

**CITY OF MELVILLE
BYLAW NO. 15/2023**

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

WHEREAS, pursuant to Part VIII, Section 54(1) of The Cemeteries Act, 1999 an owner of a cemetery that is not a commercial cemetery may make bylaws for the operation of the cemetery;

NOW THEREFORE, the Council of the City of Melville in Council assembled hereby enacts as follows:

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

1. SHORT TITLE

This Bylaw may be cited as “The Cemeteries Bylaw”.

2. DEFINITIONS

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*.

- (a) **Authorized Decision Maker-** means a person designated as an authorized decision-maker pursuant to The Funeral and Cremation Services Act and if no one can be located using reasonable efforts, or no one is willing to act or the identity of the deceased is not known, the Director may make any decision required to be made by an authorized decision-maker pursuant to this Bylaw.
- (b) **Baby/Child-** means an individual 10 years of age or less.
- (c) **Cemetery-** means land set apart for or used by the City of Melville as a place for the interment and includes any land that is set apart and is used as a site for a columbarium.
- (d) **City-** means the City of Melville.
- (e) **Columbarium-** means a structure with niches for the purpose of storing or interring urns containing cremated human remains.
- (f) **Cremains-** means the ashes of cremated human body.
- (g) **Director of Public Works and Planning Services-** means the person

in charge of the Public Works Department or their designate.

- (h) **Director-** means the person that is the head of the department that has charge of the Melville Cemetery portfolio or their designate.
- (i) **Grave-** means a single grave or lot.
- (j) **Interment-** means the burial of human remains or cremated human remains in a cemetery or columbarium.
- (k) **Licensee-** means a person or persons who purchase a grave lot or lots in Melville Cemetery.
- (l) **Lot-** means a space in a cemetery used or intended to be used for the interment of human remains or cremated human remains and includes a tomb, crypt, compartment or vault in a mausoleum and a niche or compartment in a columbarium.
- (m) **Marker-** for the purpose of this bylaw, marker means the same as monument.
- (n) **Melville Cemetery-** means that portion of land which is comprised of twenty-eight (28) acres 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.
- (o) **Monument-** means any marker, headstone, tombstone, monument, plaque, tablet, plate, inscription, lettering or ornamentation that is used to identify a lot or memorialize a deceased person.
- (p) **Niche-** means each individual compartment in a columbarium to be used for the interment of up to two (2) urns of cremated human remains.
- (q) **Perpetual Care-** means the leveling of 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 or replacement of markers, tombstones, monuments or other like structures except as specifically provided for by this bylaw.
- (r) **Plan-** means the plan describing locations of graves and plots.
- (s) **Plot-** means a parcel of land used or intended to be used for burials within the cemetery.

- (t) **Record-** means the record of all burials.
- (u) **Runner-** a concrete base that the monument and monument base rest on. Runners can be double wide or single wide.
- (v) **Vault-** means a structural enclosure designed to cover a casket and made of concrete, steel or fiberglass and used to prevent the sinking of graves.

3. LICENSES

- a. Subject to the other provisions of this Bylaw and to *The Cemeteries Act 1999*, and the regulators thereto, where a person makes an application in the form provided by the Director and pays the requisite fees, the Director shall issue to the person a license for the exclusive use of a lot or a niche.
- b. The City Manager or their designate has the authority to negotiate and approve on behalf of the City, an agreement with any person for the construction, purchase, and maintenance of, columbaria, lots, mausoleums, or memorials for the exclusive use of that person or an agreement setting aside an area of the cemetery as a designated area.
- c. Any relative, undertaker or person having an interest in a burial may apply for a lot. The application shall be accompanied by the full purchase price included in **The Rates Bylaw**.
- d. All licenses received are subject to the standards set out in **Schedule "A"** and **"B"**.

4. FEES AND CHARGES

- a. The license fees and all charges for work done or service rendered at a Cemetery shall be in accordance with the fees and charges as set out in **The Rates Bylaw**.
- b. The fees and charges in **The Rates Bylaw** shall exclude provincial and federal taxes and all applicable taxes shall be charged in addition to the fees listed in **The Rates Bylaw**.
- c. The fees and charges set out in **The Rates Bylaw** come into effect on the date specified in **The Rates Bylaw** or, where no date is specified; on the first date of the month following the passage of the Fee Schedule by City Council.
- d. 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 **The Rates Bylaw**

- e. The Director may make available a Deferred Payment Plan for a pre-need product or service on any terms deemed reasonable by the Director if payment in full is received before any product or service can be provided to the purchaser. A deferred payment plan is subject to four (4) percent interest annually.
- f. A person who purchases a license or cemetery goods and services under the Deferred Payment Plan shall also pay the Deferred Payment Administrative Fee set out in **The Rates Bylaw**.
- g. 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.
- h. 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 their 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 their spouse decides to be buried in an alternate location, the plot automatically reverts back to the City.
- i. No interment shall take place until the full amount for such grave or plot has been paid to the City.

5. LICENSE TRANSFERS

The License, or if the Licensee is deceased, the authorized decision-maker, may subject to the approval of the Director and on any terms deemed reasonable by the Director, transfer an unoccupied lot or niche to any individual.

6. CITIES DUTIES

The City shall maintain a record of all burials containing all information as required by *The Public Health Act*, and *The Cities Act*. The person applying for a burial space in the cemetery shall provide the City Manager all information necessary under such legislation.

7. CARE AND MAINTENANCE

- a. The City 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 City 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. No person other than the City shall plant trees, shrubs, or any plant material.
- d. No person other than the City shall construct any fence, railing, trellis, or coping.
- e. The Director shall ensure that all requirements regarding the placing of stones and monuments are complied with and particularly ensure that no enclosure of any kind shall be placed on a grave or plot as set out in **Schedule "B"**.
- f. The Director may with reasonable effort report to the owner or family member the presence of any damaged monument or marker. The Director may 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 Director may remove such monument, whereas the cost in doing so shall be borne by the owner of such grave or lot. Prior to removal, as per the above, the owner shall be given notice of such removal by registered letter to the last known address.
- g. Permission must first be obtained from the Director prior to the repair of existing curbs and covers.

8. INTERMENTS AND DISINTERMENT'S

The Licensee of a lot, niche, mausoleum or columbarium or authorized decision-maker thereof shall, prior to any interment:

- a. Provide the director a properly authorized burial permit or cremation certificate;
- b. Comply with Provisions in
 1. *The Vital Statistics Act, 2009* and applicable regulations
 2. *The Public Health Act, 1994* and applicable regulations
 3. Provisions of this bylaw
- c. Complete and submit an application form approved by the Director; which shall include:
 1. The name of the deceased
 2. Location of the plot
 3. Date and time of the interment

4. Type of interment
5. Contract information for the authorized decisionmaker

d. Pay all required fees in full in accordance with **The Rates Bylaw**.

e. The Licensee or authorized decision-maker shall give the Director at least three business days' notice before the proposed time of interment.

f. The Licensee or authorized decision maker shall give the Director at least four business days' notice before the proposed time of interment during the months of November 1 to April 15.

g. The notice requirement in subsection (a) may be amended by the Director at their discretion to accommodate any pressing circumstance.

9. Interments outside normal Cemetery business hours shall be permitted only as authorized by the Director and on payment of the applicable Surcharge set out in **The Rates Bylaw**.

10. MISCELLANEOUS

a. Pets are permitted in the Cemetery provided they are appropriately restrained, and the pet owner removes any defecation.

b. All contractors and memorial dealers must notify the office of the Director prior to the commencement of any work and are subject to the direction and control of the Director while in the Cemetery.

c. The Director may expel any person or prohibit the entrance of any person who conducts themselves in an improper manner within the Cemetery.

d. Permission to hold an event (which does not include a burial) in the Cemetery may be granted by the Director with written permission.

e. The Director may close the cemetery from time to time as deemed necessary and appropriate.

f. Subject to the provisions and requirements in *The Cemeteries Act*, and regulations regarding any matters concerning burials or cremations not otherwise specified in this bylaw shall be dealt with by the Director in the manner that they deem most appropriate.

g. The City reserves the right to temporarily suspend or modify any regulation or provision where literal interpretation may appear to create undue or unnecessary hardship.

- h. The City or any official shall not be held responsible for any mistakes resulting from information pertaining to grave space where an interment is to be or has been made.
- i. The City shall indemnify and save harmless each of its employees and contractors, from all liability, claims and causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in the performance of their duties or services hereunder, provided the same have been carried out in good faith.

11. OFFENCES AND PENALTIES

- a. No person shall permit or take part in any unauthorized event in the Cemetery.
- b. No person shall enter a Cemetery other than through the designated entrance gates.
- c. No person shall enter the Cemetery or operate a vehicle in the Cemetery except on the designated roadways unless advance permission of the Director has been received.
- d. No person shall remove any wildflower, cultivated flower, trees, shrubs, or plants.
- e. No person shall remove or disturb in any way any bodies or remains.
- f. No person shall discharge firearms except at a military funeral.
- g. No person shall use the plots for any purpose other than burial of human remains.
- h. A person who contravenes any of the provisions of this bylaw or fails to comply therewith, or with any notice given thereunder shall be liable to the penalty upon summary conviction to a fine of not less than \$500 and not more than \$3000 and shall be responsible for all costs with repairing or replacing any damaged property.

12. REPEALED

Bylaw No. 05/2023 is hereby repealed.

13. COMING INTO FORCE

This Bylaw shall come into force and take effect on and after the 1st day of

January, 2024.

INTRODUCED and READ A FIRST TIME this 18th day of December , 2023 A.D.

READ A SECOND time this 18th day of December, 2023 A.D.

READ A THIRD TIME AND PASSED by consent of members present this 18th day of December, 2023 A.D.

Mayor

City Manager

SCHEDULE "A" INTERMENT SPECIFICATIONS

1. No traditional interment shall be less than six feet in depth from the surface of the ground surrounding the grave, and no more than one individual per grave shall be allowed.
 - a. No ash remains shall be placed over a plot with a traditional casket burial.
2. A maximum of three (3) ash remains may be interred with said regular burial. A traditional plot may be purchased solely for the interment of cremains and shall preferably be made in the center of the grave lot, interred at the head, middle and foot, unless recorded otherwise.
 - a. To accommodate three (3) ash remains, urns must not have a circumference greater than nine (9) inches or twenty-two (22) centimeters.
3. If urns are greater than nine (9) inches or 22.8 centimeters; only two (2) cremains may be placed on the grave lot, but not exceed a circumference of fifteen (15) inches or thirty-eight (38) centimeters.
4. The placement of two or three ash remains must be identified prior to the placement of any cremains being placed in the grave lot.
5. Spousal cremains may be interred within the plot of veterans in the Veterans section of the Cemetery.
6. Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
7. Before an interment the City must receive an interment order and an interment authorization from the City in the form prescribed by the City.
8. No interments shall be permitted in the municipal cemetery unless a proper burial permit or cremation permit is produced by the party applying for the burial.
9. No grave, or columbarium shall be opened for interment or disinterment by any person not the employee or contracted by the City.
 - a. During a disinterment a funeral home representative must be present during the handling and transportation of human remains. All handling and liners, caskets or remains are the responsibility of the funeral home representative and require a permit from the Minister of Public Health within the Province of Saskatchewan.
 - b. A disinterred lot eligible for reburial shall revert ownership to the City.

- c. Where a family performs the act of interment (opening of the grave), such request must first be made in writing to the Director where consideration will be made and permitted on a case-by-case basis at the discretion of the Director; in order to preserve and protect all other plots, lands or constraints.
10. During a burial service all work within the Municipal Cemetery shall be discontinued until the completion of the service.
11. Interments shall be made only between the hours of 8:00 a.m. and 4:00 p.m. Monday to Friday. Burials after 4:00 p.m. or on weekends or holidays shall be subject to surcharge as prescribed in **The Rates Bylaw**.

SCHEDULE "B" MONUMENTS, MARKERS AND DECORATIONS

1. All monuments shall be of granite, marble, bronze or other material approved by the Director. They shall be centered on the concrete base supplied. Where there are two plots adjoining one concrete base and monument shall be centered on one half of 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.
2. 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 other than a flat marker made of bronze or marble which may be attached to the base of the Veterans monument.
3. Single runners are 2.50 feet wide and 4 feet long concrete poured base for the monument. Each grave is allotted an area on the runner. The monument and monument base must be centered in this area.
4. Double runners are 4 feet wide and 39.5 feet 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 2 feet wide by 4 feet long. The monument and monument base must be centered in this area.
5. A standard monument shall be no more than 1 foot wide, and 3 feet in length, and 2.5 feet high. A standard double monument shall be no more than 5 feet in length.
6. No memorial shall be installed with a height extending more than thirty-six (36) inches above the surface of the ground at the point of installation.
7. It is encouraged that on any side of the granite base (excluding the top and bottom) of the monument to have a rock-pitch finish, to act as a maintenance buffer.
8. Monuments and markers made of U.V. stabilized polyethylene shall include an U.V. stabilized polyethylene base of a dimension at least fifteen (15) centimeters (6 inches) wider and fifteen (15) centimeters (6 inches) longer than the monument or marker and placed level with the ground surrounding the grave lot.

- a. In approved sections of the cemetery where the City has provided a concrete border; granite, marble or U.V. stabilized polyethylene monuments or markers may be erected without a foundation.
9. All cremation plaques shall be of brass, granite, marble or U.V. stabilized polyethylene.
10. No cremation plaque shall be larger than 40.64 centimeters (16 inches) X 50.8 centimeters (20 inches).
11. No plaque shall be erected except on a concrete foundation of a thickness often (10) to fifteen (15) centimeters (4-6 inches). The foundation shall be reinforced with steel bars or steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension of at least five (5) centimeters (2 inches) wider and five (5) centimeters (2 inches) longer than the base of the plaque.
12. The memorial company shall be responsible for restoring the landscape surrounding a newly installed memorial to the satisfaction of the Director.
13. No person shall place a bench in place of a monument.
14. Installation of Monument:
 - a. Monument installation is the sole responsibility of the family or decision makers.
 - b. Neither the Director nor the City shall be responsible for any loss occasioned by any person as a result of the removal of a memorial, memorialization or decoration from a Cemetery in accordance with this section.
 - c. No one may remove a memorial or memorialization without prior written approval of the Director.
 - d. Covers, curbs, foot markers and cornerstones shall not be permitted on graves or plots.
 - e. No more than one (1) upright monument unit may be placed on one grave lot.

- f. Only ornaments including flower holders or vases, crosses and statues that can be attached to the base of the monument are permitted if they:
 - i. Are not breakable
 - ii. Do not exceed thirty-six (36) centimeters or fourteen (14) inches in height; and do not project beyond the outside edge of the monument base.
- g. Decorations, including but not limited to flowers, mementos, ceramics, statues, windmills, balloons, grass, solar lights and lanterns are subject to removal or disposal without notice. The City shall not be responsible for the loss or removal of any decoration and shall not be required to retain any decoration left in the Cemetery.
- h. Borders, fences, railings, trellises, coping, hedges, benches, concrete or stone corners, or iron posts are not permitted and may be removed by the City by reason of maintenance concerns, neglect at the point of disrepair.
- i. The Director may declare any monument, marker or other structure in the cemetery to be in a state of disrepair or neglect and may order the Licensee to repair the same within thirty (30) days' notice or otherwise granted by the Director.
 - i. If the Licensee has not made reasonable attempts or continues to neglect the repairs or alterations required, the Director may cause for the monument, marker, or other structures to be removed and disposed of.
 - ii. When the Director considers any memorial or memorialization removed to be of value, the Director shall, where the address is known, forward a written notice to the Licensee or authorized decision maker of the deceased notifying them of the removal of the article and that such article may be claimed within 30 days from the date of the notice.
- j. Neither the Director nor the City shall be responsible for any loss occasioned by any person as a result of the removal of the memorial or memorialization or the failure of the Licensee or authorized decision makers to claim a removed memorial or memorialization within 30 days in accordance with this section and the resulting disposal of the memorial or memorialization.