

## BYLAW 6/13

### A BYLAW RESPECTING CEMETERY OPERATIONS

WHEREAS Section 8(1) of *The Northern Municipalities Act, 2010* 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 the Village cemeteries.

NOW THEREFORE, the Council of the Northern Village of Denare Beach 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 Northern Village of Denare Beach 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 Northern Village of Denare Beach.
  - 5) Cremated Remains means the ashes of a cremated human body.
  - 6) Licence means a permit provided by the Village 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) Monument 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) Village means the Northern Village of Denare Beach.
  - 12) Village Cemetery means the Village Cemetery and refers to the cemetery located as follows:

Parcel AN, Plan 95PA09450  
in Denare Beach, Saskatchewan.

3. LICENCES
  - 1) The Village may grant a licence to any person for use of a lot or lots as provided for in this bylaw. The said licence shall be issued subject to all provisions of this bylaw and any amendments thereto passed from time to time by Council.
  - 2) The licence 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 AA and forming a part of this bylaw.
  - 3) The licence fee represents the charges for the opening and closing of the grave lot only.
  - 4) A licence for the use of a lot issued hereunder may be transferred between immediate family members only.
  - 5) Whenever a licence 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.

- 7) For anyone wishing to reserve a plot may be purchased as per the Cemetery Fee Schedule.
- 8) Upon the purchase of a burial plot, two additional burial plots may be reserved for a period of 15 years only, for the eventual burial of a specifically named person who must be a member of the family or household of the deceased for whose burial the first plot was purchased, upon payment as set out in Schedule AA. Every such reservation shall automatically expire at the end of the said 15 year period, unless an additional reservation for a further period of 15 years, for the same amount as a reservation as set out in Schedule AA, is made, to the Northern Village of Denare Beach, provided however, and notwithstanding the provision within this paragraph, that reservations made under regulations shall remain in force and effect for the term specified within the said Bylaw. If no renewal is made after the 15 years, the said plot would then be turned over to the Northern Village of Denare Beach for potential resale.

#### 4. INTERMENTS AND DISINTERMENTS

- 1) No person shall bury any dead human body or cremated remains in any Village 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 shall be utilized for all burials, cost of which is identified in Schedule AA
- 4) A maximum of one body and four urns of ashes may be interred in any one grave.
- 5) During the period November 1 to April 30, notice shall be given to the Northern Village of Denare Beach at least two (2) business days before the proposed time of interment. During the period May 1 to October 31, such notice shall be given at least one (1) business day 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 3:30 p.m. local time. Any interment which takes place outside these hours shall be charged an additional fee as set out in Schedule AA.
- 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 AA hereof, provided, however, the Village 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, subject to the provisions of any order of the Minister of Public Health or the Attorney General of the Province.

#### 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 Village crew under the supervision of the Foreman 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 Village Cemetery, upon advance payment of the appropriate fee as set out in Schedule AA of this bylaw. The Foreman or designate may assign this duty to the funeral director or the memorial company.
- 2) All monuments and markers in the Village Cemetery will be set at the head of the grave

- lot.
- 3) In the Village Cemetery, monuments or markers may be used, provided that they are completely confined to the lot(s) in question.
  - 4) 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 Northern Village of Denare Beach to do so, the Village Administrator shall have the power to remove or repair the monument or marker and charge the cost thereof to the owner.
  - 5) All monument and marker specifications shall be in accordance with the regulations as attached hereto and identified as Schedule AB. All markers shall be constructed of granite, marble, bronze, precast concrete, wood or a material approved by the Council of the Northern Village of Denare Beach.
  - 6) 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 Village.
- 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 Village 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 Northern Village of Denare Beach. The Village 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 Village for cemetery purposes, together with all the subsequent plans approved by the Council of the Northern Village of Denare Beach shall be open for inspection free of charge at the office of the Northern Village of Denare Beach 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 Village or contractor employed by the Village 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 Village Council.
- 3) No vehicle shall be allowed in any part of the cemetery without the special permission of the Foreman, and such permission shall in no case be given when, from the nature of the soil caused by wet weather, injury to the driveways by the use of such vehicles is apparent or apprehended.
- 4) Dogs are not allowed in the grounds.
- 5) No person is permitted to enter the cemetery except through the regular unsecured entrances.
- 6) No person other than the owner or a member of the immediate family of the owner of the grave shall be allowed to perform, execute, or carry into effect the work of special care of

- a grave, unless permission is granted by the Administrator or by the Village Foreman.
- 7) All material brought into the cemetery to be used in improving the lots shall be transported and deposited in the cemetery in such a manner as the Village Foreman shall direct, all earth, stone and rubbish accumulated in improving any lot must be removed and deposited under direction of the lot owners and at their expense.
  - 8) Except as otherwise provided, the preparation and maintenance of all lots shall be under the control of the Village Foreman, and made to conform to the Section in which the lot may lie.

10. INFRACTIONS OF THE BYLAW

- 1) Any person guilty of a violation of any provision of this bylaw shall be liable to damages plus a penalty in accordance with a Notice of Violation.
- 2) Upon being served with a Notice of Violation, a violator of this bylaw may, during regular office hours, voluntarily pay the penalty as stated below to the clerk at the municipal office during regular office hours, and upon payment as so provided, that person shall not be subject to prosecution for the offence in which respect payment was made.
  - 1st Offence – Warning
  - 2nd Offence - \$ 50.00
  - 3rd Offence - \$100.00

After the 3rd Offence if there are any other reoccurrences the penalty will double.
- 3) The Notice of Violation shall be in Form “1”, Appendix “A” which is attached.
- 4) The regulations attached marked Schedule AB shall be read with and form part of this bylaw.

11. Bylaws 2/95, 6/04 and 1A-08 are hereby repealed.

12. This bylaw shall come into force and take effect on immediately upon adoption.

\_\_\_\_\_  
Mayor

( S E A L )

\_\_\_\_\_  
Administrator

Certified a true copy of the original  
Bylaw that was adopted by the Council  
Of the Northern Village of Denare Beach  
On August 14, 2013

\_\_\_\_\_  
Janelle Scott  
Administrator

**LICENCE FEE RATES**

1. RATES:

- a) Graves – weekdays accept holidays \$800 plus GST, broken down as follows:
  - \$300 opening/closing
  - \$200 cemetery fund for future expenditures
  - \$100 lot cost
- b) Graves – Saturdays, Sundays and holidays \$900 plus GST, broken down as follows:
  - \$400 opening/closing
  - \$200 cemetery fund for future expenditures
  - \$100 lot cost
- c) Cremains (new lot) – weekdays except holidays \$400 plus GST, broken down as follows:
  - \$100 opening/closing
  - \$200 cemetery fund for future expenditures
  - \$100 lot cost
- d) Cremains (new lot) – Saturdays, Sundays and holidays \$500 plus GST, broken down as follows:
  - \$200 opening/closing
  - \$200 cemetery fund for future expenditures
  - \$100 lot cost
- e) Cremains (second or subsequent burial on a lot) – weekdays except holidays \$300, broken down as follows:
  - \$100 opening/closing
  - \$200 cemetery fund for future expenditures
- f) Cremains (second or subsequent burial on a lot) – Saturdays, Sundays and holidays \$400, broken down as follows:
  - \$200 opening/closing
  - \$200 cemetery fund for future expenditures
- g) Columbarium Niche - \$1100 plus GST
- h) Reservation lots – \$350.00 plus GST.  
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 as set out above and the cemetery fund allocation fee. All reservations of plots must be renewed after 15 years at the same cost as reservation lots.
- i) Any afterhours interment - \$100

2. VAULTS

- a) Village’s actual cost, as determined by the Funeral Director or Memorial Director.

3. CONSTRUCTION OR REPLACEMENT OF MONUMENT AND MARKER BASES:

- a) Village’s actual cost
- b) Funeral directors actual cost
- c) Memorial company’s actual cost

SCHEDULE AB TO BYLAW NO. 6/13

**REGULATIONS PERTAINING TO  
THE NORTHERN VILLAGE OF DENARE BEACH 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 Village

DIMENSIONS FOR MONUMENTS CEMETERY:

Height of monuments shall not exceed 48"

Height of base shall not exceed 6"

Maximum width shall not exceed 4'11"

54" total height when a base is used.

A solid base is required.

Notice of Violation

Form 1  
Appendix "A" of Bylaw 6/13

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Details of Offense:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ A.M. or P.M.

Violation: Respecting Cemetery Operations

Description of Violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Violation:

\_\_\_\_\_  
\_\_\_\_\_

You are charged with violation of Bylaw 6/13

Penalty for the above violation: \$\_\_\_\_\_

\_\_\_\_\_  
Bylaw Enforcer

You may make voluntary payment of the above penalty to administration staff at the municipal office of the Northern Village of Denare Beach during regular office hours or by mail within 14 (fourteen) days from the date of service of the Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary of convictions you shall be liable to the penalty provided under Part 10 of Bylaw 6/13 of the Northern Village of Denare Beach.