

THE CITY OF MELFORT

Office Consolidation

THE CEMETERY BYLAW

NO. 2014-02

Including Amendments to November, 2020

All persons making use of this consolidation are reminded that it has no legal status and that the amendments have been embodied for convenience of reference only. A certified copy of the Bylaw and amendments should be consulted for all purposes of interpreting and applying the law.

AMENDMENTS TO THE CEMETERY BYLAW 2014-02

AMENDMENTS

DATE PASSED

Bylaw 2017-07: Amend Schedule 'A'	REPEALED	April 10, 2017
Bylaw 2020-15: Amend Schedule 'A'	REPEALED	November 16, 2020
Bylaw 2023-05: Amend Text		February 1, 2023

CITY OF MELFORT

BYLAW NO. 2014-02

A BYLAW OF THE CITY OF MELFORT TO PROVIDE FOR THE REGULATION AND CONTROL OF THE MELFORT CEMETERY

The Mayor and Council of the City of Melfort, in the Province of Saskatchewan, hereby enacts as follows:

This Bylaw may be cited as “The City of Melfort Cemetery Bylaw”.

NAME:

The Cemetery shall be known as Mount Pleasant Cemetery.

LOCATION:

All lands acquired by the Council of the City of Melfort and set aside for the interment of the dead or in which human bodies have been buried, and described as follows:

All that portion of South East Quarter (SE¼) of Section Eleven (11) in Township forty-five (45) Range Nineteen (19) West of The Second (2nd) Meridian, in the Province of Saskatchewan,

Shown As:

Parcel "C", Plan 89 PA18385

Containing 11.73 hectare (28.97 acres) more or less.

I. DEFINITIONS:

Base – The bottom or lower portion of a monument.

City – Means the City of Melfort.

Manager – Means the City Manager of the City of Melfort.

Council – Means the elected Council of the City of Melfort.

Director – Means the Director of Works & Utilities of the City of Melfort, or any person acting under his instructions, or other person designated by the Council of the City of Melfort.

Cemetery – Means land owned by the City of Melfort set apart for, or used as, places for the interment of human remains and includes a place where human remains have hitherto been buried.

Columbarium – Means a structure or building designed for the purpose of storing the ashes of human remains which have been cremated.

Cremains – Means the ashes of a human body which has been cremated.

Foundation – Is a concrete slab for the purpose of supporting monuments and constructed flush with ground level.

Lot/Grave – Is a subdivision of land in the Cemetery for the purpose of a single burial.

Marker – Is a memorial of marble, granite, bronze or other material as approved by the Director set flush with the ground.

Monument – Is any structure in the cemetery erected or constructed above the ground on any lot/grave for memorial purposes. The monument shall be constructed of marble, granite, bronze or other material approved by the Director.

Niche – Means an individual unit in a columbarium.

Plot – Is an area of more than one lot/grave.

Section – Is an area of more than one plot.

II. GENERAL REGULATIONS:

1. The hours of burial in the Cemetery shall be from 8:30 a.m. to 4:00 p.m. daily except Saturdays, Sundays, Public and Statutory Holidays, on which days, special arrangements will be required. Funerals held later than 4:00 p.m. or on Saturdays, Sundays, Public and Statutory Holidays shall be assessed a late fee as set out in the City of Melfort Fees & Charges Bylaw.
2. The Cemetery will be closed to the public after sunset and before sunrise of each day.
3. During a burial service, all work in the immediate vicinity of the Cemetery shall be discontinued.
4. In the event of the consecration of the said Cemetery or any part thereof, such act of consecration shall not be held to invest that religious body with any exclusive rights and powers or jurisdiction either spiritual or temporal.
5. No grave for the burial of an adult shall be less than six feet in depth from the surface of the ground surrounding the grave, and no more than one body per grave shall be allowed, except however, a maximum of two ash remains may also be interred. Cremains will be buried under the monument if the interment of the cremains is to take place first. Three ash remains may be interred with no interred body in the following order; head, middle and foot.
6. No interment of remains or cremains is permissible except within the plot acquired by the licensee for that purpose.
7. Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
8. No interment of two or more bodies shall be made in one grave except in the case of parent and child concurrently or two infants buried concurrently in one casket, subject to applicable legislation.
9. The city or any official thereof shall not be held responsible for any mistakes resulting from lack of precise instructions regarding the grave space where an interment is to be or has been made.
10. Twenty-four (24) hours notice, including one business day, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to the city before an interment or disinterment

takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.

11. Funeral directors shall have all documents for interments in the Cemetery signed and necessary fees paid prior to any work being undertaken at the Cemetery, by the owner of the grave in which such interment is to be made or by the legal representative of the owner.
12. Employees of the Cemetery are not permitted to do any work for lot owners except upon order of the Director, but are required to be civil and courteous to all visitors.
13. All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner.
14. All persons who enter the Cemetery shall do so at their own risk, and shall be and remain responsible for any injury or other loss, whether to person or property at the Cemetery. The City of Melfort and its employees and agents shall not be responsible for any such loss or injury, including loss, injury or damage to monuments or markers, whether resulting from negligence of their employees, agents or otherwise.
15. All persons are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing, or injuring any property, memorial, fence or other structure within the Cemetery grounds. Infractions to this bylaw will be subject to the General Penalty Bylaw of the city.
16. Vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a greater rate of speed than 20 kilometres per hour (20 k.p.h.).
17. Permanent structures of any kind other than monuments or markers are prohibited in the Cemetery.
18. No A.T.V.'s or Snowmobiles shall be allowed within the limits of the Cemetery.
19. **GRAVE SALES** – Sale of graves will be done in an orderly fashion on a first come first served basis. Whenever possible, graves will be sold in order to minimize disruption of existing graves.
20. **REQUEST FOR SPECIFIC GRAVES** – The Director may consider requests for specific graves or graves in specific locations by persons provided that:
 - (a) the request does not disrupt the Cemetery's maintenance and operating plans; and
 - (b) in case of dispute, the Director's decision is final.

III. LICENSES:

1. The city may grant a license to any person for the exclusive use by him, his heir, his executor, or administrator of any plot or grave or any other person upon written approval from the original licensee, his heir, executor or administrator. The said license is to be subject to all the provisions of this bylaw and amendment thereto or any regulation passed from time to time by the Council.
2. The fees for the purchase and opening of graves at the Cemetery shall be in accordance with the rate set out in the City of Melfort Fees & Charges Bylaw. The cost of opening and closing reserved graves may be prepaid, subject to paying the difference in price between the prepaid cost and the cost in effect at the time of use.
3. It shall be the responsibility of the licensee, his heir, executor or administrator, to maintain a current address for service in the office of the City Manager. Direction to that shall be so noted on the License.
4. The City Manager or his or her designate shall make all sales of graves in the Cemetery and shall receive all monies resulting from such sales. The purchase of a grave includes the License for its use.
5. The City Manager shall keep:
 - an accurate account of all monies received therefrom and of all expenditures made in connection with the Cemetery;
 - the name and description of each grave in the Cemetery;

- the name and description of the licensee and of every transfer thereof;
 - all other books necessary to keep a complete record of all business transacted by him in connection with the Cemetery.
6. The License for use of a grave is valid for a period of twenty (20) years from the date of issue. Provided such grave is not used for a burial within that time, it is the responsibility of the Licensee or his legal representative to renew the license, upon such terms and conditions as may be in effect, for a further period of time, until the grave is used. In the event the license is not so renewed, it shall expire and ownership of the grave shall revert to the city, subject to the provisions of *The Cemeteries Act*.
 7. No grave shall be used for any other purpose than for the burial of the human dead, nor for the burial of any person other than the licensee or his/her immediate family.

IV. SURRENDER OF LICENSE:

1. Cemetery graves shall not be resold but may be transferred back to the City of Melfort. In a case where the grave is transferred back to the city, the city will refund to the licensee the original purchase price, less a transfer fee set out in City of Melfort Fees & Charges Bylaw.
2. The license to use a grave cannot be transferred except to an immediate family member and upon receipt by the Office of the City Manager the written authorization of the original licensee or his legal representative, plus a transfer fee set out in City of Melfort Fees & Charges Bylaw.
3. Whenever human remains are removed from the cemetery plot, the license to the plot so vacated may be sold back to the city and the city shall refund to the Licensee the original purchase price, less the transfer fee set out in City of Melfort Fees & Charges Bylaw. When human remains are transferred from one lot to another lot, the original price paid may be applied toward the cost of the purchase of a license in respect to the new plot or the cost of the disinterment as set in set out in City of Melfort Fees & Charges Bylaw.

V. DUTIES OF DIRECTOR OF WORKS & UTILITIES:

1. It shall be the duty of the Director of Works & Utilities to determine the location of grave lots, whose decision shall be final, subject to the provisions of *The Cemeteries Act*.
2. It shall be the duty of the Director of Works & Utilities to maintain the roads leading to and within the Cemetery in an acceptable condition.
3. It shall be the duty of the Director of Works & Utilities to supervise the digging and filling of graves to assure other grave sites are not disturbed.

VI. INTERMENTS:

1. A licensee of any plot, who, having the necessary authority desires to have a grave dug therein, shall first pay the fees for opening the grave in accordance with City of Melfort Fees & Charges Bylaw. attached hereto, or as may be amended from time to time. The City Manager shall prepare a notice that the interment is to take place, setting out such details as may be required, and present such notice to the Director of Works & Utilities as his authority to open the grave as set out in the said notice.
2. No interment of a body shall be permitted in the same grave where another body has already been interred, with the exception of cremated remains or in the case of parent and child concurrently or two infants buried concurrently in one casket, subject to applicable legislation.
3. Interment shall be made only between the hours of 8:30 a.m. and 4:00 p.m. or under exceptional circumstances, through special arrangements with the City Manager or as certified by the Medical Health Office.
4. No interment shall be made until a legal burial permit has been obtained and proper notice is

given to the City Manager as herein provided.

5. No person shall bury any dead body in the City of Melfort Cemetery until such person has complied with the provisions of *The Public Health Act*, *The Vital Statistics Act*, and *The Cemeteries Act* of the Province of Saskatchewan.
6. It is optional whether grave liners for coffins are used at burials.
7. Grave liners for cremains will be allowed. The grave liners must be made of plastic or fibreglass and be no larger than 12" high by 16" wide.
8.
 - a) A person may purchase a niche from the City by payment of the purchase price as set by City Council.
 - b) The niche shall only be used for the storage of cremains in an urn. Only immediate family members may use the same niche.
 - c) Each niche shall contain not more than two urns and each urn shall contain only the cremains of one individual. Niche sizes are 11 ½" x 11 ½" x 11 ½" and will contain one urn not exceeding 11" in any direction, or two urns not exceeding a maximum size of 11" x 11" x 5 ½". There is no extra cost for placing the second urn.
 - d) Inscriptions may be made only on the exterior granite of the niche.
 - e) The purchase of the niche shall be subject to the conditions as set out by the City of Melfort.

VII. DISINTERMENT:

1. No person shall disinter or remove a body from any lot or plot without first producing a written order from the licensee of such lot, a permit for such disinterment or removal issued by the Minister of Public Health, and a receipt from the City Manager showing that the necessary fees have been paid in accordance with rates set out in the City of Melfort Fees & Charges Bylaw..
2. The city's service in connection with disinterment shall only include the opening of the grave down to the top of the casket or urn and the Funeral Director in charge shall be responsible for the actual removal of the remains or ashes.

VIII. FREE PLOT:

There shall be no special section within the cemetery reserved for the interment of unclaimed bodies or indigent persons, however, the Director of Social Services may issue an order for the interment of unclaimed bodies or an indigent person within the cemetery and the City Manager shall issue the necessary license for the interment free of charge.

IX. MONUMENTS AND MARKERS:

1. All monuments, markers and foundations shall be installed entirely within the plot for which it was intended.
2. No person shall place or erect in the Cemetery any monument without first obtaining a permit from the City Manager. The City Manager will in turn forward such permit to the Director, and such permit will only be issued to the licensee of the plot in question.
3. All monuments shall be manufactured of granite, marble, bronze or other material approved by the Director.
4. All markers shall be manufactured of granite, hard marble or bronze.
5. The initial monument or marker for each plot must be placed at the head of the grave and shall be in a location designated or approved by the Director. Exception to this would be where a continuous concrete foundation has been poured and the monument or marker will be placed at the foot of the grave.
6. Each monument placed at the head of the grave shall be set on a concrete foundation of a

minimum thickness of 4". The upper surface of each foundation shall be to ground level and in each case the foundation shall project 6" on all sides of the base of the monument to be erected thereon.

7. Each marker placed at the head of the grave or on the plot will not require a foundation if they have a minimum thickness of 3". If the minimum thickness is less than 3" all markers must be either embedded into concrete with a minimum thickness of 4" or be placed on a foundation with a minimum thickness of 4".
8. Flat markers with a minimum thickness of 3", placed on a plot, do not require a foundation. All other markers must be embedded into concrete with a minimum thickness of 4".
9. There shall be not more than one monument and one marker permitted on each lot, except where cremated remains are to be buried in an occupied grave with an existing monument or marker. In such cases, additional flat markers with foundations set at the head or halfway point of the grave would be allowed providing the monuments and flat markers together do not exceed the specifications for a single or double monument, as set out in the size restrictions listed below. Only flat markers will be permitted at the halfway point of a grave.

X. MONUMENT SIZE RESTRICTIONS:

1. Single Monuments:

Foundation shall not exceed the dimensions of 48" long by 30" wide and have a minimum thickness of 4".

The monument base and monument shall not exceed 36" long by 18" wide and not be higher than 36". Such specifications shall be those applicable in cases where a monument or pillow is to mark a single grave lot with multiple interments.

2. Double Monument:

To mark two graves adjacent to each other.

Foundation shall not exceed the dimension of 54" long by 30" wide and have a minimum thickness of 4".

The monument base and monument shall not exceed 42" long by 18" wide and not be higher than 36".

3. Triple Monument:

To mark three graves adjacent to each other.

Foundation shall not exceed the dimension of 54" long by 30" wide and have a minimum thickness of 4".

The monument base and monument shall not exceed 42" long by 18" wide and not be higher than 36".

4. Single Flat Markers:

Foundation shall not exceed the dimension of 48" long by 30" wide and have a minimum thickness of 4".

The marker shall not exceed 36" long by 18" wide.

The funeral home will be responsible for the foundation and to have the marker installed into the foundation if required.

5. Double Flat Markers:

Foundation shall not exceed the dimension of 54" long by 30" wide and have a minimum thickness of 4".

The marker shall not exceed 42" long by 18" wide.

The funeral home will be responsible for the foundation and to have the marker installed into the foundation if required.

6. Cremains Section – single – continuous concrete pad:

Marker shall not exceed 20" long by 20" wide and be a minimum of 3" thick.

Monument base and monument shall not exceed 20" long by 20" wide and not be higher than

16".

7. Cremains Section – double – continuous concrete pad:

Marker shall not exceed 44" long by 20" wide and be a minimum of 3" thick.

Monument base and monument shall not exceed 44" long by 20" wide and not be higher than 24".

XI. MONUMENT IN DISREPAIR:

1. The Director may declare any monument, marker or other structure in the Cemetery to be in a state of disrepair or of unacceptable quality and may order the Licensee to repair the same within thirty (30) days of the notice.
2. If the Licensee of the monument or marker neglects to make the required repairs or alterations within the said period of 30 days, the Director may have the monument, marker or other structures removed from the cemetery and disposed of, or at the Licensee's request, the Director may make the repairs to the monument, marker or other structures and charge the cost thereof to the Licensee, which may be recovered as a debt by the Licensee to the city.

XII. CARE OF GRAVES:

1. The Director shall have the general care of the entire Cemetery. The Licensee of the graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
2. No permanent structure or material shall be constructed, placed or planted in or around any plot other than for the purposes of operating the cemetery as authorized by the Director.
3. The City shall remove any permanent structure or material erected before the passing of this Bylaw, when it reaches a state of disrepair as determined by the Director. Notice in writing of such action shall be forwarded to the Licensee at his last known address.
4. The Cemetery employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs or plants of any kind from the Cemetery as soon as, in the judgement of the Director, they become unsightly, dangerous, detrimental or diseased.
5. The Director may prevent the removal of any flowers, floral designs, trees, shrubs or plants of any kind.

XIII. FLORAL ARRANGEMENTS:

1. Cut flowers, including artificial flowers, and/or fraternal emblems shall be permitted, provided that the flower container and/or emblem is permanently secured to the base or marker.
2. The Cemetery employees will remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which is deemed to be unsuitable for such purpose, is unsightly or is not physically attached to the monument, base or marker.
3. The Cemetery employees will remove from any grave any funeral design or floral piece which has become wilted, or after a period of ten (10) days, whichever is sooner, or any other article or thing which is, in his opinion, unsightly.
4. No grave or plot shall be decorated by its owner or owners or others interested therein with any trees, shrubs or plants without written permission of the Director. This shall not be deemed to prohibit the placing of cut flowers upon graves, as per section #1 above.
5. All flower arrangements as described in sections 1, 2 or 3 above shall be removed no later than October 15th of each year.

XIV. BORDERS, FENCES, HEDGES:

1. No border, fence, railing, trellis, coping or hedge or any other bounding or enclosing object or material shall be constructed, placed or planted in or around any lot other than for the purpose of operating the Cemetery as authorized by the Director.
2. Any border, fence, railing, trellis, coping or hedge or any other bounding or enclosing object or material erected before the passing of this bylaw shall be removed by the City when it reaches a state of disrepair as determined by the Director. Notice in writing of such action shall be forwarded to the Licensee at his/her address for service.
3. No tree or shrub shall be planted in the Cemetery except with the permission of the Director. If any tree, shrub or plant situated on or adjacent to any plot or part thereof, in the opinion of the Director, by means of its roots or branches, in any way becomes detrimental to any adjacent grave, path or driveway or to the general appearance of the Cemetery or becomes dangerous or inconvenient to the public, the Director may arrange for the removal of such tree, shrub or plant or parts thereof.
4. The Director shall provide for the planting of trees and shrubs to preserve and maintain landscape features.

XV. NOTICE:

All notices required by this bylaw, to be given to Licensees, permit holders or to any other parties may be delivered by the Director in writing, by regular mail to the last known address of the licensee, owner or other party and such delivery or mailing shall constitute proper notice under this bylaw.

XVI. INDEMNITY:

The City shall indemnify and save harmless each of its employees and servants, including the Director, City Manager and/or their designates, 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 his or her duties or services hereunder, provided the same have been carried out in good faith.

XVII. ENFORCEMENT OF RULES:

The Director is hereby empowered to enforce all rules and regulations and to exclude from the Cemetery, any person violating same and to remove any monument or marker installed contrary to this bylaw. The Director may take all other actions necessary or advisable for the performance of this bylaw, including the disinterment of the bodies hereafter buried in contravention hereof. The costs incurred, as the result of all such actions shall be recoverable from the licensee. The Director shall have charge of the grounds and buildings including the conduct of the funerals, traffic, employees, licensees and visitors and at all times, shall have supervision and control of all persons in the Cemetery.

XVIII. PENALTY:

Any person guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction to the penalties prescribed by the General Penalty Bylaw of the City of Melfort.

XIX. REPEAL OF EXISTING BYLAW:

Bylaw Nos. 2008-09, 2010-28, 2012-12, 2017-02 and 2020-15 of the City of Melfort are hereby

repealed.

This Bylaw shall come into force and take effect on the date of its final passing.

INTRODUCED AND READ a first time this 13th day of January, 2014

READ A SECOND TIME this 13th day of January, 2014

READ A THIRD TIME and passed this 13th day of January, 2014

Mayor

SEAL

City Clerk

CERTIFIED A TRUE COPY of Bylaw No. 2014-02,
adopted by Resolution of Council on the 13th day of
January, 2014

City Clerk