

# RURAL MUNICIPALITY OF THE GAP NO. 39

## BYLAW NO. 03/02

### A BYLAW TO PROVIDE FOR THE REGULATION AND CONTROL OF CEMETERIES UNDER MUNICIPAL JURISDICTION AND TO REGULATE THE BURIAL OF DEAD THEREIN

The Council of the Rural Municipality of The Gap No. 39, in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as the Cemetery Bylaw.
2. For the purpose of this Bylaw the expression:
  - a. **Municipality** shall mean the Rural Municipality of The Gap No. 39
  - b. **Council** shall mean the Council of the Rural Municipality of The Gap No. 39
  - c. **Reeve** shall also include the Deputy Reeve
  - d. **Managing Administrator** shall mean the person duly appointed as Administrator of the Municipality, or that Council shall designate from time to time, and perform such duties that are set forth in the Cemeteries Act, 1999.
  - e. **Cemetery Caretaker** shall mean the person/and or/ persons duly appointed or employed by the Municipality as Council may designate from time to time
  - f. **Cemetery** shall mean land within or outside the limits of the Rural Municipality of The Gap No. 39 set apart for use as a place for the interment of the dead or in which human bodies have been buried, known as Public Cemeteries and as listed in **Schedule "A"** of this bylaw.
  - g. **Municipal Cemetery** shall mean and be referred to The Ceylon Community Cemetery located in the Rural Municipality of The Gap No. 39 at NW ¼ Sec 2 Twp 6 Rge 20 W2.
  - h. **Parcel "A"** shall refer to survey plan dated July 27<sup>th</sup>, 1914, first part of cemetery surveyed located on N.W. ¼ Sec 2 Twp 6 Rge 20 W2.
  - i. **Parcel "B"** shall refer to survey plan dated 1981, second part of cemetery surveyed located on NW ¼ Sec 2 Twp 6 Rge 20 W2.
  - j. **Cremated Remains** shall mean the ashes resulting from cremation of a deceased human being
  - k. **Certificate** shall mean proof of vested interest in a plot or lot of the Ceylon Community Cemetery. Every Certificate shall be in the form set forth in Schedule "B" that is issued from the date of the passing of this bylaw.
  - l. **Monument** shall mean a structure in the cemetery erected or constructed on a lot or lots in memorial to the dead.  
The use of words signifying the masculine shall include the feminine.
3. Parcel "A" lot size shall not exceed 5' (wide) x 10' (long) and Parcel "B" plot size shall not exceed 1.38 m (4'6") (wide) x 3.0 m (9'10") (long) for purpose of a single burial.
4. The Municipality shall honor all previous reservations and/or payments of plots and/or lots made prior to the date of passing of this Bylaw as recorded in the Cemetery register.
5. From the date of the passing of this Bylaw and upon payment of the fees hereinafter set forth, the Administrator, shall issue a Certificate for a burial lot for the burial of a deceased person in the designated cemetery. No new grave lot shall be opened until payment has been made for a Certificate. The fee paid as suggested in Schedule "C" is for the price of the plot and/or lot for the purpose of burial of human remains, not for perpetual care and maintenance of the plot and/or lot.

**GENERAL RULES:**

6.
  - (a) No remains other than a deceased human body, or the cremated remains or other remains of a deceased human body, shall be interned in the cemetery, and all interment shall be subject to and comply with the provisions of this Bylaw.
  - (b) The Municipality may grant a Certificate to any person for the exclusive use of any lot. The Certificate shall be subject to all provisions of this bylaw and any amendments or regulations passed from time to time by the Council.
  - (c) Lots shall not be resold or transferred by the certificate holder. A Certificate Holder may surrender his/her certificate to the Municipality for any unused lot. The Municipality will refund to the original Certificate Holder the original purchase price of the Certificate.
  - (d) Whenever the remains of a grave lot or lots are removed, the grave space or spaces so vacated shall revert to the Municipality.
  - (e) No person shall bury any dead body in the Cemetery until such person shall have complied with the provisions of the Public Health Act and the Vital Statistics Act and with the regulations issued thereunder and also with the provisions of this bylaw.
  - (f) A person may reserve spousal (side by side) grave lots, by paying in full, the current price as the fee set in Schedule "C".
  - (g) All visitors, while in the Cemetery, shall conduct themselves in a quite and orderly manner.
  - (h) Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild, or cultivated, planting, or injuring any tree, shrub or plants, or from writing upon, defacing, or injuring any memorial, fence or other structure within the Cemetery grounds.
  - (i) Chemical use (herbicide/insecticide) is prohibited in all cemeteries administered by the Municipality.
  - (j) Maintenance of plots and/or lots and monuments is the responsibility of the executor or next of kin to the deceased.

**DUTIES OF THE MUNICIPAL ADMINISTRATOR:**

7.
  - (a) All sale of grave lots in the cemetery shall be made by the Municipal Administrator and the Municipal Administrator shall receive all moneys resulting from the sale of such grave lots.
  - (b) All funds received for payment of a cemetery plot and/or lot shall be deposited in the General Operating Revenue Account of the Municipality, and all expenses be paid out of the general operating fund. The Administrator shall maintain accounting records allocating revenues and expenditures to cemetery operations and prepare a Financial Statement of operations at the end of the fiscal year, December 31, to be presented to the Council of the Municipality and the Village of Ceylon.
  - (c) All grave lots shall be described according to a Plan of Record in the Municipal Office. Suitable books of records shall be kept in the Municipal Office to record the description of each lot in the Cemetery, together with the name and address of the owner thereof, and such other records shall be kept to give a complete record of all business transacted in connection with the Cemetery. The records of the Cemetery shall be open to inspection during regular office hours.
  - (d) It shall be the duty of the Administrator to keep an up to date duplicate copy of the Plan of Record in his/her possession.

**INTERMENTS AND DISINTERMENTS:**

8.
  - (a) The Interment of an unclaimed body or a destitute person(s) shall be in the next lot available in the series of lots that are being sold at the time.
  - (b) No more than two (2) casket interments, plus four (4) cremations will be permitted in each lot. The interments of cremated bodies shall be made with an identifying marker placed directly above the vessels or containers in the form of a plaque marker level with the ground. —

### **INTERMENTS AND DISINTERMENTS Continued.**

- (c) Where two interments are permitted in one grave space and each interment is in respect to a body not in the form of a created remains, the first body shall be buried in the grave at a lower dept than the second, and each of the two burials in the grave shall conform to the requirements of the Cemeteries Regulations, 2001.
- (d) All interments should be made with the head of the deceased placed in the Westerly direction (considered the head of the lot)
- (e) No grave for burial of a cadaver shall be less than six feet in depth from the surface of the ground.
- (g) No person other than a qualified Funeral Director shall have charge of the interment or disinterment of any human body.
- (h) No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the party applying for the burial.
- (i) No disinterment shall be made without written authority from the Certificate Holder of the lot in question or his Heirs, Executors or Assigns. No deceased person interred in the cemetery shall be exhumed without written order being first obtained from the proper authority in accordance with the requirements of the "Cemetery Act" and the presentation of such order to the Administrator or designated person for his examination.
- (j) The municipality is not responsible for arranging for the digging and back filling of all graves.

### **CARE OF GRAVES:**

- 9. (a) The Council of the Rural Municipality of The Gap No. 39 shall assume the general care of the Community Cemetery. The Certificate Holder, Heirs, Executors or Assigns shall observe all rules and regulations passed from time to time by Council for keeping the grave lots in order.
- (b) After the passing of this bylaw, no borders, fences, railing, trellises, copings, hedges, grave covers, concrete or stone corners or iron posts shall be constructed or planted in or around any grave lot without prior approval of the Municipal Council.
- (c) Any border, fence, railing, coping, hedge, grave cover or any other bounding or enclosing material erected before the passing of this bylaw may be removed by the Municipality for reason of neglect or age if it becomes in a state of disrepair and the Certificate Holder neglects or refuses to repair or remove the same within sixty (60) days after a notice in writing to do so has been forwarded to him/her at the last known address.
- (d) The Cemetery Caretaker shall have authority to remove, or have removed, all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as they become unsightly, dangerous, detrimental or diseased.

### **MONUMENTS AND MARKERS:**

- 10. (a) All monuments and markers shall be of granite, metal, marble or stone. —
- (b) All monuments and markers must be set at the head of a grave lot.
- (c) The foundations for monuments or markers shall be no less than level with the ground surrounding the grave, and at least six (6) inches wider and (6) inches longer than the base of the monument.
- (d) Grave covers or ornamental rock of any type or description and of any material shall not be permitted.

**MONUMENTS IN DISREPAIR:**

11. (a) Should any tombstone, monument or other structure placed or arranged in the Cemeteries be in a state of disrepair, the Municipality may have the said tombstone, monument or other structure removed from the cemetery if the owner does not have the same repaired in accordance with the said notice.
- (b) The Cemetery Caretaker shall, from time to time, inspect all monuments. The Owner, Heirs, Executors or Assigns shall be notified and it shall be the duty of the Owner, Heirs, Executors or Assigns of such monument to repair same without delay, to the satisfaction of the Caretaker and/or Municipal Council.
- (c) Whenever any Owner, Heirs, Executors or Assigns of a tombstone, monument or other structure neglects to make the required repairs, or alterations after being given due notice by the Administrator so to do, the Council shall allow a period of three (3) months to elapse after the giving of the said notice and shall then have power to remove such tombstone, repair it and charge the cost thereof to the Owner, Heirs, Executors or Assigns and the cost may be recovered as a debt due by the Owner, Heirs, Executors or Assigns, to the Municipality.
- (d) All notice required to be given the Certificate Holder of lots or Owner, Heirs, Executors or Assigns may be delivered in writing by the Municipal Administrator. Mailed postage paid to the last known address of such Certificate Holder or Owner, Heirs, Executors or Assigns and proof of such notice having been mailed, properly addressed with prepaid, or delivered shall be sufficient proof such notice have been given.

**TREES AND SHRUBS:**

12. (a) No person shall plant any trees, shrubs or any other vegetation or do work of any kind in the Cemetery without the permission of the Municipal Council.
- (b) If any tree or shrub is situated on any grave lot or part thereof shall, in the opinion of the Cemetery Caretaker, become by means of its roots or branches in any way detrimental to any adjacent grave lot, path or driveway or to the general appearance of the Cemetery or dangerous or inconvenient to the public, the Cemetery Caretaker shall have the power to remove such tree or shrub or part thereof. The above would be done in consultation, when possible with Owner, Heirs, Executors or Assigns.
- (c) The provisions of this Bylaw shall not prohibit persons from funding the purchase of any trees or shrubs providing that said trees or shrubs are planted by the Cemetery Caretaker and approved by Municipal Council.
13. Where there is a misunderstanding the Municipal Council and/or Administrator shall make every effort to come to mutual agreement with the Owner, Heirs, Executors or Assigns of the lot within the frame work of this bylaw.
14. Notwithstanding anything herein contained, the administration and the operation of the Cemetery shall be carried out at all times in accordance with the "Cemetery Act" and Regulations made thereunder.
15. This bylaw shall come into force and take effect from the final passing thereof.



Certified a true copy of Bylaw 03/02 passed  
By resolution of Council of the R.M. of The  
Gap No. 39 on the 12<sup>th</sup> day of November, 2002.

*K. C. K.*  
Reeve

*L. Douglas*  
Administrator

*K. C. K.*  
REEVE

*L. Douglas*  
ADMINISTRATOR

**SCHEDULE A  
PUBLIC CEMETERY**

The lands set aside, operated, used or maintained as a cemetery by the Municipality:

- (A) All that portion of the North West Quarter of Section Two (2), Township Six (6), Range Twenty (20), West of the Second Meridian, Saskatchewan described as follows:  
in the Province of Saskatchewan, in the Dominion of Canada, shown as Parcel B on a Plan or Record in the Land Titles Office for the Regina Land Registration District as No. 81R03875, and named as the Ceylon Community Cemetery.

(Schedule B)  
**CERTIFICATE**  
Issued Pursuant to Bylaw No.03/02

**Rural Municipality of The Gap No. 39** in consideration of the sum of  
\$ \_\_\_\_\_ paid this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_  
by : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Phone Number: \_\_\_\_\_

to the Managing Administrator he/she is hereby entitled to use for the purpose of burial therein  
Lot \_\_\_\_\_, Block \_\_\_\_\_ in the \_\_\_\_\_ Cemetery.  
This Certificate is granted subject to the regulations and provisions of Bylaw No.  
\_\_\_\_\_ governing the said Cemetery.

(Seal) *IN WITNESS WHEREOF the Rural Municipality of The Gap No.39 has caused this Certificate to be signed by its proper officer in that behalf this*  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**Rural Municipality of The Gap No. 39**  
**P.O. Box 188**  
**Ceylon, Saskatchewan**  
**S0C 0T0**  
**Phone: 306-454-2202**  
**Fax: 306-454-2625**  
**Email: rmgap39@sasktel.net**  
**Certificate No.** \_\_\_\_\_

**Right to Cancel by Purchaser or Lessee:**  
1. You may cancel this contract at any time for any reason.  
2. If you cancel this contract, the seller has 15 days to refund any money you are owed. To cancel, you must give notice of cancellation to the owner of the cemetery at the address shown in the Certificate or to the seller of this contract at the address shown. You should give notice of cancellation by a method that will allow you to prove that you gave notice, such as registered mail, fax, courier or by personal delivery.  
Cancellation Accepted and Agreed Upon: \_\_\_\_\_ Refund: \$ \_\_\_\_\_  
ADMINISTRATOR \_\_\_\_\_ APPLICANT \_\_\_\_\_  
WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_