

## **Bylaw #2020.03**

### **A BYLAW TO REGULATE & CONTROL THE OPERATION OF A CEMETERY OPERATED BY THE RM OF NIPAWIN**

Section 54(1) of the *Cemeteries Act*

The Council of the Rural Municipality of Nipawin No. 487 in the Province of Saskatchewan enacts as follows:

#### **1. Definitions:**

- a. Administrator – The Administrator of the Rural Municipality of Nipawin No. 487.
- b. Adult – an individual eleven (11) Years of age and older.
- c. Base – The bottom or lower portion of a marker/monument.
- d. Cemetery – the land owned by the Rural Municipality of Nipawin No. 487 set apart for, or used as, a place of interment of human remains and includes a place where human remains have heretofore been buried.
- e. Cemetery Committee – means a person or persons duly appointed by the Council.
- f. Child – an individual ten (10) years of age or less but no less than two (2) years of age.
- g. Columbarium – a structure or building in a Cemetery designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
- h. Council – The council of the Rural Municipality of Nipawin No. 487.
- i. Cremains – The ashes and/or human bone fragments that remain after cremation.
- j. Dimensions – shall be interpreted as follows:
  - i. Depth - the distance from the top or surface to the bottom of the plot
  - ii. Length - the longest extent of anything as measured from end to end
  - iii. Width - the measurement or extent of something from side to side
- k. Elkhill Cemetery – Location SW PT 05-50-15 W2
- l. Infant – an individual no more than two (2) years of age and may include inter-fetal remains
- m. Interment – The burial of human remains or cremated human remains in a Cemetery and/or the internment of cremated human remains in a columbarium.
- n. Grave Marker/Monument – a flat or upright monument made from marble, granite, bronze, stone.
- o. License – a permit provided by the Rural Municipality of Nipawin No. 487 to an individual with respects to a plot for a burial as provided for herein, or for the burial of cremains as provided for herein.
- p. Niche – Each individual compartment in a columbarium to be used for the interment of cremated human remains.

- q. Plot – a portion of a subdivided parcel of land in a Cemetery for which a license may be purchased for the purpose of a single burial of human remains and/or the burial of cremated remains.
  - i. In the Elkhill Cemetery, a single plot measures four (4) feet by ten (10) feet and a double plot measures eight (8) feet by ten (10) feet.
- r. Urn – a tall vase with a base, and often a stem, used for storing the ashes of a cremated person.

## 2. **General Regulations:**

- a. During a burial service, all work in the immediate vicinity of a Cemetery shall be discontinued.
- b. All persons while in a Cemetery shall conduct themselves in a quiet and orderly manner. No child shall be admitted to a Cemetery unless in charge of an adult person.
- c. No animal remains may be buried within a Cemetery.
- d. All interment requests must provide two (2) business days' notice to the Rural Municipality of Nipawin No.487.
  - i. Interment requests must provide the name of the deceased, Cemetery name, location of the plot, date and time of interment, type of interment and the arrangers contact info prior to the notice period beginning.
  - ii. The notice period shall not begin until all the required information has been received by the Cemetery committee.
  - iii. Notice for interments planned for a Saturday must be provided by noon of the Thursday prior.
  - iv. No requests shall be received on Saturday, Sunday or on an observed Holiday.
- e. The Rural Municipality of Nipawin No.487 or any official thereof shall not be held responsible for any mistake resulting from lack of precise instructions regarding the grave space where an interment is to be or has been made.
- f. All persons who enter the Cemetery shall do so at their own risk and shall be and remain responsible for any injury or other loss, whether to person or property at the Cemetery.
- g. No cremains shall be scattered within the Cemetery.

## 3. **Columbarium:**

- a. Each urn must contain markers identifying the deceased.
- b. Each niche shall contain no more than one (1) set of cremains, unless cremains are in a companion urn or two urns of a smaller size to fit within the niche.

## 4. **Interments:**

- a. No interment of a body shall be permitted in the same plot where another body has already been interred with the exception of cremated remains or in the case of parent and child concurrently or two infants buried concurrently in one casket, subject to applicable legislation.
- b. No person shall bury any dead human body or cremated remains in a Cemetery unless and until the person has complied with the provisions of *The Public Health Act and Regulations* thereunder, *The Vital Statistic Act and Regulations* there under and the provisions of this bylaw.
- c. No grave for the burial of an interred body shall be less than six (6) feet in depth, cremains shall be no less than three (3) feet in depth.
- d. In a single plot, no more than one (1) interred body and/or three (3) cremains shall be allowed. If the interment of cremains takes place first, no interment of a body shall be placed in the same plot.
- e. In a double plot, no more than two (2) interred bodies and/or six (6) cremains shall be allowed. If the interment of cremains takes place first, no interment of a body shall be placed in the same plot.
- f. No interment shall be made until a Burial Permit has been obtained and proper notice is given to the Administrator as herein provided.

**5. Disinterment:**

- a. No person shall disinter or remove a body or cremains from any plot without first producing a written order from the licensee of such plot and a permit for such disinterment or removal issued by the Minister of Public Health and a receipt showing that the necessary fees have been paid.
- b. The Rural Municipality of Nipawin No. 487 service in connection with disinterment shall only include that opening of the grave down to the top of the casket or urn and the funeral director in charge shall be responsible for the actual removal of the remains or ashes.

**6. Marker/Monuments:**

- a. All markers/monuments and foundations shall be installed entirely within the plot for which it was intended.
- b. All markers/monuments shall be manufactured of granite, marble, bronze or other materials approved by the Cemetery committee.
- c. Each marker/monument placed at the head of the grave shall be set on a concrete foundation of a minimum thickness of three and a half (3 1/2) inches. The upper surface of each foundation shall be to ground level and in each case the foundation shall project six (6) inches on all sides of the base of the marker/monument to erected thereon.
- d. Markers must be placed within two (2) years of an interment. The full marker fee will be refunded if a monument/marker is placed or proof of purchase can be provided to the Cemetery committee within the two years of interment.
- e. The Rural Municipality of Nipawin No. 487 shall not be liable for the loss of or damage to any marker/monument.

**7. Purchase of Plots, Niche & Licenses:**

- a. A person may reserve a niche, grave or graves, by paying in full, the current purchase price as shown in Schedule A to this bylaw. The reservation shall hold the niche and/or grave(s) for use by the party who paid the purchase price, the purchaser's heir(s), or for a burial upon the purchaser's instructions, for a period of five (5) years. At the expiry of the five (5) year reservation period, the grave(s) shall revert to the Rural Municipality of Nipawin No. 487 with no refund of the purchase price unless the party who paid the purchase price has renewed the reservation in writing.
- b. The purchase price for graves and niches is non-refundable.
- c. The fee for the said license and all charges for work done at the Cemetery by the Rural Municipality of Nipawin No. 487 shall be in accordance with the rates set out in Schedule A of this bylaw.
- d. Plots shall not be resold or transferred by the licensee. Licensee may only transfer plots to an immediate family member (father, mother, child, grandchild, or grandparent) with the approval from all owners of the plot(s) in writing.
- e. The licensee may surrender the license back to the Rural Municipality of Nipawin No. 487 at no cost.
- f. Any plots purchased before the passing of this bylaw shall be considered double plots, hereinafter, plots shall be single plots.

**8. Borders, Fences, Plants Etc.:**

- a. Any border, fence, railing, trellis, grave-cover, hedge or any other bounding or enclosing object or material erected before the passing of this bylaw shall be removed when it reaches a state of disrepair as determined by the Cemetery committee. Notice in writing of such action shall be forwarded to the purchaser and/or heirs at their address for service.
- b. No border, fence railing, trellis, grave-cover, hedge or any other bounding or enclosing object or material shall be constructed, placed or planted in or around any plot other than for the purpose of operating the Cemetery.
- c. No tree, shrub or plant shall be planted in the Cemetery.
- d. If any tree, shrub or plant situated on or adjacent to any plot thereof by means of its roots or branches, in any way becomes detrimental to any adjacent plot, path, driveway or becomes dangerous to the public, the committee may arrange for the removal of such tree, shrub or plants or parts thereof.

- e. Maintenance may remove from any plot, any weeds, wilted flowers, or floral pieces or any other article or thing, which are unsightly or which are considered to be an obstacle to convenient and safe mowing of the grass.
- f. All items placed in the cemetery by the public shall be at their own risk and the Rural Municipality of Nipawin No. 487 is not responsible for the loss or removal of any decoration and is not required to retain any decoration left in the Cemetery.

**9. Parking:**

- a. Vehicles in a Cemetery shall keep to the driveway or designated parking area provided and pedestrians shall keep to the paths. Vehicles in a Cemetery shall not travel at a speed greater than ten (10) kilometers per hours. In addition, the following acts are prohibited:
  - i. Driving any motor vehicle or animal across or upon any plot to lawn or parking or leaving the same thereon.
  - ii. No ATV's or snowmobiles shall be allowed within the limits of the Cemetery.

**10. Coming into Force**

- a. This bylaw shall come into effect on the day of its final passing.
- b. Bylaw No. 1-2004 is hereby repealed.

Introduced and read a first time this 11 day of February, 2020

Read a second time this 7 day of May, 2020

Read a third time and passed this 7 day of May, 2020

SEAL

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Reeve

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Administrator

# Cemetery Rates Schedule Schedule A

*Rural Municipality of Nipawin No. 487 – Elkhill Cemetery*

	<u>Purchase Price</u>	<u>Plot Opening/Closing</u>	<u>Cremation Opening/Closing</u>	<u>License Fee</u>	<u>Plow Fee</u>	<u>Marker Fee</u>
All Plot	\$300.00	800.00	\$350.00	\$25.00	\$1475.00	\$200.00
Niche	\$300.00			\$25.00	\$160.00	

\*\*subject to applicable taxes

*SAMPLE*  
*Elk Hill Cemetery License*

No. \_\_\_\_\_

Date: \_\_\_\_\_, \_\_\_\_\_

**Purchaser**

Name		Address	
City & Province		Postal Code	
Phone		Email	
Next of Kin		Contact	

**Plot Information**

Type of plots	Single	Niche	Placement	Urn	Casket
Plot Number		Name			
Plot Number		Name			
Plot Number		Name			
Columbarium Number		Name			

Expires: \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser

- ❖ Single Plot – One interred body and three cremated human remains OR three cremated human remains and no interred body.
- ❖ Niche – an individual compartment in a columbarium to be used by one cremated human remains.

Valid for **five (5) years**. Please contact the Rural Municipality of Nipawin No. 487 office if you wish to keep the purchased plot(s).

SEAL

\*\*If any of the above contact information changes, please contact the Rural Municipality of Nipawin No 487 office at 1-306-862-9551