shrubs, hedges and any other flora intended for growth |
| r) "Plot" | -Means one or more contiguous lots |
| s) "Section" | -Means a subdivision of the cemetery containing plots and lots |
| t) "Superintendent" | -Means the Manager of Parks and Open Spaces or designate |
| u) "Urn" | -Means a container into which cremated remains are placed prior to interment, entombment or scattering |

Section 2. Fees, Charges and Rates

- 2.01 The license fees and all charges for work done or services rendered at the Town Cemetery shall be in accordance with the fees and charges as set out in Schedule "A".
- 2.02 Schedule "A" shows applicable taxes charges against such fees, and there shall be no additional charges beyond those stated therein.
- 2.03 At the discretion of the Superintendent, lot ownership transfers within the Town Cemetery, including those returning to the Town or any type of transfer, may be subject to an administration fee as set out in Schedule "A".
- 2.04 The fees, charges and rates as set out in Schedule "A" shall come into effect on **the date of the third and final reading and passing of this bylaw** and shall remain in effect until amended by bylaw.

Section 3. Administration of Cemetery and Duties of Superintendent

- 3.01 All the powers granted to the Superintendent by this Bylaw shall be subject to the Supervision and control of the Council.
- 3.02 The Superintendent shall have charge of the Cemetery and control over all employees in connection therewith. It shall be the duty of the Superintendent to maintain the Cemetery to acceptable Community standards and ensure thee is Care in Perpetuity throughout the Cemetery.
- 3.03 The Superintendent shall furnish the Council with a written report, annually, of all interments, disinterment or removals which have taken place during the period, keep suitable books or records with a description of each lot in the cemetery and the name and description of the transfer thereof, and all other books necessary to keep a complete record of the operation of the Cemetery.
- 3.04 All lots shall be described according to a Plan of Record in the office of the Superintendent.
- 3.05 All monies payable under this Bylaw shall be paid to the Town of Bienfait.
- 3.06 Any person may purchase a lot in the Town of Bienfait Cemetery, upon application to the Cemetery Superintendent and full payment of the appropriate fees.
- 3.07 The Licensee shall have the right to use the lot for interment of human remains only, in accordance with the Act and Regulation as may change from time to time; and shall acquire no other rights whatsoever.
- 3.08 The Licensee or their legal representative may transfer the grave, or return the grave to the Town; both being subject to an administrative fee and compliance with the Act and Regulation as are then in effect.

Section 4 Interment and Disinterment

- 4.01 By application to the Superintendent a person may obtain a permit for interment in a lot in the Cemetery and such application shall be in a form as the Council may from time to time prescribe.
- 4.02 No interment will take place until the Superintendent has received a copy of the burial permit or cremation certificate and the following information:
- i. Full legal name of deceased
 - ii. Cemetery location, plot and lot number if interment site to be used
 - iii. Proof of ownership or authorization for use of an interment site, where the deceased person is not the owner
 - iv. Place and date of birth
 - v. Place and date of death
 - vi. Day, date and time of interment

- vii. Name of Funeral Home/Director
- viii. Name and address of person listed as next of kin
- ix. Name and address of the Licensee to receive the cemetery deed and/or receipt for property
- x. Where a Veterans lot is to be used, the regimental and/or service number

4.04 The Licensee may transfer back to the Town a burial lot and will be entitled to a refund of the original cost paid by the licensee of the lot, subject to;

- i. If the burial space has been used, there will be no refund
- ii. The Licensee can transfer to another section within the cemetery but would be subject to cemetery lot fees.
- iii. All transfers are subject to an administrative fee as set out in Schedule "A".

4.05 Forty-eight hours' notice before interment is required in the case of every burial. Such notice must be exclusive of Saturdays, Sundays and Statutory holiday.

4.06 No grave for the burial of an adult or child shall have the top of the outer burial container less than 1.80 meters in depth from the surface of the ground surrounding the grave to provide for cremated remains interred, with the top of the cremated remains container at a minimum depth of 60 cm from the surface of the surrounding ground.

4.07 No grave for the burial of an infant shall have the top of the outer burial container less than 1.6 meters in depth from the surface of the ground surrounding the grave to provide for cremated remains interred, with the top of the cremated remains container at a minimum depth of 60 cm from the surface of the surrounding ground.

4.07 No interment of a body shall be allowed in a grave where a body has already been interred, unless, under exceptional circumstances, and the consent of the Superintendent has been first obtained.

4.08 Cremated remains may be interred in a common grave with the permission of the Superintendent or may be interred on top of a coffin or casket at a minimum depth of 60 cm from the surface of the ground

4.09 The maximum number of interments in the Cemetery for each lot are:

- i. For a standard burial lot, one full casket interment and four ash interments, provided the casket interment is the first.
- ii. For an infant lot, one infant lot casket interment and one ash interment provided the casket interment is the first.

4.10 All work in the immediate vicinity of a burial shall be discontinued during any burial service in the Cemetery.

4.11 All funerals shall be under the supervision and control of the Superintendent while they are within the limits of the Cemetery.

4.12 No interment shall be permitted in any lot in the Cemetery on which there are unpaid charges due and payable to the Town for the specific lot.

Indigent Burials

4.13 The Superintendent shall, on request by Social Services, provide burial plots for the interment of indigent persons without charge.

4.14 The interment of indigent persons shall occur in single graves, the location of which shall be in the sole discretion of the Superintendent

Disinterment

4.15 Disinterment of remains, other than of cremated remains, shall be permitted only with the written permission of the Minister of Public Health issued pursuant to an application under *The Public Health Act, 1994* and payment of the required fee as set out in Schedule "A".

4.16 A person making an application for disinterment of human remains shall ensure that a funeral home representative is present during the disinterment for the handling and transportation of the remains.

4.17 The Town shall only be responsible for ensuring the soil is sufficiently excavated to permit safe access to the body for removal by attending funeral home staff. This shall mean sloping the sides or using a certified shoring as required by Saskatchewan Occupation Health and Safety Regulations.

Section 5 Plots and Lots

5.01 Upon payment of the fees which shall be established by resolution of Council from time to time, any party may secure a lot or lots in the Bienfait Cemetery.

5.02 The purchaser of such lot(s) may select from 4 general areas as described herein, as to location, however within each of these areas lots will be sold in sequential order as designated by the Superintendent.

5.03 An abandoned plot shall be one that the original purchaser has died and been buried elsewhere. Proof of this shall be a photocopy of the death certificate and a certificate from the cemetery stating that the body

Section 6 Regulations Governing Cemetery

6.01 All charges for lots are due in full and payable to the Town on application for permit

6.02 No mounds shall be made in the Cemetery to a greater height than 6cm above the surrounding ground.

6.03 No person may, in a cemetery:

- i. Plant any material; or
- ii. Construct any fence, railing, trellis, or coping

6.04 The Superintendent may, if the condition is not remedied by the Licensee, remove any plant material, fence, railing, trellis, or coping present at the date this Bylaw is passed that:

- i. In a state of disrepair
- ii. Becomes offensive
- iii. Encroaches on adjacent burial lots, roadways or walkways
- iv. Becomes an issue for the Cemetery maintenance
- v. At the discretion of the Superintendent is in need of removal

6.05 The Superintendent shall, pursuant to 7.04, send a notice in writing to the Licensee at the last known address and post a notice for 30 days on the grave site directing the Licensee to contact the Town Office.

6.06 If no claim is made to the Superintendent after the expiry of 30 days or where no notice can be given, the Superintendent will remove them from the gravesite and store for the duration of the year.

6.07 Ornaments, including flower holders or vases, crosses and statues, may be permitted on burial plots if they are:

- i. Unbreakable-meaning impossible to break under normal usage and/or easily broken with rough usage. Able to withstand an attempt to vandalize or break, including but not limited to; stone, slate granite, concrete, hardened/rubberized, plastic, steel and other metals.
- ii. Permanently secured to the base of the memorial.
- iii. Does not exceed 36 cm in height; and

- iv. Does not project beyond a plumb line from outside dimension of the memorial base.

6.08 No person shall damage, destroy or deface any lot, marker, tombstone, monument, fence, building or other structure of any description in the Cemetery

6.09 No work shall be done in the Cemetery without a permit issued by the Superintendent.

6.10 The Superintendent, representative or the local police, shall have the power to remove from the Cemetery any person disturbing the peace, or good order of the Cemetery by noisy or improper conduct or language, or any provisions of this Bylaw.

6.11 No monuments or markers shall be allowed in the Cemetery unless such monuments or markers have first been submitted to and approved by the Superintendent and their permission for the installation of the same therein has been obtained in writing.

6.12 No new curbs or structures of any material shall be permitted around or over any grave site.

6.13 In any case where the Superintendent decides that any grave or lot, cover, curbing or object is unsightly, the Superintendent shall give the next of kin of the interred, written notice to remove from the grave or lot, within thirty days (30) days of the date of such notice. In the event that the next of kin cannot be located, then the Superintendent shall conduct the necessary work to remedy the unsightliness.

6.14 Every written permission issued by the Superintendent shall be numbered and registered.

6.15 Benches or other permanent structures, other than monuments or markers, may be purchased and placement would be up to the discretion of the Superintendent and would then become the Property of the Town.

6.16 During winter months, October 16-April 14, all vases attached to monuments must be inverted and flowers need to be removed. The Town assumes no responsibility for missing or damaged vases or flowers.

6.17 Temporary items that are placed on a grave, monument or concrete foundation are considered temporary and are removed and disposed of weekly by the Town. Definitions of temporary items are at the discretion of the Superintendent.

6.18 Permanent items, only approved monuments or approved parts thereof are considered permanent items and are permitted to remain in the cemetery year-round.

6.19 At the time of interment, all types of flowers and other items are permitted on the grave the day of the burial and after this time any funeral design or floral piece which has become wilted, or any other article or thing which is, in the Superintendents opinion, unsightly, will be removed.

6.20 The Town reserves the right to plant or remove all perennial flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds of the Cemetery.

Section 7 Monuments and Markers

7.01 The Town of Bienfait will not be responsible for the cost of any repair resulting from the damage to any tombstone or monument however caused, nor shall the Town be responsible for the upkeep of any tombstone or monument, except for specific items addressed in this bylaw.

7.02 In the "developed area" of the Bienfait Cemetery, no grave covers or curbs shall be used. Head stone may be used but they must be placed on a cement base, level with the ground and the base must be at least six inches around the outside of the headstone or marker.

7.03 No licensee of the lot shall allow any interment to be made there for remuneration.

7.04 Only one upright monument will be permitted on any grave or portion thereof and it is to be placed at the head of the grave as designated by the Town. Second markers are allowed- a maximum 30 cm x 15 long. The second marker must be placed directly in front of the original marker. No foot markers or corner markers are allowed at the Town Cemetery.

7.05 Monuments are placed in the Cemetery at the risk of the licensee of the grave or applicant. The Town accepts no responsibility for theft or damage resulting from vandalism.

7.06 Where a monument is marking more than one grave, it is the responsibility of the person making the application to ensure the monument's inscription corresponds with the correct sides or location of the burials.

7.07 The Town accepts no responsibility for degrading of markers and monuments, markers due to normal wear. Minor chipping of the base portion of upright monuments as a result of the maintenance or operations is considered normal wear.

7.08 No monuments or marker will be allowed on any lot in the Cemetery on which there are unpaid charges due and payable to the Town.

7.09 The marker shall be placed within 6 months of the date of burial unless further permission is granted by the Council of the Town of Bienfait

Section 8 Resale Procedures for Abandoned Plots

- a) An abandoned plot shall be one that the original purchaser has died and been buried elsewhere. Proof of this shall be a photocopy of the death certificate and a cemetery stating that the body of the original purchaser has been buried in that cemetery.
- b) It shall be proved to the Town Council that there are no remaining relatives who wish to claim the plot. Reasonable proof shall be recognized after the Town advertises that the plot will be resold and a date after which it will be sold is advertised. When possible, the advertising shall be done in a newspaper located in or near the town, the city or village where the previous owner had lived immediately preceding his death. The cost of this advertising shall be added to the cost of the plot being re-sold.
- c) If relatives do remain but do not wish to claim the plot, a letter shall be obtained and retained by the town of Bienfait from the relatives stating that they are not interested in retaining ownership of the plot. If this is possible, the advertising as mentioned in paragraph 4B above shall be completed in a newspaper located in or near the town, city or village where the relatives are believed to be living. If no reply to the advertisement had been received by the date specified therein, the Town Council shall see the plot again.
- d) If, after advertising is completed and the plot is re-sold, a person who proves to the Town Council that they have an interest in the plot comes forward, the Town shall offer on of the following to the individual:
 - a) Another plot in the Bienfait Civic Cemetery at no charge.
 - b) The proceeds of the resale of the Cemetery Plot.

Proof to the Town Council that a person has an interest in the plot shall be one of the following:

- a) A letter from the legal firm handling the estate of the previous owner stating that the plot has been willed to this individual.
- b) A copy of the Last Will and Testament of the previous own stating that the plot has been willed to this individual.
- c) The original deed issued to the previous owner.
- d) An Oath, declared before a Commissioner of Oaths or a Notary Public, stating that the individual has been given this plot. In the case of this oath, the liability of the Town of Bienfait insofar as any other person claiming to have an interest in the plot, shall be transferred to the individual taking the oath

Section 9 General Conditions

9.01 Visitors

- a) No children under the age of twelve (12) years shall be admitted to the grounds of the Cemetery unless they are under the supervision of an adult person.

9.02 Vehicles in Cemetery

- a) No person shall operate a motor vehicle in the Cemetery at speeds in excess of 20km per hour.
- b) No person shall operate a motor vehicle in the Cemetery except on roadways, designated for such a purpose.
- c) No person shall operate any motorized recreational vehicles in the Town Cemetery.
- d) With the exception of certified service dogs, no dogs are permitted in the cemetery unless prior approval has been received from the Superintendent under special circumstances.
- e) A plan of the Cemetery with the grave spaces thereon, shall be open for inspection free of charge at the office of the Town of Bienfait during normal business hours.
- f) The Cemetery will be open to the public daily. Entranceways may be barricaded due to circumstances deemed necessary at the discretion of the Superintendent.
- g) No person shall remove or destroy or attempt to remove or destroy any body or remains put in any lot or any monument or marker placed upon it.
- h) Any person guilty of infraction of any of the provisions of this Bylaw, shall upon summary conviction, be liable to a fine not exceeding Five Hundred (\$500.00) Dollars and costs, and in default of any payment of such fine and costs, the offender may be imprisoned for a term not exceeding thirty days (\$30.00).

Section 10 Coming Into Force

This Bylaw shall come into force and take effect on November 5, 2020.

That Bylaw No. 226 (1981), Bylaw No. 241 (1983), Bylaw No. 258 (1984), Bylaw No. 299 (1992) and Bylaw No. 304 (1993) be hereby repealed.





Mayor



Administrator

Section 214 The Municipalities Act

Read a third time and adopted
this 5th day of November 2020



Administrator

Schedule "A" Rates and Fees

Single Plot	\$100.00
Double Plot	\$180.00

Monument Regulations

General

11. In this section, the following definitions shall apply:

- (a) "base means the lower portion of a two-piece Monument
Set on a foundation
- (b) "die" means the upper portion of a two-piece Monument
and the part of the Monument that is placed on the base;
- (c) "die with a base" means a Monument consisting of a single
piece placed on