

BYLAW 2012-1901

A BYLAW OF THE CITY OF ESTEVAN TO PROVIDE FOR THE CONTROL AND REGULATION OF MUNICIPAL CEMETERIES IN THE CITY OF ESTEVAN

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

In this Bylaw, unless the contents otherwise requires:

Section 1. Interpretation

- A. "City" - Means the City of Estevan
- B. "Act" - Means the Cemeteries Act, 1999 and its successors Acts.
- C. "Council" - Means the Council of the City of Estevan.
- D. "Disinterment" - Means the removal of human remains or cremated human remains from a grave.
- E. "Estevan Cemetery" - Means the portion of the city which is shown as parcel "A" On a Plan of Record in the Land Titles Office for the Regina Land Registration District as No. 3467.
- F. "Fees and Charges" - Includes charges for burial and lot maintenance services.
- G. "Fixtures" - Means any item that is attached to a monument, or marker including vases, statues, pictures, lanterns, metal rod or similar item.
- H. "Interment" - Means the placement of human remains or cremated human remains in a grave. As defined in the Act.
- I. "Lot" - As defined in the Act
- J. "Marker" - Means a flat memorial marker installed flush with the surrounding turf on a plot or lot, in memory of a deceased person.
- K. "Monument" - Means an upright memorial.

- L. "Niche" -Means a compartment in a columbarium for the interment of cremated remains of a deceased person.
- M. "Perpetual Care" -Means the basic maintenance of all graves and shall include leveling of the ground and seeding, cutting and watering of grass as required. It shall not include the maintenance, repair or replacement of monuments or markers.
- N. "Plant Material" -Includes grass, flowers, trees, shrubs, hedges and any other flora intended for growth.
- O. "Plot" -Means one or more contiguous lots (as defined in the Act)
- P. "Rates" -Means the purchase price of cemetery lots.
- Q. "Section" -Means a subdivision of the cemetery.
- R. "Superintendent" -Means the Leisure Services Manager or designate.
- S. "Urn" -Means a container into which cremated remains are placed prior to interment, entombment or scattering.
- T. "Vault" -Means a structural enclosure designed to cover a casket or urn and used to prevent sinking or slumping of graves and usually made of concrete, steel, or fiberglass.

Section 2. Fees, Charges and Rates

- 2.01 The license fees and all charges for work done or services rendered at the City Cemetery shall be in accordance with the fees and charges as set out in Schedule "A".
- 2.02 Schedule "A" shows applicable taxes charged against such fees, and there shall be no additional charges beyond those stated therein.
- 2.03 At the discretion of the Superintendent, lot ownership transfers within the City Cemetery, including those returning to the City or any other type of transfer, may be subject to an administration fee as set out in Schedule "A".
- 2.04 The fees, charges and rates as set out in Schedule "A" shall come into effect on **January 15, 2013** and shall remain in effect until amended by bylaw.

Section 3. Administration of Cemetery and Duties of Superintendent

- 3.01 All the powers granted to the Superintendent by this Bylaw shall be subject to the Supervision and control of the Council.
- 3.02 The Superintendent shall have charge of the Cemetery and control over all employees in connection therewith. It shall be the duty of the Superintendent to maintain the Cemetery to acceptable Community standards.
- 3.03 The Superintendent shall furnish the Council with a written report, annually, of all interments, disinterment or removals which have taken place during the period, keep suitable books or records with a description of each lot in the Cemetery and the name and description of the transfer thereof, and all other books necessary to keep a complete record of the operation of the Cemetery.
- 3.04 All lots shall be described according to a Plan of Record in the office of the Superintendent.
- 3.05 All monies payable under this Bylaw shall be paid to the City of Estevan.
- 3.06 All fees collected for perpetual care shall be held by the City in a separate fund called the "Perpetual Care Fund" and shall be invested in accordance with the provisions of the Act.
- 3.07 Any person may purchase a lot or niche in the Estevan City Cemetery, upon application to the Cemetery Supervisor and payment of the appropriate fees, which shall in all cases, include a fee for perpetual care.
- 3.08 The Purchaser of a lot or niche shall have the right to use the lot or niche for interment of human remains only, in accordance with the Cemetery Regulations as may from time to time be in effect; and shall acquire no other rights whatsoever.
- 3.09 The Purchaser of a lot or niche or his legal representative may transfer the grave to a member of his family, or return the grave to the City; both being subject to an administrative fee and compliance with such Cemetery Regulations as are then in effect.

Section 4. Interments and Disinterments

- 4.01 By application to the Superintendent a person may obtain a permit for interment in a lot or niche in the Estevan Cemetery and such application shall be in form as the Council may from time to time prescribe.
- 4.02 No interment will take place until the Superintendent has received a copy of the burial permit or cremation certificate and the following information:
1. Full legal name of deceased
 2. Cemetery location, plot and lot number if interment site to be used

3. Proof of ownership or authorization for use of an interment site, where the deceased person is not the owner
4. Place and date of birth
5. Place and date of death
6. Day, date, and time of interment
7. Type of grave liner or vault
8. Size of casket, urn or vault
9. Name of Funeral home/Director
10. Name and address of person listed as next of kin
11. Owners name and address and the person to receive the cemetery deed and/or receipt for property
12. Where a Veterans lot is to be used, the regimental and/or service number

4.03 The full cash price shall accompany every application for the permit for a lot or niche.

4.04 The Licensee may transfer back to the City a burial plot or Columbarium niche and will be entitled to a refund of the original cost paid by the licensee of the lot or niche, minus perpetual care.

1. If the burial space has been used, there will be no refund
2. The licensee can transfer to another section within the cemetery but would be subject to current cemetery lot fees.
3. All transfers are subject to an administrative fee as set out in Schedule "A"

4.05 Whenever the remains in a single lot or niche are removed from the Cemetery the Grave space so vacated shall revert to the City.

4.06 No interment will be allowed without the use of an approved burial vault except for interments of ashes or caskets less than 62 cm long. This shall apply to re-interments of remains from other cemeteries as well as new interments.

4.07 Burial vaults for coffins or caskets shall be at the Cemetery at least two hours before the time set for the interments so as to give correct idea of the size of grave required, and in the case of burials taking place on a Sunday or holiday such burial vaults shall be at the Cemetery before noon of the day preceding such Sunday or holiday.

4.08 Forty-eight hours notice before interment is required in the case of every burial. Such notice must be exclusive of Saturdays, Sundays and Statutory holidays.

4.09 No grave for the burial of an adult shall be less than 1.82 meters in depth from the surface of the ground surrounding the grave provided that cremated remains may be interred at a minimum depth of 60 cm.

- 4.10 No interment of a body shall be allowed in a grave where a body has already been interred, unless the first body has been interred at a minimum depth of 2.43 meters, unless the consent of the Superintendent has been first obtained.
- 4.11 Cremated remains may be interred in a common grave with the permission of the Superintendent or may be interred on top of a coffin or casket at a minimum depth of 60 cm from the surface of the ground.
- 4.12 Where more than one body is interred in the same grave, the last interment shall be at a minimum depth of 1.21 meters from the surface of the ground to the top surface of the coffin or casket enclosing such second body.
- 4.13 All work in the immediate vicinity of a burial shall be discontinued during any burial service in the Cemetery.
- 4.14 All funerals shall be under the supervision and control of the Superintendent while they are within the limits of the Cemetery.
- 4.15 No interment shall be permitted in any plot or niche in the Cemetery on which there are unpaid charges due and payable to the City.

Indigent Burials

- 4.16 The Superintendent shall, on request by Social Services, provide burial plots for the interment of indigent persons without charge.
- 4.17 The interment of indigent persons shall occur in single graves, the location of which shall be in the sole discretion of the Superintendent.

Disinterment

- 4.18 Disinterment of remains, other than of cremated remains, shall be permitted only with the written permission of the Minister of Public Health issued pursuant to an application under *The Public Health Act, 1994* and payment of the required fee as set out in Schedule "A".
- 4.19 A person making an application pursuant to subsection (Q) shall ensure that a funeral home representative is present during the disinterment for the handling and transportation of the remains.
- 4.20 The City shall only be responsible for ensuring the soil is sufficiently excavated to permit safe access to the body for removal by attending funeral home staff. This shall mean sloping the sides or using a certified shoring as required by Saskatchewan Occupation Health and Safety Regulations.

Section 5. Veterans Section

- 5.01 The City shall set aside and maintain portions in the Cemetery as a Veterans' Section for the interment of service, ex-service personnel and spouses only.
- 5.02 The allowable grave marker is a military style conforming to the standards of Veterans Affairs Canada.
- 5.03 Veterans and their spouses are only charged for opening/closing plus taxes.
- 5.04 It is not allowed to reserve a grave site before death, however when a spouse dies a grave site is reserved beside for the remaining partner.

Section 6 Lots and Plots

- 6.01 Upon payment of the fees which shall include perpetual care charges and which shall be established by resolution of Council from time to time, any party may secure a lot or lots in the Estevan Cemetery.
- 6.02 The purchaser of such lot(s) may select from three general areas as described herein, as to location, however, within each of these areas lots will be sold in sequential order as designated by the Superintendent.
- 6.03 Any lot purchased prior to 1970 must have perpetual care paid before any new interment can take place.

Section 7 Regulations Governing Cemetery

- 7.01 All charges for lots are due and payable to the City on application for permit.
- 7.02 No mounds shall be made in the Cemetery to a greater height than 6cm above the surrounding ground.
- 7.03 No person may, in a cemetery:
1. Plant any plant material; or
 2. Construct any fence, railing, trellis or coping.
- 7.04 The Superintendent may, if the condition is not remedied by the Licensee, remove any plant material, fence, railing, trellis or coping present at the date this Bylaw is passed that:
1. In a state of disrepair
 2. Becomes offensive

3. Encroaches on adjacent burial lots, roadways or walkways
4. Cemetery maintenance becomes an issue
5. At the discretion of the Superintendent

7.05 The Superintendent shall, pursuant to 7.04, send a notice in writing to the Licensee at the last known address and post a notice for 30 days on the grave site directing the Licensee to contact the cemetery office.

7.06 If no claim is made to the Superintendent after the expiry of 30 days or where no notice can be given, the Superintendent will remove them from the gravesite and store for the duration of the year.

7.07 Ornaments, including flower holders or vases, crosses and statues, may be permitted on burial plots if they are:

1. Unbreakable – meaning impossible to break under normal usage and/or easily broken with rough usage. Able to withstand an attempt to vandalize or break, including, but not limited to; stone, slate granite, concrete, hardened/rubberized plastic, steel and other metals.
2. **Permanently secured** to the base of the memorial
3. Does not exceed 36 cm in height; and
4. Does not project beyond a plumb line from outside dimension of the memorial base

7.08 No person shall damage, destroy or deface any lot, marker, tombstone, monument, fence, building or other structure of any description in the Cemetery.

7.09 No work shall be done in the Cemetery without a permit issued by the Superintendent.

7.10 The Superintendent, representative, or the City police, shall have the power to remove from the Cemetery any person disturbing the peace, or good order of the Cemetery by noisy or improper conduct or language, or any provisions of this Bylaw.

7.11 No monuments, markers or columbaria shall be allowed in the Cemetery unless such monuments or markers or columbaria have first been submitted to and approved by the Superintendent and their permission for the erection of the same therein has been obtained in writing.

7.12 No new curbs or structures of any material shall be permitted around or over any grave site.

7.13 Only flat granite or bronze markers are approved in Section 12 and 13.

- 7.14 In any case where the Superintendent decides that any grave or lot, cover, curbing or object is unsightly, the Superintendent shall give the next of kin of the interred, written notice to remove from the grave or lot, any unsightly cover, curbing or object within thirty days (30) days of the date of such notice. In the event that the next of kin cannot be located, then the Superintendent shall conduct the necessary work to remedy the unsightliness.
- 7.15 Every written permission issued by the Superintendent shall be numbered and registered.
- 7.16 Benches or other permanent structures can be purchased and placement would be up to the discretion of the Superintendent and would then become the Property of the City.
- 7.17 During winter months-,October 16 – April 14, all vases attached to monuments must be inverted and flowers need to be removed. The City assumes no responsibility for missing or damaged vases or flowers.
- 7.18 Temporary items that are placed on a grave, monument or concrete foundation are considered temporary and are removed and disposed of weekly by the City. Definition of temporary items are at the discretion of the Superintendent.
- 7.19 Permanent items, only approved monuments or approved parts thereof are considered permanent items and are permitted to remain in the cemetery year-round.
- 7.20 At the time of interment, all types of flowers and other items are permitted on the grave the day of the burial and after this time any funeral design or floral piece which has become wilted, or any other article or thing which is, in the Supervisors opinion, unsightly, will be removed.
- 7.21 The City reserves the right to plant or remove all perennial flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds.

Section 8 Monuments, Markers and Columbaria

- 8.01 All permanent structures including monuments, markers and columbaria proposed to be installed in the Cemetery shall first be submitted for approval to the Superintendent who shall issue a permit for all approved monuments.
- 8.02 If the Superintendent denies approval for proposed monument an appeal may be made to City Council to allow approval. The Superintendent shall from time to time report to the lot owner(s) upon the condition of any monument out of repair it shall be the duty of the owner of such monument to repair without delay, to the satisfaction of the Superintendent.

- 8.03 Whenever an owner of a monument or columbaria neglects to make the required repairs or alterations within three (3) months after receiving due notice from the Superintendent, the Superintendent shall have the power to remove such monument from the Cemetery or to repair such monument and charge the cost of such removal or repair to the owner, which may be recovered as a debt from the owner to the City.
- 8.04 In the erection of monument, marker or columbaria the Superintendent shall in all cases designate the place where the material to be used for the erection of such monuments is to be stored during the course of the erection or excavation, and all work done in the erection of such monuments shall be done without injury or damage to the Cemetery.
- 8.05 The City of Estevan will not be responsible for the cost of any repair resulting from damage to any tombstone or monument however caused, nor shall the City be responsible for the upkeep of any tombstone or monument.
- 8.06 No monument, marker or columbaria containing wood or glass will be approved. Other materials requested for monuments are subject to prior approval by the City and must be materials recognized as long lasting and requiring no ongoing maintenance. The onus for testing and proving acceptability for a material will be on the person making application.
- 8.07 No foot markers or corner markers are allowed at the City Cemetery.
- 8.08 Only one upright monument will be permitted on any grave or portion thereof and it is to be placed at the head of the grave as designated by the City.
- 8.09 The surname inscribed on a monument must match the surname corresponding to the burial as recorded in the Cemetery Office. Where there is a request for an inscription with a different surname than recorded in the records, the recorded name must either be legally changed or appear elsewhere on the inscription. In this circumstance, the legal name may appear in smaller lettering or placed in parenthesis.
- 8.10 Where a monument is marking more than one grave, it is the responsibility of the person making application to ensure the monument's inscription corresponds with the correct sides or location of the burials.
- 8.11 Monuments are placed in the Cemetery at the risk of the licensee of the grave or applicant. The City accepts no responsibility for theft or damage resulting from vandalism.
- 8.12 The City accepts no responsibility for degrading of markers and monuments, markers or columbaria due to normal wear or deterioration. Minor chipping of the base portion of upright monuments as a result of the turf mowing operations is considered normal wear.
- 8.13 No monuments, marker or columbaria will be allowed on any lot in the Cemetery on which there are unpaid charges due and payable to the City.
- 8.14 The materials used for flat markers will be restricted to bronze and granite. Approval must be received from the Superintendent to use other types of materials for flat markers.

8.15 The material used for upright monuments shall be granite.

8.16 A staking permit has to be issued before a monument can be mounted. City Staff will stake the monument site and once the staking has been completed, the monument needs to be mounted within 15 working days from the permit issuance date; or the stakes will be removed and a new permit must be issued and paid for pursuant to Schedule "A".

8.17 No ornaments, plaques, lights, accessories or stickers allowed on the niche shutter of the columbarium.

Section 9 General Conditions

9.01 Visitors

1. No children under the age of twelve (12) years shall be admitted to the grounds of the Cemetery unless they are in the charge of an adult person.

9.02 Vehicles in Cemetery

1. No person shall operate a motor vehicle in the Cemetery at speeds in excess of 20km per hour.
2. No person shall operate a motor vehicle in the Cemetery except on the roadways, designated for such purpose.
3. No person shall operate any motorized recreational vehicles in the City Cemetery.
4. With the exception of certified service dogs, no dogs are permitted in the cemetery unless prior approval has been received from the Superintendent under special circumstances.
5. A plan of the Cemetery with the grave spaces thereon, shall be open for inspection free of charge at the office of the Leisure Services Division of the City of Estevan during regular office hours of any day except Saturdays, Sundays and Statutory and Public holidays.
6. The hours of burial in the Cemetery shall be from 9:00 a.m. to 5:00 p.m. from April to October inclusive and from 10:00 a.m. to 3:00 p.m. from November to March inclusive which time may be extended by permission being granted by the Superintendent.
7. The Cemetery will be open to the public daily. Gates may be locked due to road conditions, public notification will be made if time permits.

8. No person shall remove or destroy or attempt to remove or destroy any body or remains put in any lot or any monument, marker or columbaria placed upon it.
9. Any person guilty of infraction of any of the provisions of this Bylaw, shall upon summary conviction, be liable to a fine not exceeding One Hundred (\$100.00) Dollars and costs, and in default of any payment of such fine and costs, the offender may be imprisoned for a term not exceeding thirty (30) days.

Section 10

Schedule A

The Cemetery Rates are as follows:

LOTS

ALL SECTIONS

	Site	Perpetual Care	Sub-Total	G.S.T.	Total
Child	\$275.00	\$125.00	\$400.00	\$20.00	\$420.00
Adult	\$420.00	\$250.00	\$670.00	\$33.50	\$703.50
Columbarium Niche (bottom 2 rows)	\$2100.00	\$300.00	\$2400.00	\$120.00	\$2520.00
Columbarium Niche (top 4 rows)	\$2400.00	\$300.00	\$2700.00	\$135.00	\$2835.00

Interment Summer Weekday Rates (APRIL 15 – OCTOBER 15)

	Sub-Total	G.S.T.	Total
Child	\$370.00	\$18.50	\$388.50
Adult	\$605.00	\$30.25	\$635.25
Cremation/Columbarium	\$185.00	\$ 9.25	\$194.25

Interment Weekends/Holidays Summer Rates (ie overtime costs additional)

	Sub-Total	G.S.T	Total
Child	\$525.00	\$26.25	\$551.25
Adult	\$735.00	\$36.75	\$771.75
Cremation/Columbarium	\$220.00	\$11.00	\$231.00

Interment Winter Weekday Rates (OCTOBER 16 – APRIL 14)

	Sub-Total	G.S.T	Total
Child	\$535.00	\$26.75	\$561.75
Adult	\$790.00	\$39.50	\$829.50
Cremation/Columbarium	\$265.00	\$13.25	\$278.25

Interment Winter Weekends/Holidays Rates (ie overtime costs additional)

	Sub-Total	G.S.T	Total
Child	\$630.00	\$31.50	\$661.50
Adult	\$895.00	\$44.75	\$939.75
Cremation/Columbarium	\$315.00	\$15.75	\$330.75

DISINTERMENTS

	Sub-Total	G.S.T	Total
	\$2,000.00	\$100.00	\$2,100.00

*** Plus employee wages and equipment costs ****

MONUMENTS FEES (All Sections)

	Sub-Total	GST	Total
Staking Permit for headstone placement	\$30.00	\$1.50	\$31.50
Base supplied by the City	\$75.00	\$3.75	\$78.75
Door Inscriptions for Columbarium	\$350.00	\$17.50	\$367.50

ADMINISTRATION FEE

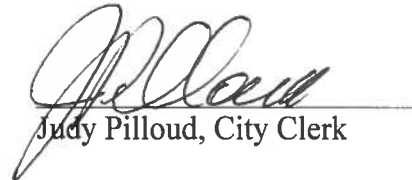
	Sub-Total	G.S.T	Total
	\$50.00	\$2.50	\$52.50

Section 11. Bylaw 2010-1836 and all amendments thereto are hereby repealed.

Section 12. Notwithstanding Section 2 subsection 2.04 this Bylaw shall take force and be in effect from the date of the final reading thereof by the Council of the City of Estevan.

CITY OF ESTEVAN


Roy Ludwig, Mayor

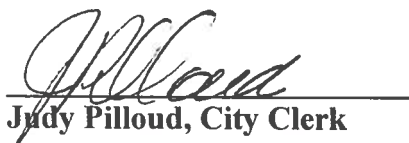

Judy Pilloud, City Clerk

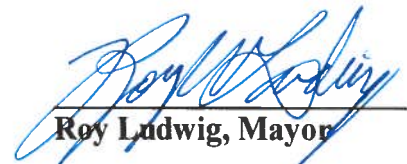
READ a first time this 17th day of December, 2012

READ a second time this 7th day of January, 2013

READ a third and final time, approved, and adopted for use by the City of Estevan this 7th day of January, 2013

This is the original document known as Bylaw 2012-1901 that was given three readings as shown in Motions 2012-638, 2013-29 and 2013-30 and hereby annexed to the Council Minutes


Judy Pilloud, City Clerk


Roy Ludwig, Mayor