

# RURAL MUNICIPALITY OF DUFFERIN NO. 190

## BYLAW NO. 19-2023

### TO PROVIDE FOR THE REGULATION AND CONTROL OF THE FINDLATER CEMETERY

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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 shall be referred to as the "Findlater Cemetery Bylaw".

#### 2.0 DEFINITIONS

- 2.1 Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning as those words defined in *The Cemeteries Act, 1999*.
- 2.2 In this Bylaw:
- a) "CAO" means the Chief Administrative Officer of the Rural Municipality of Dufferin No. 190;
  - b) "Caretaker" means the person appointed by Council to be in charge of the Findlater Cemetery;
  - c) "Cemetery" means land set apart for or used by the RM of Dufferin No. 190 as a place for the interment of the dead or which human bodies have been buried, known as The Findlater Cemetery;
  - d) "Council" means the Council of the RM of Dufferin No. 190;
  - e) "Cremains" means the ashes of a cremated human body;
  - f) "Disinterment" means the authorized removal of human remains or cremated human remains from the Cemetery;
  - g) "Findlater Cemetery" means the portion of land legally described as Parcel A, Plan 101133357, Ext. 49 which is 4.01 acres more or less;
  - h) "Grave Plot" means a parcel of land in the Cemetery to be utilized solely for the interment of human remains or cremated human remains;
  - i) "Immediate Family Member" means a father, mother, child, grandchild or grandparent;
  - 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 plot(s) in the Cemetery;
  - l) "Marker" means any memorial made of granite, marble or bronze that is flush with the ground or, made of metal and stuck in the ground;
  - m) "Monument" means any upright tombstone or other structure erected or constructed above the ground on any grave plot(s) in the Cemetery for memorial purposes; and
  - n) "RM" means the Rural Municipality of Dufferin No. 190.

#### 3.0 GENERAL REGULATIONS

- 3.1 All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- 3.2 Persons within the Cemetery shall use only the avenues, roads, walks and alleys and no one

- is permitted to walk upon or across graves.
- 3.3 Persons visiting the Cemetery or attending funerals are strictly prohibited from picking wild or cultivated flowers, trees, shrubs or plants.
  - 3.4 No one shall write upon, desecrate or injure any memorial, fence or other structure within the Cemetery grounds.
  - 3.5 Motor vehicles in the Cemetery shall travel on the roadways provided for that purpose and shall not exceed twenty (20) kilometers per hour, except for maintenance vehicles.
  - 3.6 No animals shall be allowed in the Cemetery.

#### **4.0 LICENSES**

- 4.1 The RM of Dufferin No. 190 may grant a license to any person for the exclusive use of any grave plot. The said license shall be subject to all provisions of this Bylaw and any amendments or regulations passed from time to time by Council.
- 4.2 The license fee and all other charges for work done or services rendered shall be in accordance with the Cemetery Fees Schedule, attached and identified as Schedule "A" and forming a part of this Bylaw.
- 4.3 Grave plots shall not be resold by the licensee. Grave plots shall not be transferred by the licensee with the exception of a transfer to an immediate family member.
- 4.4 An adjoining reserve grave plot may be purchased by a spouse or immediate family member of the deceased person after their death. The reserved grave plot must be paid for in full at the time it is reserved. The purchase price for the grave plot shall be the current purchase price as listed in Schedule "A" of this Bylaw.

#### **5.0 INTERMENTS**

- 5.1 No person shall bury any human body or cremated remains in the Cemetery unless and until the person has complied with the provisions of this Bylaw.
- 5.2 No grave shall be less than 1.83 metres (6 feet) in depth from the surface of the ground.
- 5.3 No interment of two or more bodies shall be made in one grave plot, except in the case of a parent and child concurrently.
- 5.4 A maximum of three (3) urns containing cremains may be interred in one grave plot and said urn(s) shall be buried no less than 0.61 metres (2 feet) in depth from the surface of the ground.
- 5.5 A grave plot may be purchased solely for the interment of cremains and shall preferably be made in the center of the grave plot, interred at the head, middle and foot, unless recorded otherwise.
- 5.6 No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the individual applying for the burial.

#### **6.0 DISINTERMENTS**

- 6.1 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 Minister of Health or his/her designate issued pursuant to an application under *The Public Health Act, 1994*.
- 6.2 A person making an application for disinterment shall ensure that a funeral home representative is present during the 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.

- 6.3 The disinterment of cremated human remains shall be permitted only upon written request from the Licensee of the grave plot in question or his/her heirs, executors or assigns.
- 6.4 Whenever the remains of a grave plot(s) are removed, the grave space(s) so vacated shall revert to the RM.

## **7.0 MONUMENTS AND MARKERS**

- 7.1 All monuments, markers or foundations shall be installed entirely within the grave plot for which it was intended. The initial monument or marker for each grave plot must be placed at the head of the grave.
- 7.2 All monuments and markers shall be manufactured of granite, marble, bronze, metal or other material approved by the Caretaker.
- 7.3 Each monument placed at the head of the grave shall be set on a concrete foundation of a minimum thickness of 4 inches. The upper surface of each foundation shall be to ground level and in each case the foundation shall project 4 inches on all sides of the base of the monument erected thereon.
- 7.4 Each marker, with the exception of metal markers, with a minimum thickness of 3 inches placed at the head of the grave will not require a foundation.
- 7.5 Each marker, with the exception of metal markers, without a minimum thickness of 3 inches placed at the head of the grave shall be either embedded in concrete with a minimum thickness of 4 inches or be placed on a foundation with a minimum thickness of 4 inches.

## **8.0 MONUMENTS AND MARKERS IN DISREPAIR**

- 8.1 The Caretaker or, in their absence, the CAO may declare any monuments, markers or any other structures 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 ninety (90) days, the Caretaker 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.

## **9.0 FLORAL ARRANGEMENTS AND DECORATIONS**

- 9.1 The placement 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 ten (10) days after which the flowers, wreaths and other items will be removed and disposed of.
- 9.2 The Cemetery or RM employees 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.
- 9.3 No grave plot shall be decorated by its owner(s) or other interested therein with any trees, shrubs or plants without written permission of the Caretaker. This shall not be deemed to prohibit the placing of cut flowers upon graves as per Section 9.1.
- 9.4 All flower arrangements as described in Section 9.1 shall be removed no later than October 15<sup>th</sup> of each year. If not removed by Oct. 15<sup>th</sup>, the Caretaker shall remove and dispose of said flower arrangements.
- 9.5 Solar lights are permitted. However, 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.

## 10.0 INTERMENT OF INDIGENT PERSONS

- 10.1 The RM shall provide interment rights free of charge for a deceased indigent person where the RM is instructed to provide interment rights free of charge pursuant to the provisions of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.

## 11.0 MAPS, PLANS AND RECORDS

- 11.1 The maps, plans and records for the Findlater 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.
- 11.2 Such maps and records are to show the grave plots that are occupied and the grave plots that are reserved.

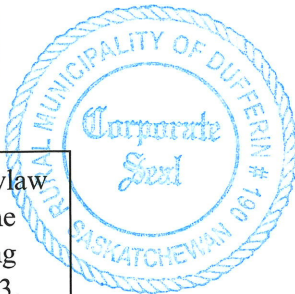
## 12.0 PENALTY

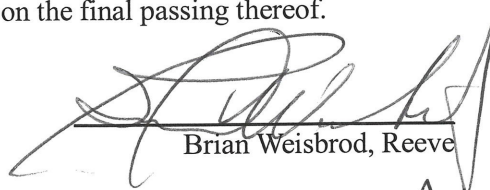
- 12.1 Any person found guilty of an infraction of this Bylaw or any part thereof, shall be liable upon summary conviction to the penalties prescribed by the General Penalty Bylaw of the RM of Dufferin No. 190.

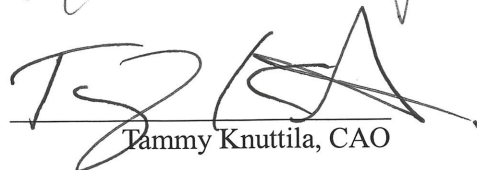
## 13.0 INDEMNITY

- 13.1 The RM shall indemnify and save harmless each of its employees and servants including the Caretaker, 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 the performance of his or her duties or services hereunder, provided the same have been carried out in good faith.

This Bylaw shall come into full force and take effect on the final passing thereof.



  
Brian Weisbrod, Reeve

  
Tammy Knuttila, CAO

Certified a true copy of the original Bylaw passed by the unanimous consent of the Council present at their regular meeting held on the 14<sup>th</sup> day of December, 2023.

  
CAO

**SCHEDULE "A" – BYLAW 19-2023**

**CEMETERY FEES SCHEDULE**

Grave Plot Fees: \$150.00

Burial site excavation and site remediation: Private contractor fees/rates

  
Initial