

RURAL MUNICIPALITY OF WOLVERINE NO. 340

BYLAW NO 2022-05

A BYLAW TO PROVIDE FOR THE REGULATION & CONTROL OF THE MUNICIPAL CEMETERY

The Council of the Rural Municipality of Wolverine No. 340 in the Province of Saskatchewan enacts as follows:

1.0 SCOPE

1.1 This Bylaw may be cited as "The Cemetery Bylaw"

2.0 DEFINITIONS

2.1 For the purpose of this Bylaw, the following definitions shall apply:

- a) **Administrator** – shall mean the Rural Municipal Administrator appointed by the Rural Municipality of Wolverine No. 340, operating in conjunction with members of Council having responsibility for the Cemetery; and for the purpose of this Bylaw shall include any person appointed by the Administrator from time to time, to act on his/her behalf in the Administration of this Bylaw.
- b) **Block** – shall mean a division of land which is subdivided into lots
- c) **Caretaker** – shall mean any person with whom the Municipality has contracted for the purpose of providing perpetual care of the Municipal Cemetery.
- d) **Cemetery** – shall mean those lands locally described as the Municipal Cemetery which are controlled by the R.M. of Wolverine No. 340, for the purposes of interring the dead, or in which human bodies have been placed, and identified by way of a schematic plot plan, maintained by the RM of Wolverine No 340 and located on Black A Plan 101767079, Ext 15 (Pt. NW 06-36-23 W2).
- e) **Council** – shall mean the Council of the Rural Municipality of Wolverine No. 340.
- f) **Grave** – shall mean a subdivision of a Block in the cemetery, measuring five (5) feet wide by eight (8) feet – (1.5 metres x 2.4 metres), for the purpose of a single burial.
- g) **Grave Cover** – shall mean a cover of fiberglass, plastic, marble, granite, concrete, crushed rock or brick, places over interred remains.
- h) **Grave Marker** – shall mean a flat marker manufactured of granite, marble or bronze, with its upper surface flush or level with the ground.
- i) **Interment** – shall mean the burial of human remains or cremated human remains in the Cemetery.
- j) **Licensee** – shall mean a person or persons who purchase a grave lot(s) in the Cemetery.
- k) **Monument** – shall mean an upright marble, granite, stone, concrete or metal marker which shall extend above the ground bearing the name of the interred deceased person for memorial purposes.
- l) **Municipality** – shall mean the Council, Administration and/or staff of the Rural Municipality of Wolverine No. 340.
- m) **Perpetual Care** – shall mean the maintenance of the Municipal Cemetery and shall include the seeding of grass, cutting of grass & trees as required; but shall not include maintenance, repair or replacement of monuments or grave markers.
- n) **Plot** – shall mean the equivalent of a grave.
- o) **Urn** – means a container into which cremated remains are place prior to interment.

3.0 GENERAL REGULATIONS


- 3.1 A person may reserve a grave(s) by paying in full at the Rural Municipal Office, the purchase price set out in **Schedule "A"**, attached hereto and forming a part of this Bylaw. The grave(s) shall be reserved for the use of the party who has paid the purchase price.
- 3.2 The Administrator shall make all sales of gravesites for the Cemetery and shall receive all monies resulting from the sales of such graves and fees and depositing the same into the funds of a municipal reserve account for the Cemetery.

- 3.3 The purchaser of a grave(s) shall have the right to use the grave for no other purpose than for the burial of the human dead in accordance with provisions of this Bylaw and any amendments or regulations passed from time to time and as provided for in *The Cemeteries Act, 1999* and *The Cemeteries Regulations, 2001*, *The Public Health Act, 1994* and regulations thereunder; and *The Vital Statistics Act, 2009* and regulations thereunder, or any amendments pursuant to these; and the purchaser shall acquire no other rights whatsoever.
- 3.4 A Licensee of a grave(s) desiring to transfer ownership rights to another party may so by providing written notification with the ownership, and the full name and address of the new owner. In exchange for the ownership rights, the original purchaser shall receive a payment not to exceed the original purchase price.
- 3.5 A Licensee may surrender his/her license to the Municipality for any unused gravesite plot. A request to surrender a license must be made in writing to the Municipal Office and must include the original receipt of purchase. The City will refund to the original licensee the original price of the license less a transfer fee of 50%.
- 3.5 The municipality will take all reasonable precautions to protect the purchaser and rights of the purchaser within the Cemetery from loss or damage; however the Municipality distinctly disclaims all responsibility for a loss or damage from vandalism, invasions, insurrections, riots or order of an military or civil authority, whether the damage be direct or collateral other than as herein provided.
- 3.6 It is the duty of the purchaser to notify the Municipality of any change in his/her postal address.
- 3.7 All visitors, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- 3.8 Vehicles operated within the confines of the Cemetery shall not travel at a speed greater than 10 kilometres per hour.
- 3.9 No person, except those employed in the performance of their duties, shall drive a vehicle on any part of the Cemetery other than a roadway provided for that purpose.
- 3.10 Forty-eight (48) hours' notice, two business days, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to the Municipality before and interment or disinterment takes place. No application or notice shall be received on a Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.

4.0 INTERMENT

- 4.1 No interment of two (2) or more bodies shall be made in one (1) grave lot, except in the case of a mother and child or two infants buried in one casket.
- 4.2 No interment of more than three (3) cremated bodies shall be made in one grave lot or no more than three (3) cremated bodies with one human body in one grave lot with the human body being the first burial in the grave lot. In all cases, the interments of cremated bodies shall be made in the centre of the grave lot with the first cremation to be placed 0.61 meter (2 feet) from the space required for a marker or monument. The remaining cremations shall be spaced 0.61 meter (2 feet) apart as per the attached **Schedule "B"**.
- 4.3 No casket interment shall be less than 1.83 metres (6 feet) in depth from the surface of the ground.
- 4.4 No cremation interment shall be less than 0.61 metres (2 feet) in depth from the surface of the ground.
- 4.5 No person other than a qualified funeral director shall have charge of the interment of a human body.
- 4.6 Whenever a block, plot or grave lot is held jointly by two or more parties, authority for interment in such block, plot or grave lot or any part thereof, will be accepted by the Municipality from any one of the said parties or their executors or agents.
- 4.7 No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the individual applying for the burial.

5.0 DISINTERMENTS

- 5.1 The disinterment of human remains, other than of cremated remains, shall be permitted by order of the Chief Coroner or upon issuance of a disinterment permit from the Ministry of Health, or his/her designate issued pursuant to an application under *The Public Health Act, 1994* and payment of the required fees as set out in **Schedule "A"**.
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- 5.2 A person making an application shall ensure that a funeral home representative is present during disinterment for the handling and transportation of the human remains. All handling of liners, caskets or remains are the responsibility of the funeral home representative.
- 5.3 The disinterment of cremated human remains shall be permitted only upon written request from the Licensee of the lot in questions or their heirs, executors or assigns.
- 5.4 Whenever the remains are disinterred, the grave space or spaces so vacated shall be reverted to the Municipality.

6.0 CARE OF GRAVES

- 6.1 The Municipality shall assume the general care of the Cemetery, which shall include the mowing of the grass, trimming of trees and shrubs. The Licensee of a grave lot shall observe all rules and regulations passed from time to time by Municipal Council for keeping the grave lots in order.
- 6.2 No borders, fences, railing, trellises, copings, hedges, grave covers, concrete or stone corners or iron posts shall be constructed or planted in or around and grave lots or plots. In the event the existing fences, borders, railings, curbs, trellises, walls, hedges grave covers, concrete or stone corners or iron posts fall into a state of deterioration and needs to be removed from the existing location, these type of items will not be replaced or be re-installed.

7.0 MONUMENTS AND MARKERS

- 7.1 All monuments and markers shall be constructed of granite, marble, bronze. Other materials requested for monuments are subject to prior approval of the Administrator.
- 7.2 Grave covers of any type or description and of any material will not be permitted; excepting those already in place. In the event an existing grave cover falls into a state of deterioration and needs to be removed from its existing location, no further grave cover will be permitted to be re-installed.
- 7.3 All temporary markers supplied by funeral homes may be removed by the Caretaker after a period of twelve (12) months has lapsed.
- 7.4 Where two grave lots have been purchased side by side in the cemetery, one monument may be placed at the head centre of the two grave lots.
- 7.5 No more than one upright monument may be placed on one grave lot.
- 7.6 All grave markers or monuments shall be erected on a concrete foundation of a thickness of ten (10) to fifteen (15) centimetres (4-6 inches). The said foundation shall be of a dimension at least fifteen (15) centimetres (6 inches) wider and fifteen (15) centimetres (6 inches) longer than the base of the marker or monument. The foundation will be level with the ground surrounding the grave plot.
- 7.6 Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery will advise the Administrator and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The Municipality will not be held responsible for any monument damage or repairs required to improper installation of the above noted monument.

8.0 MONUMENTS IN DISREPAIR

- 8.1 The Administrator may declare any monument or markers or any other structure in the Cemetery to be in a state of disrepair or of unacceptable quality and may order the Licensee to repair the same via written notice.
- 8.2 If the Licensee of the monument or marker neglects to make the required repairs or alterations within the said thirty (30) days, the Administrator may have the monument, marker or other structure removed from the Cemetery and disposed of, or at the Licensee's request, the Administrator 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 Municipality.

9.0 CREMATION PLAQUES

- 9.1 All cremation plaques shall be of brass, granite or marble.
- 9.2 No cremation plaque shall be larger than 40.64 centimetres (16 inches) x 50.8 centimetres (20 inches).

10.0 TREES, SHRUBS, FLOWERS & OTHER ITEMS

- 10.1 No person shall plant any trees, shrubs or any vegetation or do work of any kind in the cemeteries without the permission of the Administrator.
- 10.2 If any tree or shrub situated on any grave lot or plot thereof shall, in the opinion

of the Administrator, become by means of its roots or branches in any way detrimental to any adjacent grave lot, path or driveway or to the general appearance of the Cemetery or dangerous or inconvenient to the public, the Administrator shall have the power to remove such tree or shrub or part thereof.

- 10.3 The Administrator shall have the authority to remove floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental or diseased.
- 10.4 All items placed in the Cemetery by the public shall be at their own risk. The Municipality will not accept responsibility for damaged or missing items.

11.0 INTERMENT OF INDIGENT PERSONS

- 11.1 The Municipality at the direction of the Ministry of Social Services, shall furnish graves at the Cemetery, free of charge, for the dead of indigent poor of any denomination.

12.0 MAPS, PLANS AND RECORDS

- 12.1 All grave lots and plots shall be described according to a Plan of Record in the RM Office. Suitable books of record shall be kept in the RM Office to record the description of each lot in the Cemetery, together with the name and address of the owner thereof, and such other records shall be kept to ensure a complete record of all business transacted in connection with the Cemetery. The record of the Cemetery shall be open to inspection during regular office hours.

The Municipality shall have maps prepared of the Cemetery indicating thereon the owners of each grave lot in the Cemetery, such map to show the grave lots that are occupied and the grave lots that are reserved.

13.0 DONATIONS

- 13.1 Donations made to the Municipality for the Cemetery shall be deposited into a Cemetery Reserve Account to be used to towards upgrades to the Cemetery.

14.0 INDEMNITY

- 14.1 The Municipality or any official thereof shall not be held responsible for any mistakes resulting from lack of precise or proper instructions regarding the grave space where an interment is to be made. Any additional costs incurred by the Municipality to correct such errors will be charged out based on actual costs incurred by the Municipality.

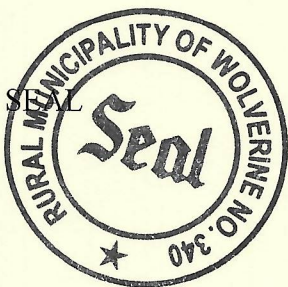
The Municipality shall indemnify and save harmless each of its employees and servants, from all liability, claims and causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in the performance of his or her duties or services hereunder, provided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

15.0 PENALTY

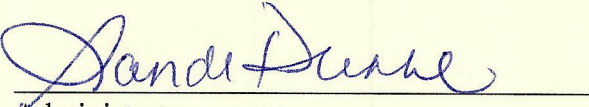
- 15.1 Any person found guilty of an infraction of any provision of this bylaw shall be liable upon summary conviction to a fine of not less than \$50.00 and not more than \$500.

16.0 COMING INTO FORCE

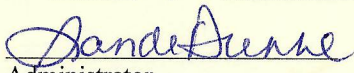
- 16.1 This Bylaw shall come into full force and take effect upon final passing.




Reeve


Administrator

Read a third time and adopted
this 25th day of November, 2022


Administrator

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SCHEDULE A

Cemetery Fee Schedule

Cemetery Lot Purchase - \$500.00
Includes 1 casket burial or 1st cremation

2nd & subsequent cremains on existing grave - \$300.00

The above fees includes staking of grave location & supervision of monument placement.

Grave Opening & Closing

The Municipality will not undertake the opening and closing of cremation or casket interments. Anyone requesting these services will be advised to contact the local funeral homes for a listing of area contractors.

Municipal forces will mark out the location of the gravesite prior to the interment and will provide this service during normal municipal hours.

Disinterment of Remains or Cremains

Removal of Remains - \$1,000.00
Removal of Cremated Remains - \$ 500.00

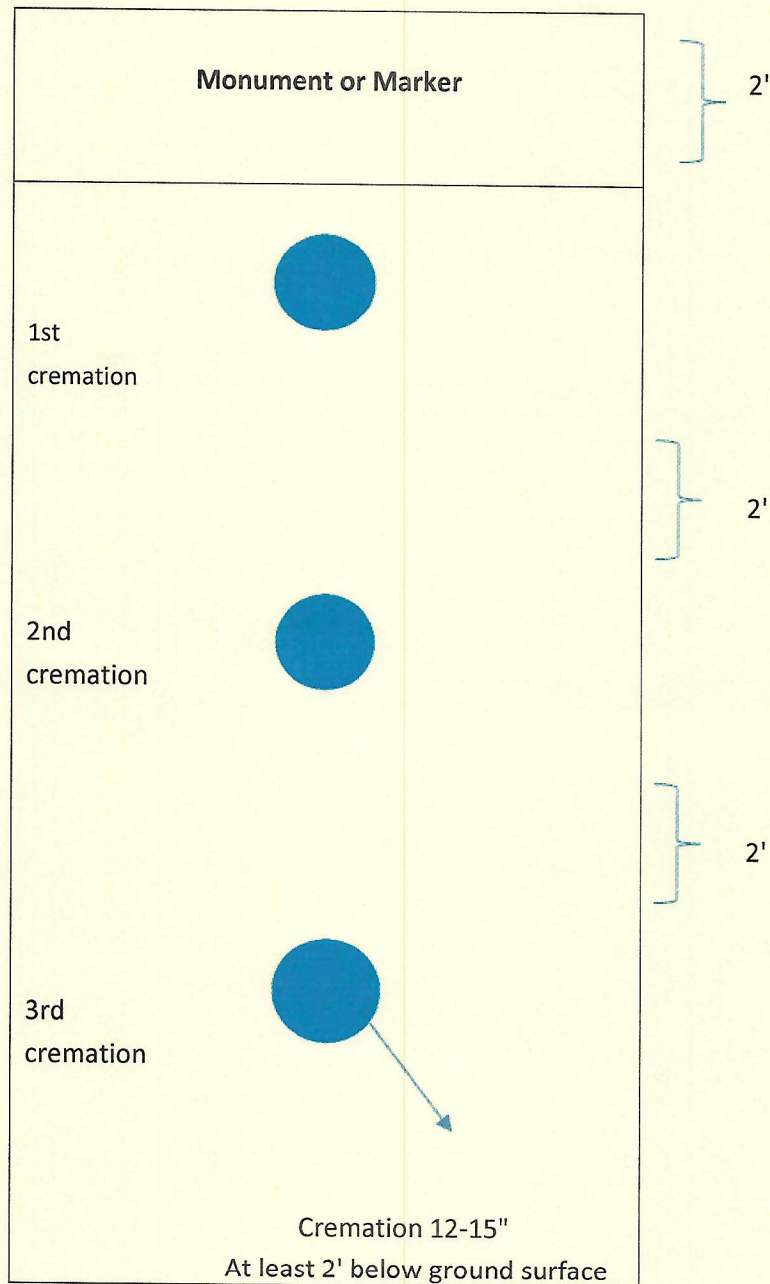
** GST to be added to the above amounts

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SCHEDULE B

Placement of Interments - Cremations



Individual plots are approximately 5' x 8'