



TOWN OF ROSTHERN

BYLAW 2019-03

A BYLAW OF THE TOWN OF ROSTHERN RESPECTING CEMETERY OPERATIONS.

WHEREAS Section 8 of *The Municipalities Act* authorizes a Council, by bylaw, to regulate and to provide for a system of licensing; and

WHEREAS, it is deemed necessary and expedient to provide general regulations for the operations and maintenance of all of the Town's cemeteries.

NOW THEREFORE, the Council of the Town of Rosthern in open meeting assembled enacts as follows:

1. This bylaw may be cited as The Cemeteries Bylaw.

2. DEFINITIONS

- 1) 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 Cemeteries Act, 1999*.
- 2) "Cemetery" means land set apart for or used by the Town of Rosthern as a place for the interment of the dead or in which human bodies have been buried and includes any land that is set apart and is used as a site for a columbarium and mausoleum.
- 3) "Columbarium" means a structure or building designed for the purpose of storing ashes or human remains that have been cremated.
- 4) "Council" means the Council of the Town of Rosthern.
- 5) "Cremated Remains" means the ashes of a cremated human body.
- 6) "License" means a permit provided by the Town to an individual with respect to a lot for the purpose of a single burial or the burial of cremains as provided for herein.
- 7) "Lot" means a parcel of land in the cemetery to be utilized solely for the interment of human remains or ashes.
- 8) "Mausoleum" means a structure or building designed for the entombment of human remains in crypts or vaults.
- 9) "Monuments" means any tombstone or other structure in the cemeteries erected on any lot for memorial purposes.
- 10) "Plot" means a parcel of land in the cemetery which is comprised of two or more lots and is to be utilized solely for the interment of human remains or ashes.

- 11) “Town” means the Town of Rosthern.
- 12) “Town Cemetery” means the Town, Roman Catholic and the Ukrainian Catholic cemeteries and refers to the cemeteries located as follows:

Pt. SW 1/4-35-42-3-3, Plan V.3

Parcel B, Plan 86PA00320

Parcel T, Plan C.Y. 862

Parcel S, Plan C.Y. 862

all in Rosthern, Saskatchewan.

3. LICENSES

- 1) The Town may grant a license to any person for use of a lot or lots as provided for in this bylaw. The said license shall be issued subject to all provisions of this bylaw and any amendments thereto passed from time to time by Council.
- 2) The license fee and all charges for work done or services rendered at the cemetery shall be in accordance with the Cemetery Fee Schedule, attached hereto and identified as Schedule “A” and forming a part of this bylaw.
- 3) The license fee represents the charges for the opening and closing of the grave lot only.
- 4) A license for the use of a lot issued hereunder may be transferred between immediate family members only.
- 5) Whenever a license is issued for a grave lot, it shall be issued according to the next available grave lot. Except when a grave lot is prepaid, the next available grave lot will be issued at the time of death. However, in the event of the death of a spouse(s) and/or partner(s), grave lot(s) will be reserved for the remaining spouse/partner if so desired.
- 6) For anyone wishing to transfer a grave lot back to the municipality, the municipality will pay a maximum of \$50.00, provided that the individual(s) can provide pertinent information proving they are authorized to act on behalf of the purchaser of the grave lot.

4. INTERMENTS AND DISINTERMENTS

- 1) No person shall bury any dead human body or cremated remains in any Town cemetery unless and until the person has complied with the provisions of:
 - (a) *The Public Health Act* and regulations thereunder;
 - (b) *The Vital Statistics Act, 1995* and regulations thereunder;
 - and,
 - (c) This bylaw.
- _____

- 2) No grave lot shall be dug less than 1.8 metres (six feet) and not greater than 2.7 metres (9 feet) in depth from the surface of the ground surrounding the grave.
- 3) A vault of fibreglass construction shall be utilized for all burials, cost of which is identified in Schedule "A".
- 4) On a regular size 5' lot, a maximum of two bodies and four urns of ashes may be interred in any one grave, provided that all information is on one headstone. Maximum headstone width on a regular size grave is 44". On a small 27" lot, a maximum of two urns of ashes may be interred, provided all information is on a 25"-wide headstone.
- 5) During the period November 1 to April 30, notice shall be given to the Town of Rosthern at least two (2) days (16 regular hours) before the proposed time of interment. During the period May 1 to October 31, such notice shall be given at least one (1) day (8 regular hours) before the proposed time of interment. The provision of notice shall not apply in the case of interment of a person who dies from a communicable disease.
- 6) Unless the Medical Health Officer issues a certificate certifying that there is a danger of contamination, there shall be no interment on Christmas Day, New Year's Day or Good Friday.
- 7) Regular hours of interment shall be Monday to Friday 7:00 a.m. to 4:00 p.m. Any interment which takes place outside these hours shall be charged an additional fee as set out in Schedule "A".
- 8) Disinterment shall only be permitted upon the production of a permit issued by the Minister of Public Health pursuant to an application under the *Public Health Act*, and upon payment of the appropriate fee as set out in Schedule "A" hereof, provided, however, the Town crew will be responsible for digging to the top of the rough box only. Removal of the remains shall be the responsibility of the person authorized to remove the body.
- 9) No disinterment shall be carried out between November 1 and April 30 unless authorized by the Attorney-General of the Province of Saskatchewan. The proposed time of disinterment shall be subject to the provisions of any order of the Minister of Public Health or the Attorney General of the Province.
- 10) Any person wanting to spread ashes shall do so in the Memorial Forest Garden with appropriate fees being paid, which entitles information to be recorded in the Town cemetery register.

5. BURIAL OF DECEASED INDIGENT PERSONS OR UNCLAIMED BODIES

The burial of deceased indigent persons or unclaimed bodies shall be in accordance with *The Cemeteries Act, 1999*.

6. MONUMENTS AND MARKERS

- 1) The Town crew under the supervision of the Public Works Manager or designate shall be responsible for the installation and construction of bases for all monuments and markers or the replacement of the same in the Town Cemetery, upon advance payment of the appropriate fee as set out in Schedule “A” of this bylaw. Notwithstanding Section 1, the Public Works Manager or designate may assign this duty to the funeral director or the memorial company.
- 2) All monuments and markers in the Town Cemetery will be set at the head of the grave lot.
- 3) In the “New Section” of the Town Cemetery either markers or pillow-style monuments may be used.
- 4) In the “Old Section” of the Town Cemetery, monuments or markers may be used, provided that they are completely confined to the lot(s) in question.
- 5) Whenever the owner of a monument or marker neglects to make required repairs or alterations to the said monument or marker within 90 days after receiving written notice from the Town of Rosthern to do so, the Town Administrator shall have the power to remove or repair the monument or marker and charge the cost thereof to the owner.
- 6) All monument and marker specifications shall be in accordance with the regulations as attached hereto and identified as Schedule “B”. All markers shall be constructed of granite, marble, bronze, precast concrete or a material approved by the Council of the Town of Rosthern.
- 7) On a regular grave lot, a maximum of one monument and one flat marker are allowed in accordance with Section 6(3) of this bylaw.

7. MAINTENANCE AND CARE OF CEMETERIES

- 1) All grave lots in the cemeteries shall be entitled to basic maintenance and care which includes leveling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance, repair or replacement of monuments or markers.
 - 2) No border, grave cover, fence, railing, trellis, coping, hedge or any other bounding or enclosing object shall be constructed, placed or planted in or around any lot other than for the purpose of operating the cemetery as authorized by the Town.
 - 3) Natural or artificial flowers shall be permitted in holders, vases or other unbreakable receptacles provided they are permanently secured to the base of the monument. Only one of the aforementioned holders may be erected on a single grave; two holders on a double grave, and so on. All artificial flowers must be picked up and removed from the Town Cemetery on or before September 30 of each year or they will be disposed of by cemetery staff.
-

- 4) No tree or shrub shall be planted in the cemetery except by the Town of Rosthern. The Town may arrange for the removal or pruning of any tree which, in its opinion, is detrimental to any adjacent lot, path, driveway or to the general appearance of the cemetery.

8. CEMETERY PLANS

- 1) The plans of the cemeteries showing the subdivision of land made available to the Town for cemetery purposes, together with all the subsequent plans approved by the Council of the Town of Rosthern shall be open for inspection free of charge at the office of the Town of Rosthern during office hours prescribed by Council from time to time.
- 2) All interments shall be made and records kept in accordance with such plans and *The Cemeteries Act, 1999*.

9. GENERAL

- 1) No employee of the Town or contractor employed by the Town shall accept any money or reward in connection with cemetery services other than the person appointed to receive the appropriate fees concerning the same.
- 2) Subject to the provisions of *The Cemeteries Act, 1999*, any matters respecting burials or cemeteries not otherwise dealt with in this bylaw shall be dealt with by the Town Council.

10. INFRACTIONS OF THE BYLAW

Any person guilty of a violation of any provision of this bylaw shall be liable to damages plus a penalty in accordance with the General Penalty Bylaw.

11. The regulations attached marked Schedule "B" shall be read with and form part of this bylaw.
12. Bylaw 2017-04 is hereby repealed.

13. This bylaw shall come into force and take effect immediately.

(S E A L)

Mayor Dennis Helmuth

CAO Nicole Lerat

SCHEDULE "A" TO BYLAW NO. 2019-03

LICENCE FEE

RATES

1. RATES:

- a) Graves – weekdays except holidays \$1,500, broken down as follows:
 - \$600 opening/closing
 - \$200 cemetery fund for future expenditures
 - \$700 lot cost
- b) Graves – Saturdays, Sundays and holidays \$1,750, broken down as follows:
 - \$850 opening/closing
 - \$200 cemetery fund for future expenditures
 - \$700 lot cost
- c) Cremains (new lot) – weekdays except holidays \$1,100, broken down as follows:
 - \$200 opening/closing
 - \$200 cemetery fund for future expenditures
 - \$700 lot cost
- d) Cremains (new lot) – Saturdays, Sundays and holidays \$1,250, broken down as follows:
 - \$350 opening/closing
 - \$200 cemetery fund for future expenditures
 - \$700 lot cost
- e) Cremains (second or subsequent burial on a lot) – weekdays except holidays \$400, broken down as follows:
 - \$200 opening/closing
 - \$200 cemetery fund for future expenditures
- f) Cremains (second or subsequent burial on a lot) – Saturdays, Sundays and holidays \$550, broken down as follows:
 - \$350 opening/closing
 - \$200 cemetery fund for future expenditures
- g) Cremains – spread in Memorial Forest Garden: \$300
- h) Prepaid lots – Any lots which have been prepaid will be exempt from paying the lot cost, but will be required to pay for the opening and closing fees and the cemetery fund allocation fee.
- i) Interment which takes place outside regular working hours as indicated in Section 4.7 of this bylaw will cost an additional \$300.

2. VAULTS

- a) Town's actual cost plus 10%, as determined by the CAO.
-

Schedule "A" to Bylaw 2019-03 continued

3. CONSTRUCTION OR REPLACEMENT OF MONUMENT AND MARKER BASES:

- a) Town's actual cost
- b) Funeral director's actual cost
- c) Memorial company's actual cost

SCHEDULE "B" TO BYLAW NO. 2019-03

**REGULATIONS PERTAINING TO
THE TOWN OF ROSTHERN CEMETERIES**

1. MARKER AND MONUMENT REGULATIONS

Markers or monuments permitted. Any such marker or monument within the said area must be placed at the head of the lot(s) and must be approved by the Town.

DIMENSIONS FOR MONUMENTS IN NEW CEMETERY ONLY:

Height of monuments shall not exceed 20 cm (8")*

Height of base shall not exceed 15 cm (6")*

Depth of monument not to exceed 56 cm (22")

Maximum width shall not exceed 112 cm (44")

*14" total height when a base is used.

Base is not required where there is a concrete strip in place.
