

**CITY OF MELVILLE**  
**BYLAW NO. 01/13**

**A BYLAW TO PROVIDE FOR THE MANAGEMENT AND CONTROL  
OF THE MELVILLE MUNICIPAL CEMETERY**

The Council of the City of Melville in the Province of Saskatchewan enacts as follows:

1. **SHORT TITLE**

- (a) This bylaw may be cited as The Cemeteries Bylaw.

2. **DEFINITIONS**

- (a) Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning as those words as defined in *The Cemeteries Act, 1999*.
- (b) **City** - means the Clerk of the City of Melville.
- (c) **Grave** - means a single grave or lot
- (d) **Interment** - means the burial of human remains or cremated human remains in a cemetery.
- (e) **Lot** - means a subdivision of plot for the purpose of individual's burial.
- (f) **Melville Cemetery** - means that portion of land which is comprised of twenty-eight (28) acres more or less in the South-East corner of the South-East Quarter of Section Twenty-nine (29) in Township Twenty-two (22) and Range Six (6) West of the Second Meridian.
- (g) **Monument** - means any structure erected for memorial purposes (includes a headstone and headstone base).
- (h) **Perpetual Care** - means the leveling of the ground of 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 or replacement of markers, tombstones, monuments or other like structures except as specifically provided for by this bylaw.

- (i) **Plan** - means the plan describing locations of graves and plots.
- (j) **Plot** - means a parcel of land used or intended to be used for burials within the cemetery.
- (k) **Public Works Manager** - means the person in charge of the Public Works Department.
- (l) **Record** - means the record of all burials
- (m) **Runner** - a concrete base that the monument and monument base rest on. Runners can be double wide or single wide.
- (n) **Service Animals** – animals that have been trained to perform tasks that assist people with disabilities.

### 3. **DUTIES OF COUNCIL AND CITY MANAGER**

- (a) All charges in connection with the sale, use and care of graves, and/or other facilities which are or may in the future be offered in connection with the Cemetery operation shall be in accordance with Schedule “A” as determined by resolution of City Council, attached to and forming part of this Bylaw.
- (b) Any request for transfer or refund of ownership of a grave(s) shall be made to City Council and must be accompanied by the original or a copy of the original receipt before request is accepted. A refund for a grave will be issued on the basis of 100% of the original fees paid for the grave and perpetual care.
- (c) Any relative, undertaker or person having an interest in a body may apply for a grave or plot. The application shall be accompanied by the full purchase price of the grave or plot. A Veteran has the right to reserve a plot in the Veterans section of the Cemetery free of charge with all requests for inclusion being verified by Robert V. Combe Branch, Royal Canadian Legion #61.
- (d) The spouse of a Veteran, who is not a Veteran, who applies for a plot in the Veterans section of the Cemetery must pay the full purchase price of the plot upon application and can reserve only a plot that adjoins his or her spouse who is a Veteran. Only a Veteran and the spouse of a Veteran have the right to be buried in the Veterans section of the cemetery. In the event that a Veteran passes on and the spouse of that Veteran decides to

be buried in an alternate location, the plot automatically reverts back to the City.

- (e) No interment shall take place until the full amount for such grave or plot has been paid to the City.
- (f) All transfers of title or conveyances of graves or plots must be registered with the City.
- (g) The City shall maintain a record of all burials containing all the information as required by the *Public Health Act* and *The Cities Act*. The person applying for burial space in the cemetery shall furnish to the City Manager all information necessary under such legislation.
- (h) When a plot is owned jointly by two or more people, an application for interment will be accepted by the City Manager from any one of the owners or their heirs.

#### 4. **DUTIES OF THE PUBLIC WORKS MANAGER**

- (a) The Public Works Manager shall maintain a plan showing the location of all existing graves and plots and of all sites now available for graves or plots in the future. The plan shall be available for inspection by the public at City Hall during ordinary business hours.
- (b) The Public Works Manager shall 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.
- (c) The Public Works Manager shall insure that all requirements with regard to the placing of stones and monuments are complied with and particularly insure that no enclosure of any kind shall be placed on a grave or plot.
- (d) The Public Works Manager shall report to City Council the presence of any damaged monument or marker. City Council shall ask the owner of the grave or plot to repair the damaged monument. If the owner fails to repair or remove the damaged monument within a reasonable time the Public Works Manager shall remove such monument, the cost to be borne by the owner of such grave or plot. Prior to removal, as per above, the owner shall be given notice of such removal by registered letter forwarded to his last known address. The area shall then be seeded to grass.

- (e) Permission must be received from Public Works Manager prior to repair of existing curbs or covers.

## 5. **INTERMENTS AND DISINTERMENTS**

- (a) No person shall bury any human body or cremated remains in the Cemetery unless and until the person has complied with the provisions of:
  - (i) *The Vital Statistics Act, 1995* and regulations thereunder;
  - (ii) *The Public Health Act, 1994* and regulations thereunder; and
  - (iii) The provisions of this bylaw.
- (b) No more than one body shall be buried in a single grave, however, a maximum of two cremated remains may also be interred with one body. Three cremated remains may be interred in one grave with placement at the head, middle and foot of the grave as long as there has been no interment of a body within that same grave. Spousal cremated remains may be interred within the plot of a Veteran in the Veterans section of the cemetery.
- (c) The depth of a single grave for the interment of a body shall be 1584 mm from the surrounding surface pending on condition of the ground. The depth of a single grave for the interment of cremated remains solely shall be 748 mm from the surrounding surface pending the condition of the ground.
- (d) During a burial service all work in the vicinity of such service shall be discontinued.
- (e) When the owner of a single grave containing remains purchases a lot and removes said remains from the single grave to the new lot for reburial the old single grave shall revert to the City.

## 6. **MONUMENTS, MARKERS AND DECORATIONS**

- (a) All monuments shall be of marble, stone or concrete. They shall be centered on the concrete base supplied. Where there are two plots adjoining one concrete base, monuments shall be centered on one half the width of the foundation supplied. Additional flat markers made of bronze or marble may be attached to the base of an existing monument providing that it does not exceed or extend past the area of the runner.

- (b) The grave of only a veteran shall bear a monument which conforms to the standard monument issued to all Veterans. The grave of a spouse of a Veteran who is buried in the Veterans section of the cemetery, who is not a Veteran, shall not bear a monument of any kind, with the exception of a flat marker made of bronze or marble which may be attached to the base of the Veterans monument.
- (c) Single runners are 700 mm wide and 12,000 mm long concrete poured base for monument. Each single runner has an area equivalent to ten monument/grave spaces. Each grave is allotted an area on the runner, 700 mm deep and 1200 mm long. The monument and monument base must be centered in this area.
- (d) Double runners are 1200 mm wide and 12,000 mm long concrete poured base for monuments. Each double runner has an area equivalent to twenty monument spaces with ten on each side. Each grave is allotted an area on the runner 600 mm deep and 1200 mm long. The monument and monument base must be centered in this area.
- (e) A standard monument shall be no more than three hundred (300) mm in width, nine hundred (900) mm in length and seven hundred and fifty (750) mm in height. A standard double monument shall be no more than fifteen hundred (1500) mm.
- (f) Covers, curbs, foot markers and cornerstones shall not be permitted on graves or plots.
- (g) Unsightly flowers, receptacles or urns shall be removed. Urns and receptacles will be returned to the owner on request, however, the City shall not be responsible and liable for any damages for loss or damage with regard to these receptacles.

## 7. **GENERAL REGULATIONS**

- (a) It shall be an offence under this Bylaw to:
  - (i) Plant trees or shrubs on any grave or plot.
  - (ii) Remove or disturb in any way any bodies or remains.
  - (iii) Damage any grave or plot, monument, tombstone or building in the cemetery.
  - (iv) Damage any trees, shrubs or flowers.

- (v) Drive a vehicle in the cemetery except on the roadways provided.
  - (vi) Discharge firearms except at a military funeral.
  - (vii) Bring any animal, except for animals designated as service animals, into the cemetery grounds.
- (b) The speed for motor vehicle traffic in the cemetery shall not exceed twenty (20) kilometres an hour.
  - (c) Children under the age of fourteen (14) years shall not be admitted unless accompanied by a responsible adult.

#### 8. **PENALTY**

A person who contravenes any of the provisions of this bylaw or fails to comply therewith, or with any notice given thereunder shall commit an offence and be liable to the penalty as herein provided.

Any person convicted of a breach of the provisions of this bylaw shall forfeit and pay at the discretion of the convicting Provincial Magistrate or Justice of the Peace having jurisdiction in the City of Melville, a penalty not exceeding five hundred dollars (\$500.00) exclusive of costs and upon default of payment thereof, the person convicted may be committed to a jail, the guard room of the Royal Canadian Mounted Police, or to a public lock-up for any time determined by the said Provincial Magistrate or Justice of the Peace not exceeding thirty (30) days unless the penalty and cost, including the costs of the committal and of the conveyance of the person convicted to the said jail, guard room, or lock-up are sooner paid.

#### 9. **REPEALED**

- (a) Bylaw No. 7/80, passed on the 14th Day of April 1980, is hereby repealed.

**10. COMING INTO FORCE**

- (a) This bylaw shall come into force on the final passing thereof.

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Mayor

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City Manager

INTRODUCED and READ A FIRST TIME this 2<sup>nd</sup> Day of July, 2013 A.D.

READ A SECOND time this 2<sup>nd</sup> Day of July, 2013 A.D.

READ A THIRD TIME AND PASSED by consent of members present this 2<sup>nd</sup> Day of July, 2013 A.D.

**CITY OF MELVILLE  
SCHEDULE "A"  
CEMETERY FEE SCHEDULE**

**MELVILLE MUNICIPAL CEMETERY**

<b>COST OF LOTS</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Plot Fee.....	\$450.00	\$575.00	\$700.00
Perpetual Care Fee.....	\$125.00	\$150.00	\$175.00

**GRAVE DIGGING FEES - Opening and Closing**

Grave Opening/Closing Fee.....	\$400.00	\$500.00	\$600.00
Cremation .....	\$200.00	\$250.00	\$300.00
Extra charge if any work done on Saturdays or holidays.....	\$200.00	\$225.00	\$250.00

**EXHUMATIONS**

Exhuming body, including opening and refilling grave under supervision in Melville  
Municipal Cemetery

Ten years and under .....	cost incurred	cost incurred	cost incurred
Adult .....	cost incurred	cost incurred	cost incurred