

TOWN OF LUMSDEN

Bylaw No. 2020-03

A Bylaw to regulate and control the Lumsden Cemetery in the Town of Lumsden.

The Council of the Town of Lumsden, in the Province of Saskatchewan, enacts as follows:

1. SHORT TITLE

- a) This Bylaw may be cited as the "**Cemetery Bylaw**".

2. DEFINITIONS

- a) "**base**" means the bottom part or lower portion of the monument which shall be made of granite;
- b) "**Cemetery**" means land within and outside the Town of Lumsden set apart for, or used as a place of, interment of the dead or in which human bodies may be buried. Lumsden Cemetery shall be described as follows:
A portion of the North West Quarter of Section Thirty-three (33) in Township of Nineteen (19), in Range Twenty-one (21), West of the Second Meridian, containing 4 acres, more or less; and
A portion of the South West of Section Four (04) in Township Twenty (20) in Range Twenty-one (21), West of the Second Meridian, containing 2.2 acres, more or less;
- c) "**Cemetery Committee**" shall consist of a Chairman and two other persons duly appointed by Council.
- d) "**Chief Administrative Officer**" means the Administrator for the Town of Lumsden;
- e) "**Columbarium**" means a structure in a cemetery designed for the purpose of storing or interring cremated human remains in a sealed compartment or niche;
- f) "**Council**" means the Council of the Town of Lumsden;
- g) "**cremated human remains**" means human bone fragments that remain after cremation;
- h) "**cremation**" means the technical process of using heat to reduce human remains to bone fragments;
- i) "**foundation**" means the concrete pad that supports the monument;
- j) "**grave**" means a subdivision of land for the purpose of a single burial in the Cemetery as shown on the Town Cemetery plan;
- k) "**human remains**" means a dead human body, but does not include cremated human remains;
- l) "**interment**" means
 - a. the burial of human remains or cremated human remains in a cemetery, or
 - b. the interment of cremated human remains in a columbarium;
- m) "**licensee**" means a person or persons who purchase a grave or graves in the cemetery;
- n) "**marker**" means a memorial of granite or marble installed at ground level at the foot of a grave;
- o) "**memorial wall**" means the side walls of the Columbarium used for the placement of personalized plaques in memory of the deceased when ashes have been spread at another location;
- p) "**monument**" means a tombstone or memorial made of granite or marble which shall extend above the surface of the ground;
- q) "**niche**" means an individual compartment to be used for the interment of cremated human remains;
- r) "**plot**" means an area of land designated by a certain number, usually large enough for four graves, except in special circumstances, as shown on the Town Cemetery plan.

3. GENERAL RULES

- a) Employees of the Town of Lumsden conducting work in the Cemetery are not permitted to do any work for plot owners except upon order of the Cemetery Committee.
- b) All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- c) Persons within the Cemetery shall use only the Avenues, Roads, Walks and Alleys and no one person is permitted to walk upon or across graves, excepting Town employees in the course of their duties. The Town of Lumsden expressly disclaims liability for any injuries sustained by anyone violating this rule.

- d) 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 memorial, fence or other structure within the Cemetery grounds.
- e) Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a speed greater than 10 kilometers per hour.
- f) No dogs or other pets shall be allowed in the Cemetery. No motorcycles, bicycles, power snow machines of any kind, skiing of any sort, snowshoeing, and tobogganing or sports activities of any kind will be allowed in the Cemetery.
- g) The Town shall not be liable for the loss of or any damage to any monument, marker, or any part thereof or of any memorial tribute located in the Cemetery.
- h) Notwithstanding Section 3(g), the Town reserves the right to temporarily remove any monument or marker for the purpose of performing necessary maintenance work.
- i) Notices given to any person pursuant to this Bylaw shall be deemed sufficient if in writing and mailed postpaid to the last known address of such person as entered on the Cemetery records.
- j) Grave coverings, fences, borders, railings, curbs, copings, trellises, walls, hedges, shrubs and herbages of any kind are prohibited in the Lumsden Cemetery, except as provided in Section 6 of this Bylaw.

4. GRAVES, PLOTS AND NICHES

- a) The Chief Administrative Officer or his/her appointee shall make all sales of graves or plots in the Cemetery and shall receive all moneys resulting from the sale of such graves or plots.
- b) Subject to clause (i), the sale of graves or plots in the "new part" of the Cemetery, which contain Blocks D, E, F and G, shall be done in the following order:
 - 1) Block D from the West side to the East side
 - 2) Block E from West to East
 - 3) Block F from West to East
 - 4) Block G from West to East
 - (i) If there is a family member that wishes to buy a grave or plot next to another family member that, prior to the passing of this bylaw, purchased a grave or plot in areas described in subsections 1 through 4, the Chief Administrative Officer may sell graves or plots contrary to the order described in subsections 1 through 4, to that family member.
- c) The sale of graves or plots in the "old part" of the Cemetery, which contains Blocks A, B and C are restricted to the interment of cremated human remains only, as outlined on Schedule "B" to this bylaw.
- d) The Chief Administrative Officer shall keep an accurate account of all moneys received therefrom and of all expenditures made in connection with the Cemetery, with the name and description of each grave in the Cemetery, with the name and description of the licensee thereof and of every transfer and all other ledgers necessary to keep a complete record of all business transacted by him/her in connection with the Cemetery.
- e) The fee for the purchase, opening and closing of graves and any other charges for work done or services rendered at the Cemetery shall be in accordance with the rates and charges set out in Schedule "A" attached to this Bylaw. The said Schedule may be amended from time to time by a resolution of the Council.
- f) Cemetery graves and niches shall not be resold or transferred by the licensee but may be transferred back to the Town of Lumsden. In case of transfer to the Town, the Town will refund to the licensee all money paid by him/her for the grave/niche.
- g) No grave shall be used for any other purpose than for the burial of the human dead.
- h) The Town of Lumsden shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss or 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, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority.

5. INTERMENTS AND DISINTERMENTS

- a) 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 thereunder.

- b) Payment for any appropriate charges as set out in Schedule "A" to this Bylaw are due prior to any interment.
- c) Notice shall be given to the Chief Administrative Officer at least forty-eight (48) hours before the proposed time of interment. This provision as to notice shall not apply in the case of interment of a person who dies from a communicable disease.
- d) Subject to subsection (i), a maximum of one body and two urns of cremated human remains, or three urns of cremated human remains shall be interred in any one cemetery grave. A maximum of two urns of cremated human remains shall be interred in any one columbarium niche:
 - (i) Cemetery plots identified on Schedule "B" to this bylaw 05-2016 shall only allow for interment of urns of cremated human remains.
- e) No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Outer shells of wood, fibreglass or steel must be utilized for all burials.
- f) Disinterment shall only be permitted upon the production of a written permission of the Minister of Public Health issued pursuant to an application under the Public Health Act.
- g) When a plot or grave is held by a licensee, or jointly by two or more parties, authority for interment in such plot or grave or any part thereof will be accepted by the Town of Lumsden from any one of the said parties or their executors or agents.
- h) 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, in accordance with this Bylaw.
- i) Graves shall be opened and closed and the required excavation for urns of cremated human remains shall be made only by persons employed by the Town of Lumsden, unless otherwise authorized by the Public Works Foreman or designate.
- j) By order of the Town of Lumsden, graves in the Cemetery shall be supplied without charge for the burial for indigent persons.
- k) Columbarium Niche Door Plaques and Memorial Wall Plaques will be supplied by the Town of Lumsden. Plaques, other than those supplied by the Town of Lumsden, may not be used.

6. PLANTS AND SHRUBS

- a) The Cemetery Committee shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features.

7. CARE OF GRAVES

- a) To obtain the best landscape effects, the Cemetery Committee shall supervise the general care of the entire Cemetery. The licensee of graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
- b) There shall be no installation of grave coverings, fences, borders, railings, trellises, curbs, walls or copings on the graves. The planting of any vegetation such as trees, shrubs, hedges, perennials or annuals, with the exception of grass, will not be permitted on or around the immediate area of the graves, except as permitted under Section 6 of this Bylaw.
- c) Any grave coverings, borders, railings, curbs, walls, copings, hedges, trellises, shrubs, or trees that have been erected or planted prior to 1988 may be removed by the Town of Lumsden if by reason of neglect or age, it becomes in a state of disrepair, unsightly, dangerous or detrimental. Upon request of the licensee any of the above mentioned may at the discretion of the Cemetery Committee, be removed free of charge by the Town of Lumsden.
- d) The Town employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in their judgement, they become unsightly, dangerous, detrimental or diseased.
- e) Vases, crosses and/or statues may be permitted provided they are no higher than twenty (20) inches and are permanently secured to the base of the monument. They must not project beyond a plumb line from the outside dimensions of the monument base. Only one of the aforementioned (holder, vase, cross, statue or other approved receptacle) may be erected on a single grave. For double graves, any two may be erected and so forth in sequential order.

8. 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 for in this section:

- a) All monuments and markers shall be of granite or marble; the front top and back of monuments shall be axed, honed or polished. All bases shall be of granite and have rock pitched sides and ends. Monuments and Markers, even for temporary use, made of cement, artificial stone, wood, tin or iron will not be permitted.

- b) No monument shall be erected except on a concrete foundation constructed by the Town, unless otherwise authorized by the Public Works Foreman, or alternate. The Town, or authorized designate, shall construct the foundation so that it is the full width of the plot for ease of maintenance. Foundation fees shall be paid for, in accordance with Schedule "A" attached to this bylaw.
- c) No monument or marker shall be erected in the Cemetery without a written permit issued for the erection of such monument or marker. All Permits shall be issued in the form set out in Schedule "C" of this bylaw. Permit applications shall be received at least forty-eight (48) hours prior to date of interment. The permit fee set out in Schedule "A" of this bylaw includes approval of the permit, marking of the plot and follow-up inspection.
- d) Once installed, no monument shall be removed from the Cemetery without first notifying the Chief Administrative Officer, in writing, stating the reasons for such removal.
- e) No monument shall be installed on a Sunday, Statutory Holiday or Public Holiday.
- f) There are no size and shape requirements for monuments except that they are restricted to the boundaries of the plot or portion of the plot purchased.
- g) Markers shall be installed at the ground level. Markers do not require a concrete foundation but shall be installed by the Town of Lumsden. Such marker shall be delivered to the Town Office and the installation fee as shown on Schedule "A" of this bylaw be paid.
- h) Replacement of existing memorials not conforming to the provisions of this bylaw, by non-conforming memorials, may be permitted by the Town of Lumsden. Applications are to be made to the Chief Administrative Officer supplying the details of the size, material and design of the monument.

9. PENALTY

- a) Any person who contravenes the provisions of this Bylaw or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of this Municipality.

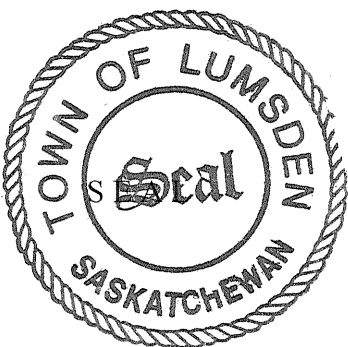
10. REPEAL OF FORMER BYLAWS

- a) That Bylaw No. 18-2019 is hereby repealed.

11. This bylaw shall come into force and take effect upon final approval of Council.

Readings

<i>Read a first time this</i>	<i>11th day of February, 2020</i>
<i>Read a second time this</i>	<i>17th day of March, 2020</i>
<i>Read a third time this</i>	<i>17th day of March, 2020</i>



[Signature]

 Mayor

[Signature]

 Chief Administrative Officer

SCHEDULE "A"
Schedule of Cemetery Rates

<u>Cemetery *</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<u>Plot Fee:</u>			
Single Grave	1,200	1,300	1,400
<u>Grave Digging:</u>			
Open/Close - 1 single grave	900	950	1,000
Open/Close - after hours (additional charge**)	200	200	200
<u>Cremation:</u>			
Open/Close - 1 urn	300	300	300
Open/Close - after hours (additional charge**)	200	200	200
<u>Monument Foundation Fees (install a/o remove)</u>			
Single Monument	300	350	400
Double Monument	500	500	600
Monument or Marker Permit Fee	100	100	100
Marker (install)	200	200	200
<u>Columbarium (1 niche)</u>			
Open/Close Niche	1525	1550	1575
Open/Close Niche - after hours	included	included	Included
Niche Door Plaques; including installation	200	200	200
Memorial Wall Plaques, including installation	included	included	included
Additional Perpetual Care Fee	310	325	340
	n/a	n/a	n/a

* All Cemetery Fees are subject to GST

** Work performed on weekends, holidays or after hours (after 4:00 p.m.) will incur the additional charge