

**TOWN OF NORQUAY  
BYLAW NO. 4/2011**

**A BYLAW OF THE TOWN OF NORQUAY TO REGULATE AND CONTROL THE  
PUBLIC CEMETERY.**

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**Whereas** the Town of Norquay is the owner of a Public cemetery located on the property described as Block A, Plan101729875 in the RM of Clayton No. 333, and which Cemetery is known as the Norquay Cemetery: and

**Whereas** the Council of the Town of Norquay deems it advisable that a Bylaw be passed to provide certain regulations regarding the care, planning and management of the Norquay Cemetery:

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

**1. Short title**

This bylaw shall be known as “The Cemetery Bylaw”.

**2. Definitions**

In this Bylaw:

- a) “Administrator” means the Administrator of the Town of Norquay.
- b) “Burial Certificate” means a Certificate issued by Information Services Corporation, Vital Statistics Registry to bury on that portion of the said Cemetery as described in such Certificate.
- c) “Cemetery” means the areas set aside for burial of human remains in the Norquay Cemetery, and shall include all sections of the Cemetery.
- d) “Council” means the Council of the Town of Norquay.
- e) “Internment” means the burial of human remains or cremated human remains in a cemetery.
- f) “Maintenance Foreman” means the Maintenance Foreman of the Town of Norquay.
- g) “Monument” means any structure erected for memorial purposes.
- h) “Owner” shall mean the holder of a cemetery deed issued by the Town of Norquay.
- i) “Plot” or “Graves” shall mean a parcel of land in the said cemetery used or intended to be used for the internment of remains.
- j) “Resident” shall mean a person who currently resides within the limits of the Town of Norquay.
- k) “Town” means the Town of Norquay.

**3. Duties of Council and Town Administrator**

**3.1** The management and control of the said Cemetery is hereby vested in the Council, which shall determine the price of graves, plots, opening and closing charges, and grave/marker location fees. This shall appear as Schedule “A” attached to and forming part of this Bylaw.

**3.2** The sale of plots shall be conducted under the direction of the Administrator, and shall be completed on a row-by-row basis. All plots in a specific row shall be sold before plots are sold in a new row.

**3.3** No interment shall be made in the said Cemetery until a Burial Certificate has been obtained and provided to the Town Office. In the case of a cremation, a copy of the cremation certificate must also be provided to the Town Office. Any person found responsible for supervising or conducting an interment without having first procured a Burial Certificate shall be guilty of an offence under this Bylaw.

**3.4** No interment shall take place until the full price of a grave or plot has been paid to the Town.

**3.5** The Town shall maintain a record of all burials containing all the information as required by the Department of Public Health, the Department of Vital Statistics, and *The Municipalities Act*. Any person applying for a plot or grave shall provide the Administrator with any information required under such legislation.

**3.6** The Town shall maintain a plan showing the location of all existing graves or plots and all sites available for future expansion of the Cemetery. The Plan shall be available for inspection by the public at the Town Office during normal business hours.

#### **4. Duties of Maintenance Foreman**

**4.1** The Maintenance Foreman shall have charge of the cemetery and control of all maintenance performed and such other works that are carried out at the cemetery.

**4.2** It shall be the duty of the Maintenance Foreman to keep in good order all walks, paths and driveways in the cemetery and to cause weeds and grass to be cut and generally keep the grounds in good order and have all unsightly trees and shrubs removed from graves or plots as soon as possible.

**4.3** It shall be the duty of the Maintenance Foreman to determine the location of plots and he shall stake a plot out prior to the digging of a grave.

**4.4** It shall be the duty of the Maintenance Foreman to determine the location where a monument or marker shall be erected and he shall stake such location prior to the erection thereof.

**4.5** The Maintenance Foreman shall ensure that all requirements with regard to the placing of stones and monuments are complied with and shall ensure no enclosure, cover, curbs, foot markers, fences, corner stones, trees, shrubs or permanent flowers of any kind shall be placed on a grave. Flowers may be placed in holders suitably attached to the monument base.

**4.6** The Maintenance Foreman shall ensure that all new grave surfaces are seeded to grass.

**4.7** Permission must be received by the Maintenance Foreman prior to the repair of existing curbs or covers.

**4.8** The Maintenance Foreman shall report to the Administrator the existence of any damaged monument, marker, curb or cover. The Administrator shall ask the family of the owner of the grave to repair the damaged monument, marker, curb or cover. If the family fails to repair or remove the damaged monument, curb or marker within a reasonable time, the Maintenance Foreman shall remove such monument, marker, curb or cover, with the costs associated with the

removal to be charged to the family. The Maintenance Foreman shall cause a Notice to be forwarded by Registered Mail to the family of such graves indicating the Town's intention to remove the monument, marker, curb or cover in question within thirty (30) days. Any areas left by the removal of a monument, marker, curb or cover shall be seeded to grass.

## **5. Interments and Disinterment's**

**5.1** No interment or disinterment shall be made in the Cemetery unless the provisions of this bylaw and the provisions of *The Cemeteries Act, 1999*, *The Vital Statistics Act*, *The Public Health Act*, and *The Coroners Act, 1999* have been complied with.

**5.2** Each single plot can be used for a total of three (3) internments, which can be a combination of the following: one (1) casket internment and two (2) cremated remains internments (casket internment must occur first); or three (3) cremated remains internments.

**5.3** No person other than a qualified funeral director shall have charge of the interment or disinterment of any body.

**5.4** Internment of cremated remains can be done by the family. A copy of the death certificate and cremation certificate must be provided to the Town Office prior to the internment.

**5.5** Notice of an upcoming interment shall be given to the Town Office in writing at least forty-eight (48) hours before interment takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday except on production of a medical certificate indicating that an early internment is desirable.

**5.6** All interments shall be made between the hours of 8:00 am and 4:00 pm unless prior approval is obtained from the Maintenance Foreman.

**5.7** The depth of a single grave for the burial of a casket shall be no less than one hundred and eighty-five centimeters (185 cm = 6 feet) from the surface of the ground surrounding the grave, and no more than one body per grave shall be allowed. Cremated remains are to be buried at a depth of no less than sixty centimeters (60 cm = 2 feet) from the surrounding surface.

**5.8** All caskets shall be buried with a vault or grave liner of fiberglass, concrete, or steel. This does not apply to the interment of ashes. Vaults or grave liners must consist of a complete unit which, at minimum, covers the casket completely on the top and sides (dome).

**5.9** The Town accepts no responsibility for any error or misunderstanding that may arise from interment or other arrangements made by telephone.

**5.10** No disinterment shall be permitted in the cemetery except pursuant to the written order of the Minister of Health in Saskatchewan, or his designate; and a Disinterment Permit is provided to the Town Office.

## **6. Care of Graves**

**6.1** The Council of the Town of Norquay shall assume the general care of the entire cemetery. The owner of a plot shall observe all the rules and regulations passed from time to time by

Council for keeping the cemetery in order.

**6.2** After the passing of this bylaw, no borders, fences, railings, curbs, copings, trellises, hedges, grave covers or other enclosures shall be constructed or planted in or around graves or plots.

**6.3** Borders, fences, railings, curbs, copings, trellises, hedges, grave covers and other enclosures already erected at the time of the passing of this bylaw may be removed by the Town if by reason of neglect or age they become in a state of disrepair and the owner neglects or refuses to repair same.

**6.4** Borders, fences, railings, curbs, copings, trellises, hedges, grave covers and other enclosures in existence before the passing of this bylaw will be removed free of charge by the Town upon written request by an owner.

**6.5** No trees, shrubs or plants shall be planted in the cemetery except with the written permission of the Town.

## **7. Monuments**

**7.1** All monuments shall be manufactured of granite, marble, bronze or steel.

**7.2** No person shall erect, clean, repair, or remove a monument or marker without having obtained a permit and paying the required fees as set in Schedule "A", attached to and forming part of this Bylaw.

**7.3** All monuments shall be set at the head of the plot.

**7.4** All monuments shall be centered on a concrete foundation at least 10 cm (4 inches) thick, installed at ground level, with the said foundation being a minimum of 10 cm (4 inches) wider and 10 cm (4 inches) longer than the monument base.

**7.5** Where there is more than one interment in a grave...ie. casket with two cremations, and if each interment is to have its own monument or marker, then the monuments/markers shall be placed as follows:

- a. one monument at the head of the plot, with the marker installed either at the head or within the plot, installed at ground level; or
- b. monuments erected at the head, directly beside one another; or
- c. markers placed at the head or within the plot, installed at ground level.

**7.6** The monument company shall be responsible for clearing and refurbishing the area around the marker. The Town shall not be responsible for any maintenance to the monument or foundation after installation.

**7.7** The Town shall not be liable for the loss of or damage to any monument, marker, or other object or planting located in the cemetery.

**7.8** Grave covers of any type or description and of any material shall not be permitted.

## **8. General Rules**

**8.1** The Town shall assume the general care of the entire Cemetery. The owner of a plot shall observe all rules as outlined in this Bylaw.

**8.2** The Town may grant a deed to any person for the exclusive use by him, his heirs, executors, administrators, or any plot or plots, said Deed to be subject to all the provisions of this Bylaw and any amendments thereto or regulations passed from time to time by the Council of the Town of Norquay.

**8.3** All transfers of deed titles or conveyances of graves or plots must be registered in writing with the Town Office.

**8.4** During a burial service all work within the Cemetery shall be suspended.

**8.5** Employees of the Town working at the Cemetery are not permitted to do any work for owners during working hours except upon order of the Maintenance Foreman.

**8.6** All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.

**8.7** No animals shall be allowed in the Cemetery.

**8.8** No plot shall be used for any other purpose than for the burial of the human dead.

**8.9** All persons visiting the Cemetery shall use only the avenues, roads, walks and alleys provided and no one shall walk upon or cross graves or plots unless it is necessary to do so to gain access to another plot or grave.

**8.10** Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing, or damaging any monument, memorial, fence or other structure within the Cemetery grounds.

**8.11** No trees, shrubs, flowers, or plants of any kind will be permitted to be planted anywhere within the boundaries of the Cemetery, unless written approval has been granted by the Town.

**8.12** Any tree, shrub, flower, or plant of any kind that is planted within the boundaries of the Cemetery without written approval from the Town will be removed and disposed of without notification.

**8.13** Flowers, wreaths or other plants left on graves within the Cemetery shall remain for a period of one (1) month, after which they will be removed and disposed of. All other flowers are to be placed in approved monument flower holders.

**8.14** Vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a rate of speed greater than 20 kilometers per hour (20 km/hour), except those vehicles used for the performance of maintenance.

**8.15** No motorbikes, ATV's or snowmobiles shall be allowed within the limits of the Cemetery except and unless forming part of a recognized Funeral Procession.

**8.16** No person shall engage or play at any game or sport, or discharge any firearms (except at a Military Funeral) in the Cemetery, or unlawfully disturb persons assembled for a burial, or commit a nuisance or behave in any indecent or unseemly manner at the Cemetery.

**8.17** Any person disturbing the quiet and good order of the Cemetery by any improper conduct shall be asked to leave the grounds immediately.

**8.18** This Bylaw may be amended from time to time at the discretion of Council.

**9. Penalty**

**9.1** Any person who commits a breach of the provisions of this Bylaw shall on conviction thereof before the property authority be liable to a fine of not less than \$100.00 and not more than \$1,000.00.

**9.2** Damage done to a single plot, grave, monument, marker, or any other avenue, road, walk, or alley within the boundaries of the Cemetery shall constitute a single offence under this bylaw.

**SEAL**

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**Mayor**

\_\_\_\_\_  
**Town Administrator**

**Read a third time and adopted this**

\_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Bylaw No. 4/2011  
Cemetery Bylaw  
Schedule "A"**

The following shall be the rates charged under this Bylaw:

**1. Cost of Plots**

Resident	\$300.00 per plot
Non-Resident	\$600.00 per plot

\*All of the funds from the sale of a plot are to be placed into a Reserve Fund for cemetery care and maintenance.

**2. Open & Close Fees**

It is the responsibility of the owner or funeral director to make arrangements with a local contractor for the opening and closing of the plot. The contractor shall not begin work until such time as the exact grave location has been approved by the Maintenance Foreman.

<b>3. Monument Installation and/or Servicing Permit</b>	<b>\$30.00</b>
(per plot, including plot location)	