

BYLAW NO: 1100-24

A BYLAW TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE KERROBERT CEMETERY

1. This bylaw may be cited as "The Cemeteries Bylaw".
2. **DEFINITIONS:**
 - a. Administrator – The person appointed as Administrator pursuant to Section 111 of The Municipalities Act; also known as the CAO.
 - b. Abandoned plot- one that is owned by a licensee for more than 30 years provided it is not used for a burial in that time and there is no owner or known next of kin the town can contact to verify if the plot will be used in the future.
 - c. Base- means the bottom part or lower portion of the Monument.
 - d. Cemetery- means the land that is set apart for, or used as a place of, interment of the dead of which human bodies may be buried. The Land location is all that portion of the Northeast Quarter of Section 10 Township 31 Range 23 W3rd. Described as: Connecting at the Northeast corner of said quarter section; thence Southerly along the Eastern Boundary 660 feet; thence Westerly parallel with the Northern boundary 660 feet; thence Northerly parallel with the Eastern boundary 660 feet; to the Northern boundary; thence Easterly along the North side 660 to the place of commencement, for a total of 10 acres.
(Minerals in the Crown)
 - e. Columbarium – means a structure in a cemetery designed for the purpose of cremated human remains in a sealed compartment or niche.
 - f. Council – Mayor and the Councillors of the Town of Kerrobert pursuant to the Local Government Election Act 2015.
 - g. Cremated Human Remains – means human bone fragments that remain after.
 - h. Cremation- means the technical process of using heat to reduce human remains to bone fragments.
 - i. Flat Marker – a type of Monument set flush with the ground level, an inscription may be made, or a bronze plaque affixed.
 - j. Foundation – means the concrete pad that supports the Monument.
 - k. Grave – means a subdivision of land for the purpose of a single burial in the Cemetery on the Town Cemetery plan.
 - l. Human Remains – means a dead human body, but does not include cremated human remains.
 - m. Interment - means the burial of human remains or cremated human remains in a cemetery OR the interment of human remains in a columbarium.
 - n. Interment Rights – the right to use a plot for the purpose of the interment of cremated human remains.
 - o. Indigent Person – a person who in life is impoverished, or unable to afford the basic necessities of life.

- p. License Funeral Director- a person who supervises or conducts the preparation of the dead for burial and directs or arranges funerals.
- q. Licensee – means a person or persons who purchase a grave or graves in the cemetery.
- r. Marker - means a memorial of granite or marble installed at ground level at the head of a grave.
- s. Memorial Wall – means the side walls of any columbarium used for the placement of personalized plaques in memory of the deceased when ashes have been spread at another location.
- t. Monument – means a tombstone or memorial structure set upon concrete footing or foundation which projects above the ground with inscribed or attached lettering or artwork as a means of commemoration and made with granite, marble, bronze or other approved material.
- u. Niche – means an individual compartment to be used for the interment of cremated human remains.
- v. Owner – a person or person’s heir, executors or administrators who purchase a plot in the cemetery.
- w. Perpetual Care – The levelling of the ground on each lot, seeding, watering and cutting the grass as required and generally keeping the Cemetery in good order and repair.
Notwithstanding the foregoing, it shall not include maintenance, repair, replacement of the marker, tombstones, Monuments or other like structure except as specifically provided by this bylaw.
- x. Plot - means an area designated by the Cemetery for a single grave. A plot is considered 6 ft X 10 ft for a single grave in the Town of Kerrobert Cemetery.
- y. Supervisor shall mean the caretakers of the Kerrobert Cemetery as designated by the resolution of Council.
- z. Registrar means the person designated by the Minister responsible for The Cemeteries Act, R.S.S 1978 Chapter C-4 to be the registrar pursuant to said Act.

3. GENERAL RULES:

- a. All persons while in the cemetery shall conduct themselves in a quiet and orderly manner.
- b. Persons within the Cemetery shall use the roads and walks, and no one is permitted to walk upon or across graves, except the cemetery employee in the course of carrying out their duties. The Town expressly disclaims liability for any injuries by anyone violating this rule.
- c. Persons visiting the cemetery or attending a funeral are strictly prohibited from picking flowers, breaking or injuring any tree, shrub or plant or from writing upon, defacing or damaging any memorial, or other structure within the cemetery grounds. Any person shall be liable to the town for such damages in addition to fees associated with contravention of this Bylaw.
- d. Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not be driven in a manner to emit a loud, unnecessary or unusual noise that annoys or disturbs persons gathered in the cemetery.
- e. No skidoos, quads, motorcycles, or machines of any kind as well as cross country skiing, tobogganing, or active sports will be allowed in the cemetery.

- f. No dogs, or other pets are allowed in the cemetery.
- g. The town shall not be held liable for the loss or any damage to any Monument, marker or any party thereof of any memorial tribute located in the cemetery.
- h. Fences, borders, railings, trellises, walls, hedges, and shrubs of any kind are prohibited unless planted or installed by the Town.
- i. No person shall dig or open any grave or cause any graves to be dug or opened in the Town other than that now used and /or therein appropriated for the purpose of the cemetery. Nor shall any person inter or deposit any human remains in any grave with the Town other than as prescribed in the Bylaw.
- j. The Town shall not be held liable if during excavation for a burial there is found to be human remains that were unknown to exist in that plot per the Town's cemetery records or according to geo-radar mapping of the cemetery the possibility of an unmarked grave and that has been communicated to the owner or licensee of the plot.
- k. Any notices given pursuant to this Bylaw shall be deemed sufficient in writing and mailed to the last known address of such person as entered on the cemetery records.
- l. No drinking is prohibited in the cemetery.

4. ADMINISTRATION:

- a. The administration shall keep record of all graves, plots and niches in the cemetery with location, names, date of birth, and death and receipt number of payment.
- b. The receipt that is given upon payment of the plot or niches is considered a valid license for the purpose of a grave or niche in the cemetery. No plot, grave or niche can be reserved unless the fees set out in Schedule "A" are paid in full. This schedule can be amended by Council Resolution.
- c. Cemetery graves or niches cannot be resold by the owner to another individual, they can be transferred back to the Town for a full refund of license fee.
- d. All records, maps and registers necessary in the administration of the cemetery shall be maintained in the Town of Kerrobert office and shall be open to public inspection during regular office hours.
- e. There may be if there are interested parties a formation of a cemetery committee that will consist of these interested parties, the CAO as secretary, and a Council representative. Day to day operations, maintenance needs, and future capital projects of the cemetery may be decided by this committee. The CAO will work closely with the committee to assure that any needs or wishes are communicated with Council and budgeted for accordingly. No monies will be spent outside of the approved budget without Council or CAO approval.
- f. It is with understanding that with the establishment of a committee, the Cemetery is a Town of Kerrobert owned location, the operations staff will provide labour and machinery for any maintenance, or projects deemed necessary that are beyond the scope of the hired grounds keeper. All requests are to be made to the Town Office where a work order will be generated.
- g. A funded Operating Reserve will be maintained by the Administrator. Capital donations or any funds raised by the Cemetery Committee for a future purpose will be transferred to this funded

reserve on an annual basis. Interest accumulated in this fund may be used for yearly operations if needed by committee/or Council resolution.

5. GRAVES AND PLOTS:

- a. The Administration of the Town shall make all sales of the graves and plots in the cemetery and shall receive the monies.
- b. No grave shall be used for any purpose other than the burial of human remains.
- c. Cemetery plots may be chosen from an area that has not been currently selected or reserved. The fixed size of a plot is 6ft wide by 10 ft long.
- d. A maximum of one body and two urns of ashes or a maximum of 3 urns of ashes shall be in any one plot. Additional urns to accommodate special circumstances in an existing family plot can be approved by the Town of Kerrobert and require payment of an additional fee set out in Schedule "A".
- e. The Town of Kerrobert shall take all reasonable precautions to protect licenses and the property within the cemetery from loss and damage, but the Town distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, acts of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents , invasions, insurrections, riots or orders of any military or civil authority.
- f. If a plot is deemed to be abandoned the administrator shall follow Section 52 of the *Cemeteries Act, 1999*.

6. INTERMENTS AND DISINTERMENTS:

- No interments shall be made in the Cemetery until compliance with the provisions of this Bylaw, the Public Health Act and Vital statistics Act of the Province of Saskatchewan and with any regulations issued there under.
- Payment for any appropriate charges as set out in Schedule "A" to this Bylaw are due prior to any interment.
- No interments shall be permitted in the cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial.
- Notice shall be given to town administration at least 48 hours in the summer and 72 hours in the winter, before the proposed time of the interment.
- Excavation, opening and closing of the grave shall be performed by a third-party contractor arranged by the owner or funeral director of the plot. The Town will only provide the location of the plot and mark out the dimensions of it in a timely manner to allow for excavation before the interment.
- No grave shall be less than 6 feet in depth from the surface of the ground surrounding the grave. Earth interment of ashes maybe less than six feet in depth but shall be a minimum of 30 inches in depth from the surface of the ground surrounding the grave.

- Graves will be allocated and sold to the public on a “first-come, first served” basis provided the purchaser agrees to adhere to all relevant bylaws and regulations and the fees have been paid in full.
- The scattering of cremated remains in the cemetery will not be permitted unless the scattering is upon a grave of a deceased relative.
- The Administrator at their discretion with the approval of Council, may on a written request increase the number of interments permitted in one plot, having regards with the circumstances surrounding the death, relationship to the deceased, continuity of Monuments and landscaping, interference with perpetual care of the cemetery or any other relevant factor under the circumstances.
- Disinterment shall only be permitted upon the production of a written permission of the Ministry of Public Health issued pursuant to an application under the Public Health Act.
- By Order of the Town of Kerrobert, Minister of Social Services or Minister of Public Health graves in the cemetery shall be supplied for an indigent person as follows:
 - without charge for the burial of an indigent person
 - Shall take place in a single grave designated by the Administrator with no choice of location.
 - No Monument or markers will be erected or installed unless such grave has been purchased with the applicable fees.
 - A simple cross marking the grave may be installed at the discretion of the Town.

7. MONUMENTS AND MARKERS:

No Monument, marker or object of any kind shall be placed on any grave or plot in the cemetery except as provided in this section:

- All Monuments and markers shall be made of granite, marble, bronze or powder coated metal. Any other material is subject to approval from the Administrator prior to placement.
- Only one Monument per plot shall be placed at the head of the plot (facing East) in alignment with the adjacent Monuments.
- If a second marker is required on a grave, only a flat marker flush with ground level will be permitted directly in front of the existing Monument.
- Any Monument company providing the service of placement of Monuments must have a valid business license from the Town before proceeding with the work.
- Any Monument company, its employees, contracted employees thereof/ and or authorized individuals carrying out the work will advise the Town upon arrival at the cemetery and shall be responsible for the restoration or repair of any damages to the cemetery grounds or fixtures resulting from their actions. The Town will not be held responsible financially or otherwise for any Monument damages and repairs required due to improper installation.
- Any person wishing to install a Monument is responsible to ensure that the Monument that they are purchasing will fit within the boundaries of the plot or portion of the plot that is purchased. For this Bylaw that means that the base of the Monument must be 6 ft or smaller.

- There are no size or shape requirements for Monuments.
- Where the Monument is marking more than one grave, it is the responsibility of the person making the application to ensure that the inscription corresponds with the correct sides or locations of the burials.
- Fibreglass grave covers shall not be permitted. Covers in a state of disrepair shall be removed permanently. All other grave covers should be flush with ground level.
- For a unified covering on a family plot of multiple graves it will be allowed to install a landscaping cement border with a minimum width of 4 inches and maximum of 6 “ Within this border there may be placed landscaping fabric and a minimum of 6” of crushed rock to create a maintenance free surface above the entirety of the family plot. Over individual graves remain within the 6ft width of the plot. A proposal of planned work must be submitted to the Administrator for approval before any work commences.
- Ornaments including flower holders or vases, crosses, statues may be permitted on a burial plot as long as they are:
 - Permanently secured to the base of the Monument.
 - Are Unbreakable.
 - Do not exceed 14 inches in height.
 - Do not project beyond the plumb line from the outside dimension of the Monument base.
- For any Monument or markers that are installed in contravention of this bylaw or fall into a state of disrepair the Town has the discretion to remove said Monument from the cemetery. The Town will forward a written notification prior to undertaking this action to the last known address of the owner or licensee of the grave.
- The Town reserves the right to remove any Monument or marker temporarily for the purpose of performing necessary maintenance work.
- Minor scraping of the base portion of upright Monuments due to grass mowing operations is considered normal wear.
- The Town reserves the right to change the design of the cemetery affecting the placement of existing and new Monuments.
- The surname inscribed on the Monument must match the surname corresponding to the burial as recorded in the cemetery records located at the Town office.
- Memorial benches are permitted in the Town cemetery. Written requests must be submitted and require written approval by the administrator for type and placement of the bench.

8. COLUMBARIUM:

- a. The Administration of the Town of Kerrobert shall make all the sales of the columbarium niches.
- b. Niches shall not be resold or transferred by the license but may be transferred back to the Town of Kerrobert for a full refund.
- c. A maximum of two urns of cremated human remains shall be interred in one columbarium niche.
- d. Niches may not be reserved until the full fee is paid according to Schedule “A”

This schedule may be amended time to time by Council Resolution.

- e. No Niche shall be used for any purpose other than the interment of cremated human remains.
- f. Memorial Plaques are allowed at the end of the Columbarium. These Plaques can be purchased from the Town of Kerrobert for the fee specified in Schedule "A".
- g. Engraving of the door of the niches and memorial plaques is the responsibility of the owner. The Town Office will provide you with a door to provide to Remco Memorials to send away for engraving.
- h. Standard size of the niche in a 36 X 36 ft columbarium is 11.5" by 14."
- i. The opening and closing of the niche will be performed by either the funeral director or the Town of Kerrobert. There is no additional cost for this. Multiple openings of door of the niche, is not allowed unless it is for the second interment.
- j. Funds from the sales of niches will be moved annually to a Cemetery Columbarium Reserve Fund to be used specifically for the purchase of future columbarium's required at the Town Cemetery. When the demand for niches is sufficiently met the funds from sales may by council resolution be used for additional capital projects at the Cemetery.

9. PERPETUAL CARE:

- a. Upon Purchase of a plot in the Town Cemetery a fee for perpetual care will also be charged and considered part of the necessary fees that should be collected before a plot can be reserved. These fees are set out in Schedule "A" and may be amended time to time by Council Resolution.
- b. Perpetual care includes the addition of dirt to newly dug graves to help with settling for maximum of 2 years after the date of burial. Typically, this means addition of dirt in the spring/summer or after heavy rainfall.
- c. Sunken graves are not included as part of perpetual care they are to be removed and levelled at the expense of the owner of the grave. Owners of the plots will have access to a stockpile of dirt provided by the Town on the cemetery grounds.
- d. Grass will be planted and maintained in and around all plots.
- e. General weed control for the entire cemetery.
- f. Addition of any trees, shrubs or foliage that the Town of Kerrobert deems necessary to improve, maintain or add to the beautification of the cemetery.
- g. Minimal levelling of sunken Monuments or markers will be done annually.
- h. Fees collected for Perpetual Care will be deposited in a funded reserve. The establishment, addition to, reduction of and use of the monies held in this reserve shall be subject to the following terms.
 - The fund shall maintain a balance of \$20,000 to help with the purchase of additional land for the Town of Kerrobert should the need arise. If the reserve exceeds that; the excess will be transferred to the Town of Kerrobert either to the operating reserve for future costs or general account to used for operating costs associated with the cemetery.
 - Yearly accumulations of fund contributions by individuals, corporations or perpetual care monies will be added to the reserve by the administrator.

- An increase or reduction in the minimum balance of this reserve can be made by Council Resolution.

10. PENALTIES:

A person who contravenes any provision of this Bylaw is guilty of an offence and upon summary conviction is subject to the fines set out on Schedule "A". These fines may be updated from time to time by Council Resolution.

11. REPEALED BYLAWS:

That Bylaws 741-91, 743-91, 974-12 are hereby repealed in their entirety.

12. EFFECTIVE DATE OF BYLAW:

This Bylaw shall come into force and take effect of the final date of passing by Council.





Mayor



CAO

Readings:

Read a first time this 17 day of July, 2024

Read a second time this 17 day of July, 2024

Read a third time this 17 day of July, 2024

Schedule “A”
Schedule of Cemetery Rates
(July 2024)

Grave Fees:

Cemetery Plot Fee (Operating Revenue plus GST)	\$225
Perpetual Care Fund	<u>\$225</u>
Total Plot Fee	\$450 <i>(plus GST on Plot)</i>

Additional Fee

A requested “extra” Urn on a family grave/plot	\$225
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Columbarium Fees:

One Niche (Columbarium Revenue plus GST)	\$1,500
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** this fee includes opening, closing and any perpetual care

Amendment of Fees:

These fees may be amended by Council Resolution from time to time to allow for compensation of increasing costs to maintain the cemetery or costs of a new columbarium. A new schedule of costs will replace the current one, with a date of amendment added below the title.

Upon Purchasing of a Plot, the licensee will be issued a payment receipt that serves as a valid license to hold an interment in the Town of Kerrobert Cemetery providing all aspects of the Bylaw are adhered to.

With this receipt the Town of Kerrobert will also supply the Cemetery Regulations for the Town of Kerrobert Cemetery to the licensee so they are aware of any restrictions or rules related to Monuments, markers, burials and process for engraving on Columbarium doors.

CEMETERY REGULATIONS

Monuments/Markers/Burials/Columbarium Doors

(Bylaw 1100-24)

Monuments and Markers

- All Monuments and markers shall be made of granite, marble, bronze or powder coated metal. Any other material is subject to approval from the Administrator prior to placement.
- Only one Monument per plot shall be placed at the head of the plot (facing East) in alignment with the adjacent Monuments.
- If a second marker is required on a grave, only a flat marker flush with ground level will be permitted directly in front of the existing Monument.
- It is your responsibility to make sure that the base of the Monument is 6 ft or smaller to fit the boundary of a single plot.
- The surname inscribed on the Monument must match the surname corresponding to the burial as recorded in the cemetery records located at the Town office.
- Where the Monument is marking more than one grave it is the responsibility of the person making the application to ensure that the inscription corresponds with the correct sides or locations of the burials.
- Fibreglass grave covers shall not be permitted. Covers in a state of disrepair shall be removed permanently. All other grave covers should be flush with ground level.
- For a unified covering on a family plot of multiple graves it will be allowed to install a landscaping cement border with a minimum width of 4 inches and maximum of 6". Within this border there may be placed landscaping fabric and a minimum of 6" of crushed rock to create a maintenance free surface above the entirety of the family plot. Over individual graves remain within the 6 ft width of the plot. A proposal of planned work must be submitted to the Administrator for approval before any work commences.
- Ornaments including flower holders or vases, crosses, statues may be permitted on a burial plot as long as they are:
 - Permanently secured to the base of the Monument
 - Are Unbreakable
 - Do not exceed 14 inches in height.
 - Do not project beyond the plumb line from the outside dimension of the Monument base.
- Any Monument or markers that are installed in contravention of this bylaw or fall into a state of disrepair the Town has the discretion to remove said Monument from the cemetery. The Town will forward a written notification prior to undertaking this action to the last known address of the owner or licensee of the grave.
- The town reserves the right to remove any Monument or marker temporarily for the purpose of performing necessary maintenance work.
- Minor scraping of the base portion of upright Monuments due to grass mowing operations is considered normal wear.
- The Town reserves the right to change the design of the cemetery affecting the placement of existing and new Monuments.

Burials

- No interments shall be permitted in the cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial.
- Notice shall be given to town administration at least 48 hours in the summer and 72 hours in the winter, before the proposed time of the interment.
- Excavation, opening and closing of the grave shall be performed by a third-party contractor arranged by the owner or funeral director of the plot. The Town will only provide the location of the plot and mark out the dimensions of it in a timely manner to allow for excavation before the interment.
- No grave shall be less than 6 feet in depth from the surface of the ground surrounding the grave. Earth interment of ashes maybe less than six feet in depth but shall be a minimum of 30 inches in depth from the surface of the ground surrounding the grave.
- The fixed size of a plot is 6ft wide by 10 ft long.
- A maximum of one body and two urns of ashes or a maximum of 3 urns of ashes shall be in any one plot.

Columbarium

- Standard size of the niche in a 36 X 36 ft columbarium is 11.5” by 14.”
- A maximum of two urns of cremated human remains shall be interred in one columbarium niche.
- Engraving of the door of the niches and memorial plaques is the responsibility of the owner. The Town will provide a door to give to Remco Memorials to be sent away for engraving.
- Options and details for engraving the door are provided by Remco directly. Tammy Nielson (306-372-7076) or t Nielson.remcomemorials@gmail.com will look after this.
- The opening and closing of the niche will be performed by either the funeral director or the Town of Kerrobert. There is no additional cost for this. Multiple openings of door of the niche, is not allowed unless it is for the second interment.

Perpetual Care:

- Perpetual care includes the addition of dirt to newly dug graves to help with settling for maximum of 2 years after the date of burial. Typically, this means addition of dirt in the spring/summer or after heavy rainfall.
- Sunken graves are not included as part of perpetual care they are to be removed and levelled at the expense of the owner of the grave. Owners of the plots will have access to a stockpile of dirt provided by the Town on the cemetery grounds.
- Grass will be planted and maintained in and around all plots.
- General weed control for the entire cemetery.
- No tees or shrubs shall be planted except by the Town. *Trees may be planted in memory of your loved one within the existing tree line only and approval from the Town CAO.*
- Minimal levelling of sunken Monuments or markers will be done annually.