

## TOWN OF EATONIA

### BYLAW NO. 8/11

#### A BYLAW OF THE TOWN OF EATONIA TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE EATONIA AND DISTRICT CEMETERY

---

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

#### SECTION I:

#### SHORT TITLE, APPLICATION AND INTERPRETATION:

##### Short Title

- 1 This Bylaw may be cited as the “The Cemetery Bylaw”

##### Application

- 2 All the provisions and enactments set forth in this Bylaw relate to and be in full force and effect within the limits of the Town of Eatonia.

##### Interpretation

- 3 In this Bylaw, unless the context otherwise requires, the expression(s):
  - (a) “**Administrator**” shall mean the administrator for the Town of Eatonia as designated by resolution of council.
  - (b) “**Cemetery**” means any land or place that is set apart or used as a place of interment and that is approved as a cemetery pursuant to *The Cemeteries Act, 1999* and includes any buildings that are incidental or ancillary to that land or place.
  - (c) “**Contractor**” means any person or persons who enter into a contract for the erection, alteration, cleaning, moving, repair or demolition of a building or structures within the cemetery.
  - (d) “**Council**” shall mean the Council of the Town of Eatonia.
  - (e) “**Cemetery Act**” shall mean *The Cemeteries Act, 1999* and amendments thereto.
  - (f) “**Employee**” means any person employed by the Town of Eatonia, on a full time or seasonal basis.
  - (g) “**Grave**” shall mean a parcel of land in the Cemetery to be utilized solely for the interment of remains or ashes.
  - (h) “**Eatonia and District Cemetery**” means the cemetery located east of the Town of Eatonia described in the Land Titles Office at the Land Registration District as Plan No. 101073079
  - (i) “**Eatonia Cemetery Perpetual Care**” shall mean the basic maintenance of all graves and shall include leveling off the ground and the seeding and cutting of grass as required. It shall not include, repair or replacement of monuments or markers.
  - (j) “**Marker, monument or cover**” includes all structures or ornaments placed on or near a grave site, designed to in any way mark or signify a grave site.
  - (k) “**Medical Health Officer**” shall mean the Medical Health Officer for the Town of Eatonia and shall include the Assistant Medical Health Officer and anyone under the instructions of the Medical Health Officer in carrying out the provisions of this Bylaw.
  - (l) “**Memorial Wall**” means a granite wall where spots can be purchased to inscribe upon to memorialize a deceased person.
  - (m) “**Perpetual Care**” shall mean perpetual care as defined by *The Cemeteries Act, 1999*.
  - (n) “**Registrar**” shall mean the person designated from time to time by the Minister responsible for *The Cemeteries Act, 1999* to be the registrar pursuant to said act.
  - (o) “**Supervisor**” shall mean the person appointed by Administrator to be in charge at the Cemetery.
  - (p) “**Town**” shall mean the Town of Eatonia in the Province of Saskatchewan.

## SECTION II

### GRAVES AND PLOTS

1. Any person may purchase a grave in the Eatonia and District Cemetery, upon application to the Administrator and payment of the appropriate fees, which shall, in all cases, include a fee for perpetual care;
  - (a) The fees for grave purchases and perpetual care and the charges for work done or services rendered at the Eatonia and District Cemetery, shall be in accordance with the fees set in Schedule “A” attached hereto.
  - (b) All fees collected for perpetual care shall be held by the Town in a separate fund called the “Eatonia Cemetery Perpetual Care Fund” and shall be invested in accordance with the provisions of *The Cemeteries Act, 1999*.
2. The Administrator shall provide a license as set out in Schedule “C” to the purchaser upon payment in full for the grave;
  - (a) Any license for use of a grave is valid for a period of 30 years from the date it is issued. Provided such grave is not used for a burial within that time, it is the responsibility of the lessee or his legal representative to renew the license, upon such conditions as may then be in effect. Failure to renew the license on any unused grave may result in the Town making application for revestment to the Register of *The Cemeteries Act, 1999*.
  - (b) The purchaser of a grave shall have the right to use the grave for the burial of human remains in accordance with the provisions of this Bylaw; and shall acquire no other rights whatsoever.
  - (c) The purchaser of a grave or his legal representative may transfer the grave to a member of a family, or return the grave to the Town.
    1. The purchaser of a grave or his legal representative may not sell the grave to any other person.
    2. The license to use a grave cannot be sold by a lessee except back to the Town. The offer must be in writing and from the original lessee or his legal representative.
    3. A refund for a grave will be issued on the basis of 85 percent of the original fees paid for the grave but no refund will be given back for perpetual care.
  - (d) The Town accepts no responsibility for any error or misunderstanding that may arise from burials arrangements made by telephone.

## SECTION III

### MEMORIAL WALL

1. Any person may purchase a spot to inscribe on the Memorial Wall, upon application to the Administrator and payment of the appropriate fees, which shall in all cases, include a fee for perpetual care;
  - a. The fees for a spot on the Memorial Wall and perpetual care and the charges for work done or services rendered at the Eatonia and District Cemetery shall be in accordance with the fees set in Schedule “A” attached hereto.
  - b. All fees collected for perpetual care shall be held by the Town in a separate fund called the “Eatonia Cemetery Perpetual Care Fund” and shall be invested in accordance with the provisions of *The Cemeteries Act, 1999*.
2. Any person who has a plot in the Eatonia and District Cemetery will not be allowed to purchase a spot on the Memorial Wall due to limited space.
3. The inscription can include up to a maximum of three lines which includes the following:
  - a. **First Line** – First and last name and initial;
  - b. **Second Line** – Dates which includes years of birth and death; and/or
  - c. **Third Line** – Epitaph chosen from the list set out in Schedule “B”
  - d. Only one name per three lines of lettering.
  - e. The print style will be the same on all the inscriptions and will be approximately ¾” per line.
  - f. The town has final say to deny any inscription on the Memorial Wall.
4. Inscriptions will not be in a specific order other than couples.

5. No person shall place any trees, shrubs, flowers or similar plant material intended for growth around the Memorial Wall in the Cemetery.
6. No person shall construct any fence, railing, or trellis around the Memorial Wall in the Cemetery.
7. No person shall place any objects made of glass, such as encases designs, stands, holders, or vases on/or around the Memorial Wall.
8. Natural or artificial flowers shall not be permitted in holders, vases or other unbreakable receptacles around the Memorial Wall.
9. No person shall place any crosses or statues around the Memorial Wall.

## **SECTION IV**

### **INTERMENTS AND DISINTERMENTS**

1. No burial shall be permitted in Eatonia and District Cemetery unless the Administrator is in receipt of a burial permit therefore, issued pursuant to *The Vital Statistics Act, 2009*.
2. The burial of human tissue without a burial permit such as amputated parts and non-viable fetuses (under 20 weeks from conception) will be permitted.
3. The number and type of burials permitted in any grave shall be as follows:
  - (a) A maximum of one body and three urns of ashes, or a maximum of four urns of ashes shall be interred in any grave.
  - (b) No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Outer shells of wood, fiberglass, steel or concrete must be utilized for all interments. Notwithstanding the foregoing, earth interment of ashes may be less than six feet in depth, but shall not be less than Thirty (30) inches in depth from the surface of the ground surrounding the grave.
  - (c) Graves will be allocated and sold to members of the general public on a “first-come, first-served” basis provided that the purchaser agrees to adhere to all relevant bylaws and regulations.
4. The Administrator may consider requests for specific graves or graves in specific locations by individuals provided that:
  - (a) The requests does not in any way disrupt the Town’s maintenance and operating plans;
5. Salutes involving the discharge of firearms will be permitted only for military funerals and provided that the Administrator is notified in advance. Any use of live ammunition must be approved by the Royal Canadian Mounted Police.
6. The scattering of cremated remains will be permitted in Eatonia and District Cemetery provided the deceased is related to the burial in the specific grave or related to the lessee of the reserve grave. In all other cases where there is not a grave of a family member available, the cremated remains may be scattered in a turf area designated for graves.
7. In exceptional circumstances where the Town is unable to provide the type of service required for the marking of any grave site, the council may give approval for the work to be done by a person who is not an employee of the Town.

## **SECTION V**

### **INDIGENT BURIALS**

1. At the request of the Minister of Social Services or the Minister of Public Health, the Town shall provide graves in the cemetery for the interment of indigent persons.
2. The interment of indigent persons shall take place in single graves, as designated by the Administrator, and there shall be no choice of location.
3. No monument or markers may be erected or installed on a grave utilized for the interment of an indigent person unless such grave has been purchased according to the application fees contained in Schedule “A”.

## **SECTION VI**

### **CARE AND IMPROVEMENT OF GRAVES AND PLOTS**

1. No person shall place any trees, shrubs, flowers or similar plant material intended for growth on any grave in the Cemetery.
  - (a) No person shall spread or use a soil sterilant on any grave in the Cemetery.
2. No person pursuant to Section VII (8) shall remove from any grave, a monument, marker, planting, or object of any kind
3. No person shall construct any fence, railing, trellis, plastic or cement cover on or around any grave in the Cemetery.
4. No person shall place any objects made of glass, such as encases designs, stands, holders, or vases, on any grave.
5. Natural or artificial flowers shall be permitted in holders, vases, or other unbreakable receptacles, provided the receptacle is secured to the base of the monument.
6. Crosses and/or statues may also be permitted provided they are no higher than Fourteen (14) inches and are permanently attached to the base of the monument.
7. No grave cover slabs made of concrete, marble, fibre glass or any other materials are allowed to be placed on any grave within the confines of the Cemetery.
8. No board designating a grave shall be erected in the Cemetery and no slab, that is any stone other than monument or flat headstone or marker, shall be allowed to be erected therein unless placed in a horizontal position.
9. In order to preserve the proper appearance of the grounds, the supervisor shall have the authority to remove any article placed on any grave when the article is objectionable or its removal is deemed necessary by the council.
  - (a) The supervisor of the cemetery may after providing notice in writing to the licensee at his/ her last known address remove any fence, railing, trellis, plastic or cement cover, border, tree, shrub or other article, erected or planted on any grave when the same is in a state of disrepair or becomes offensive or is encroaching on any adjacent graves, roadway or walk.
  - (b) When the Supervisor considers the removed article to be of value, the Administrator shall, where the address is known, forward a written notice to the licensee, the personal representative or next-of-kin of the deceased notifying them of the removal of the article may be claimed within thirty (30) days of the date of the notice. Where no claim is made, the Supervisor shall after the expiry of thirty (30) days, or where no notice can be given, dispose of the article.
  - (c) The Town shall not be liable for the loss of or damage to any monument, marker, or other object or planting located in the cemetery.
10. The Town reserves the right to permanently move or remove any monument or marker from any grave.
11. The Town reserves the right to temporarily move or remove any monument or marker for the purposes of performing necessary maintenance and/or for opening graves.

## **SECTION VII**

### **MONUMENTS AND MARKERS**

1. Applications for installations of flat markers and foundations for upright monuments will be accepted by the Administrator of the Town during normal office hours only.
2. No monument or marker shall be erected in the Cemetery without prior written consent obtained from the Administrator.
3. Specifications for Markers:
  - a. Shall be a headstone located at the head of the grave. No covers of any type will be permitted.
  - b. The material shall be recognized material which is suitable for the intended purpose.
  - c. The inscription shall be legible.
  - d. The standard headstone shall be set on a suitable concrete base which shall extend at least 3 inches beyond the perimeters of the grave at ground level.

4. The lessee of a grave will be the authority according to the Town in regards to the placement of a monument on a grave or graves. A person other than the lessee who makes application of/or the placement of a monument will obtain the necessary consent from the lessee if such person is not deceased.
5. Where the original lessee of a grave is deceased and the lease has not been transferred to another family member a person making application for the placement of a monument does so at their own risk. The Town does not accept any responsibility for resolving disputes between surviving family members and or friends resulting from the placement of a monument.
6. The surname inscribed on a monument must match the surname corresponding to the burial as recorded in the Cemetery records at the Town Office.
7. Monuments are placed in the Cemetery at the lessee of the grave and/or applicant's risk and the Town accepts no responsibility for damage or theft resulting from vandalism.
8. All monuments and markers shall be of granite, marble or stone. The front, top and back of each monument shall be axed, horned and polished. Monuments or markers of cement, artificial stone, composition, wood, tin or iron will not be permitted with the exception of temporary markers supplied by a funeral home. Temporary markers may be removed by an employee of the Town after a period of six months has elapsed.
9. Minor scraping of the base portion of upright monuments due to turf mowing operation is considered normal wear.
10. Where a monument is marking more than one grave it is the responsibility of the person making application to ensure the monument's inscribing corresponds with the correct sides or location of the burials.
11. The Town reserves the right to change the design of the Cemetery affecting the placement of existing and new monuments.
12. The Town may remove and dispose of any upright monument, flat marker, memorial structure or fixture placed in the Cemetery if such should fall into disrepair and/or become unsightly. The Town will forward written notification prior to undertaking this action to the last known address of the owner of the grave.
13. Where a monument is to be erected as a memorial to a person not interred in the Cemetery the inscription must clearly indicate that no burial has taken place.
14. All monuments and bases shall be placed on foundations such a manner as to maintain proper alignment.

## **SECTION VIII**

### **GENERAL**

1. No snow machines of any kind, skiing of any sort, snowshoeing, tobogganing, or active participating sports will be allowed in the Cemetery.
2. No person shall operate a motor vehicle in the Cemetery in a manner so as to emit a loud, unnecessary or unusual noise that annoys or disturbs persons gathered in the Cemetery.
3. No person shall ride any vehicle in, upon or through the Cemetery at an immoderate rate or so as to incommode or interfere with or endanger any other person frequenting the same.
4. No person shall ride or drive any vehicle upon the turf or sward or upon or along any sidewalk, pathway or footpath set apart for the use of pedestrians in the cemetery; provided, however, that nothing contained in this section shall prevent any cyclist, having first dismounted, from taking his machine upon such turf or sward or upon or along sidewalk, pathway or footpath.
5. No dogs or other pets shall be allowed in the Cemetery.
6. No person shall carry into or leave upon the Cemetery, any carcass, ordure, filth, dirt, or any offensive matter or substance whatsoever, nor shall he cleanse any carpet or other household goods therein.
7. No person who has not been authorized to do so by council shall strike, injure, maim or kill any bird or animal nor discharge any fireworks, firearms or any weapon in the Cemetery.
8. No person shall use the Cemetery for business purposes and no business of any kind shall be carried on therein without the permission of Council.

9. No person shall use the roads or drive in the Cemetery for the purpose of carting heavy loads over and upon the same except where necessary for building operations or improvements therein or to deliver fuel or other merchandise to any building which the Town may erect in, forming or abutting upon the Cemetery.
10. No person shall drive or ride in the Cemetery when the ground is unfit for driving and riding.
11. No person shall display any bill, placard or advertising matter whatsoever within the Cemetery without the permission of the Council.
12. No person shall erect any tent or other structure in the Cemetery without the express permission of the Council.
13. The fees as set out in Schedule "A" attached hereto shall be deemed to include any and all applicable provincial and federal taxes.
14. No person shall take part or be in any unauthorized parade in a Cemetery. Permission to hold a parade in the Cemetery may be granted by resolution of Council.

## **SECTION IX**

### **INFRACTIONS OF THE BYLAW AND PENALTY**

1. No person shall erect, construct or cause to be set in place any marker or monument in the Cemetery without prior written consent obtained from the Administrator.
2. Any person who violates Section IX - 1 of this Bylaw, shall be guilty of a summary conviction offence and liable:
  - (a) To a fine as set out under the General Penalty Bylaw of the Town of Eatonia; and
  - (b) To compensate the Town of Eatonia for the removal of the said marker or monument if, in the opinion of the Council, the same should be removed.
3. The Council of the Town of Eatonia may by resolution, order the removal of any marker, monument, or cover presently situated at the cemetery if, in the opinion of the Council, the said marker, monument or cover is hazardous, inappropriate, unsightly, or undesirable.


**SECTION X**

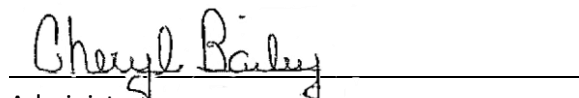
**REPEAL AND COMING INTO FORCE**

1. Bylaw No. 164, 12/92 and 4/81 are hereby repealed
2. This Bylaw shall come into force and be in effect on the final passing thereof.

Given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings and adopted the 6<sup>th</sup> day of December, 2011.



  
Acting Mayor

  
Administrator