

RESORT VILLAGE OF SASKATCHEWAN BEACH

BYLAW NO. 165

CEMETERY BYLAW

A bylaw to regulate and control the Resort Village of Saskatchewan Beach (RVSB) Cemetery, known as the "Cemetery Bylaw";

This bylaw repeals Bylaw 148.

NOW THEREFORE, the Council of the RVSB, in the Province of Saskatchewan, enacts this bylaw as follows:

1. TITLE

- a.) This Bylaw may be referred to as the "*Cemetery Bylaw*".

2. DEFINITIONS

- a.) "Cemetery" means land within the RVSB set apart for, or used as a place of, interment of the dead or in which human bodies may be buried. The RVSB Cemetery shall be described as follows: Parcel B, Plan 102211210, N.W. ¼ Section 24, Twp. 21 – Rge. 22 – W.2Mer.;
- b.) "RVSB" means the Resort Village of Saskatchewan Beach;
- c.) "Administrator" means the Administrator for the RVSB;
- d.) "Council" means the mayor and councilors of the RVSB;
- e.) "Licensed Funeral Director" means a person who supervises or conducts the preparation of the dead for burial and directs or arranges funerals;
- f.) "cremated human remains" means human bone fragments that remain after cremation;
- g.) "cremation" means the technical process of using heat to reduce human remains to bone fragments;
- h.) "plot" means a space for a single grave for the purpose of human burial in the Cemetery as shown on the RVSB Cemetery plan;
- i.) "grave" means a place of burial for a dead body, typically a hold dug in the ground and marked by a monument or flat marker;
- j.) "indigent person" – a person so poor and needy that they cannot provide the necessities of life (food, clothing, decent shelter) for themselves;
- k.) "human remains" means a dead human body, but does not include cremated human remains;
- l.) "casket" means a coffin which contains human remains;
- m.) "urn" means a container which holds cremated human remains;
- n.) "interment" means the burial of human remains or cremated human remains in a cemetery;
- o.) "interment rights" means the right to use a plot for the purpose of the interment of human remains or cremated human remains;
- p.) "licensee" means a person or persons who purchase a plot(s) in the cemetery;
- q.) "monument" means a memorial which extends above the surface of the ground and installed onto a base and then onto a granite foundation at the head of the grave;
- r.) "flat marker" means a memorial installed at ground level at the head of the grave;
- s.) "memorial" means a monument or flat marker;
- t.) "foundation" means the granite slab that supports the monument;

- u.) “base” means the lower portion of the monument;
- v.) “Perpetual Care” means levelling the ground of each plot, adding top soil, seeding and cutting the grass as required, weeding, planting of trees and shrubs, upkeep of road, path and signage, purchasing of benches and generally keeping the Cemetery in good order and repair. Notwithstanding the foregoing, it shall not include maintenance, repair or replacement of monuments, flat markers or other like structures except as specifically provided by this Bylaw.

3. GENERAL RULES

- a.) Employees of the RVSBS are not permitted to do any work for plot owners except upon order of the Administrator.
- b.) All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner. The RVSBS employees shall have power to remove from the Cemetery any person disturbing the quiet or good order of the Cemetery by noisy or improper conduct or language, or any person violating any of the provisions of this Bylaw.
- c.) No person shall engage or play any game of sport or discharge any firearms (except at a military funeral) in the Cemetery, or unlawfully disturb persons assembled for the burial of the dead, or commit a nuisance, or behave in any indecent or unseemly manner at the Cemetery.
- d.) No person having alcohol shall be permitted within the Cemetery, except for religious ceremony.
- e.) Persons within the Cemetery shall use only the roads and walkways and no one person is permitted to walk upon or across graves, except RVSBS employees in the course of their duties. The RVSBS expressly disclaims liability for any injuries sustained by anyone violating this rule.
- f.) Persons visiting the Cemetery or attending graveside service are strictly prohibited from picking flowers, wild or cultivated, and breaking or injuring any tree, shrub or plant.
- g.) No person shall write upon, mark, scratch, deface or damage any grave, monument, flat marker, fence, building or other structure in or around the Cemetery. Any person who damages any grave, monument, flat marker, fence, building or other structure in the Cemetery shall be liable to the RVSBS for such damages, besides being guilty of a breach of this Bylaw.
- h.) Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a speed greater than 10 kilometers per hour.
- i.) Pets are permitted in the Cemetery provided they are appropriately restrained and the pet owner removes any defecation. No motorcycles, bicycles, power snow machines of any kind, skiing of any sort, snowshoeing, and tobogganing or sports activities of any kind will be allowed in the Cemetery.

4. GRAVES AND PLOTS

- a.) The Administrator or his/her appointee shall make all sales of plots in the Cemetery and shall receive all moneys resulting from the sale of such plots. At the same time of the sale of the plot, the Administrator will also collect the Perpetual Care Maintenance Fee. All plot sales will be issued in the form set out in Schedule “B” of this Bylaw.
- b.) The Administrator or his/her appointee shall keep an accurate account of all moneys received therefrom and of all expenditures made in connection with the Cemetery, with the name and description of each plot in the Cemetery, with the name and description of the licensee thereof and of every transfer and all other ledgers necessary to keep a complete record of all business transacted by him/her in connection with the Cemetery.

- c.) The Plot Fee (to purchase a plot), the Perpetual Care Maintenance Fee, the Monument/Flat Marker Permit Fee and any other charges for work done or services rendered at the Cemetery shall be in accordance with the rates and charges set out in Schedule "A" attached to this Bylaw. The said Schedule may be amended from time to time by a resolution of the Council. Cemetery plots may be chosen from the area which the Administrator and Council have currently selected for use and from plots not specifically reserved.
- d.) Cemetery plots shall not be resold or transferred by the licensee but may be transferred back to the RVSB. In the case of transfer to the RVSB, the RVSB will refund the licensee half of the original Plot Fee paid by them for the plot.
- e.) No plot shall be used for any other purpose than for the burial of the human dead.
- f.) The RVSB shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss or damage; but the RVSB distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority.
- g.) If a plot is deemed to be abandoned, the Administrator shall follow Section 52 of The Cemeteries Act, 1999, steps including:
 - i. Contacting the Financial & Consumer Affairs Authority (FCAA) of Saskatchewan with the list of affected plots and reason for request.
 - ii. Make an effort to contact the plot owners and disclose the effort to FCAA.
 - iii. Post in the newspaper and other public media a declaration that interment rights in cemetery plots have been abandoned.
 - iv. Confirm with FCAA that no burials have occurred in the affected plots.
 - v. The RVSB will replace or substitute a plot, if available, to the original plot owner should they come forward. The licensee will be responsible for the administration and advertising fees as described in 4(g), plus any applicable fee increases, since the original purchase.

5. INTERMENTS

- a.) No interments shall be made in the Cemetery until compliance with the provisions of this Bylaw, the Public Health Act and Vital Statistics Act of the Province of Saskatchewan and with any regulations issued thereunder, and shall also have complied with the provisions of this Bylaw.
- b.) Payment of the Plot Fee and Perpetual Care Maintenance Fee as set out in Schedule "A" to this Bylaw must be paid in full prior to any interment.
- c.) No interments shall be permitted in the Cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial, in accordance with this Bylaw. The proper burial permit or cremation certificate is provided by the Funeral Home.
- d.) Subject to Subsections 5 (a), 5 (b), 5(c) and 5(h), a maximum of one body and two urns of cremated human remains, or three urns of cremated human remains shall be interred in any one cemetery plot.
- e.) Human remains excluding cremated human remains shall be located at least six feet or more in depth from the surface of the ground and shall be located within the plot. Cremated human remains shall be located at least three feet or more in depth from the surface of the ground and shall be located within the plot. The outer shell of the casket shall be made of wood, fiberglass or steel. Cremation urns shall be made of metal,

synthetic material, bronze, wood, ceramic, glass or stone materials such as granite, marble, quartz, onyx, slate, alabaster and fossil.

- f.) No person other than a Licensed Funeral Director shall have charge of the interment or disinterment of the human remains or cremated human remains.
- g.) When a plot is held by a licensee, or jointly by two or more parties, authority for interment in such plot or grave or any part thereof will be accepted by the RVSB from any one of the said parties or their executor(s) or agent(s).
- h.) The required excavation (opening and closing of the grave) for a casket of human remains or an urn of cremated human remains shall be made by a contractor of the RVSB's choosing (a contact name and phone number will be provided). The only exception to this is if the interment opening is for cremated human remains which may be completed by the family, if a request is submitted in writing to the RVSB Municipal Office. If approved by the Administrator or his/her appointee, their executor(s) or agent(s) are required to meet with a RVSB Municipal employee (during office hours) who will mark the spot on the plot where the opening can be made which must be excavated at least three feet in depth. The urn is then buried and covered with the same soil. Following the opening and closing of a burial plot, all surrounding sites must be returned to the condition they were prior to the burial. This will include the clean-up of clay, top soil and the raking of grass around the burial site and surrounding area. (When closing the grave, lumps of soil will need to be broken down before it is used to close the grave. This will help to prevent the ground from sinking in the future.). If the opening and closing of the grave is not completed by the family according to Subsection 5(h), the RVSB will correct it and the cost will be charged to the family.
- i.) Immediately following interment, weather permitting, gravesites must be backfilled with the soil that was removed to make the opening.
- j.) All costs associated with snow removal by the Maintenance Department in preparation for an interment will be at the expense of the family requesting the burial, as per Schedule "A" of this Bylaw.
- k.) The Resort Village shall not be held responsible for any mistakes from lack of precise or proper instructions regarding the grave space where an interment is to be or has been made.

6. INTERMENTS OF INDIGENT PERSONS

- a.) The Administrator shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the RVSB is instructed to provide interment rights free of charge pursuant to the provisions of Section 50 of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.
- b.) The interment of indigent person shall occur in a plot of which shall be within the sole discretion of the Administrator.

7. DISINTERMENTS

- a.) As per Regulation 36 of *The Cemeteries Act, 1999*, the disinterment of human remains shall be permitted only by order of the Chief Coroner as appointed by *The Coroners Act, 1999*, or upon issuance of a disinterment permit from the Minister of Public Health or his/her designate issued pursuant to an application under Regulation 30 of *The Public Health Act, 1994*.
- b.) A person making an application pursuant to Subsection 7(a) shall ensure that a Licensed Funeral Director is present during the disinterment for the handling and transportation of the human remains. All handling of liners, casket, or remains, are the responsibility of the Licensed Funeral Director.

8. PLANTS AND SHRUBS

- a.) The RVSB Municipal Office shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features. All trees and shrubs in the Cemetery shall be the property of the RVSB.

9. CARE OF PLOTS & GRAVES

- a.) To obtain the best landscape effects, the RVSB Municipal Office shall supervise the general care of the entire Cemetery. The Cemetery shall be maintained by the RVSB's Maintenance Department. The licensee of plots shall observe all rules and regulations passed from time to time by Council for keeping the plots in order.
- b.) The Administrator & Council may at their discretion and if so needed, hire a caretaker for the cemetery whose duties and remuneration will be set out in terms of the contract negotiated with the caretaker.
- c.) The RVSB employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in their judgement, they become unsightly, dangerous, detrimental or diseased.
- d.) No person shall write upon, deface, or injure in any way any monument, flat marker, or other structure in or belonging to the Cemetery.

10. MONUMENTS AND FLAT MARKERS

- a.) No monument or flat marker shall be erected in the Cemetery without a written permit issued for the erection of such a memorial. All monument/flat marker permits shall be issued in the form set out in Schedule "C" of this Bylaw. A permit request shall be submitted at least three days prior to date of installation (not including statutory holidays and weekends). The permit fee set out in Schedule "A" of this Bylaw includes approval of the permit, marking of the plot and follow-up inspection. Payment of the Monument/Flat Marker Permit Fee as set out in Schedule "A" to this Bylaw must be paid in full prior to receiving the permit to install the monument or flat marker. As well, prior to receiving the Monument/Flat Marker Permit, a photograph of the monument or flat marker must be submitted to the RVSB municipal office.
- b.) No monuments or flat markers for the purpose of designating graves, shall be installed in the Cemetery until a RVSB municipal employee has marked the location of each grave location where the monument or flat marker is to be installed.
- c.) All monuments and flat markers shall be installed by a professional memorial (monument or flat marker) dealer. No monument or flat marker shall be installed on a Sunday, statutory holiday or public holiday. Any monument/flat marker company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument or flat marker work in the Cemetery will advise the RVSB upon arrival at the Cemetery and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The RVSB will not be held responsible for any monument or flat marker damages or repairs required due to improper installation.
- d.) All monuments and flat markers shall be made of granite, marble or bronze. Monuments and flat markers, even for temporary use, made of cement, artificial stone, wood, stone, tin or iron will not be permitted. There are no size and shape requirements for monuments or flat markers except that they are restricted to the boundaries of the plot or portion of the plot purchased.
- e.) Only one monument per plot shall be installed at the head of the plot, in alignment with adjacent monuments and up to a maximum of three flat markers shall be installed at the

- top, middle and bottom of the plot and adjacent with other flat markers. Note: there can only be a combination of one monument and two flat markers or three flat markers per plot. Monuments must be erected onto a granite foundation with a minimum thickness of two inches. The top of the foundation shall be level with the ground. Flat markers must be placed flush with the ground. All names of those buried in the plot will be engraved or lasered directly onto the monument or flat marker or onto a bronze or ceramic plaque which will be installed onto the monument or flat marker.
- f.) Any monument and flat marker that varies from the requirements listed in Subsection 10 (d) and 10 (e) will be removed from the Cemetery upon written notice of contravention with the cost of removal to be charged to the offending party. If an acceptable monument or flat marker is not installed, subsequently, the RVSB will purchase some form of a permanent marker, to indicate the burial which will be charged to the offending party.
 - g.) An unbreakable vase, cross or statue may be permitted on a single grave provided it is no higher than 14 inches and is permanently secured to the base of the monument or onto the flat marker. It must not project beyond a plumb line from the outside dimensions of the monument base or the flat marker. Only one of the aforementioned (vase, cross or statue) may be erected on a single grave.
 - h.) There shall be no installation of grave coverings, fences, borders, railings, trellises, curbs, walls or copings on the graves. The planting of any vegetation such as trees, shrubs, hedges, perennials or annuals, with the exception of grass, will not be permitted on or around the immediate area of the graves/plots, except as permitted under Section 8 of this Bylaw.
 - i.) To preserve the proper appearance of the Cemetery, Municipal employees may remove any memorial or memorialization when it is considered offensive or otherwise necessary for the efficient operation of the Cemetery. Annually, the Maintenance Department shall remove any memorial or memorialization not allowed as per Subsection 10 (h). Any memorial or memorialization which has been removed will be kept in storage for thirty (30) days to be claimed by the family. Unclaimed items will be disposed of.
 - j.) Should any monument, flat marker or other structure in the Cemetery fall into a state of disrepair, the RVSB will make every effort to notify a family member of the disrepair, providing time to correct it, prior to removing the said monument or flat marker from the Cemetery.
 - k.) The RVSB will not be liable for the loss of or any damage to any monument, flat marker, or of any memorial tribute located in the Cemetery.
 - l.) Notwithstanding Section 10(k), the RVSB reserves the right to temporarily remove any monument or flat marker for the purpose of performing necessary maintenance work and is not responsible for any damages this temporary removal may cause.
 - m.) Once the monument or flat marker is installed, no memorial shall be removed from the Cemetery without first notifying the Administrator and his/her appointee, in writing, stating the reasons for such removal. If approved by the Administrator, then the monument or flat marker may be removed and replaced with another monument or flat marker.

11. CEMETERY RESERVE FUND

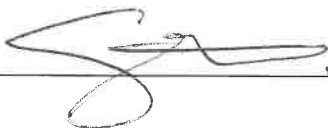
- a.) The RVSB shall establish a Cemetery Reserve Fund into which donations will be deposited and any year-end Cemetery budget surplus may be transferred upon the recommendation of the Administrator.

- b.) The Council and Administrator for the RVSB will be the “Managers” of the Fund and approve any disbursements from this Fund.
- c.) The Fund will be used for:
 - i. Top soil, sod placement or grass seeding on new plots or topsoil and seed on plots requiring maintenance and/or levelling.
 - ii. Purchasing of a bench, statue or similar structure to beautify the Cemetery.
- d.) The Fund exempts the following maintenance costs:
 - i. Repairs and cleaning of monuments or flat markers.
 - ii. Capital costs associated with the erection of monuments or flat markers and digging of plot sites.
 - iii. Capital costs of purchasing monuments or flat markers for replacement.


12. PENALTY

- a.) Any person who contravenes the provisions of this Bylaw or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw No. 120 of this Municipality.

READ A FIRST TIME this 16th day of March, 2022
 READ A SECOND TIME this 16th day of March, 2022
 READ A THIRD TIME AND ADOPTED this 16th day of March, 2022



 Mayor



 Administrator



Certified to be a true copy of Bylaw No. 165 adopted by the Council of the Resort Village of Saskatchewan Beach on the 16th day of March, 2022.

 Administrator

[SEAL]

SCHEDULE "A"
Schedule of RVSB Cemetery Fees

PLOT FEE: 1 single plot: \$750.00

(This fee must be paid at the time that a plot is purchased.)

PERPETUAL CARE MAINTENANCE FEE: \$200.00

(This fee must be paid at the same time as the Plot Fee.)

MONUMENT/FLAT MARKER PERMIT FEE: \$100.00

(This fee must be paid before a Monument/Flat Marker Permit is issued and before a monument or flat marker is installed. This permit is only provided to a monument/flat marker company representing the family or to the executor(s) and/or agent(s) of the licensee after the fee is paid and the necessary Burial Permit/Cremation Certificate has been provided to the RVSB Municipal Office. The RVSB municipal administration shall be given at least 3 days prior to the date of installation (not including statutory holidays and weekends) to collect the fee, burial permit/cremation certificate and to prepare the permit.)

SNOW CLEARING OF ROAD & PATHS WITHIN CEMETERY - \$120.00 per hour for the skid steer. Snow removal completed by the RVSB Maintenance Department.

SCHEDULE "B" – RVSB Cemetery Plot Purchase Form

Date of Purchase (m/d/y): _____

Licensee/Purchaser name: _____

Address: _____

Town/City: _____ Postal Code: _____

Phone/Cell: _____ Email: _____

Current executor(s) or agent(s): _____ Cell & Email: _____

Licensee Signature: _____

Plot Information:

Block: _____ Plot: _____

Plot Fee: \$ _____ Perpetual Care Maintenance Fee: \$ _____ Total: \$ _____

Type of payment (cheque, cash or e-transfer): _____ Cheque number if applicable: _____

Administration signature: _____

Plot Transfer:

Date (m/d/y): _____

Transfer plot back to: RVSB.

Original Plot Fee paid: \$ _____ Original date of purchase and name of purchaser above.

Refund half of original Plot Fee: \$ _____. A cheque will be issued.

Refund issued to name: _____

Address: _____

Town/City: _____ Postal Code: _____

Phone/Cell: _____ Email: _____

Authorized individual signature: _____

Administration signature: _____

SCHEDULE "C" – Monument/Flat Marker Permit

A schedule to establish a permit to install a monument or flat marker in the RVSB Cemetery

Contractor/Memorial Company: _____

Contractor's name: _____ Cell: _____

Phone: _____ Email: _____

Name of Person Hiring Memorial Company: _____

Address: _____

Town/City: _____ Postal Code: _____

Phone: _____ Cell: _____

Email: _____

Note: No interments shall be permitted in the Cemetery unless a proper burial permit or cremation certificate is provided by the funeral home.

Name of Interred: _____ Date of Interment: _____

Name of Interred: _____ Date of Interment: _____

Name of Interred: _____ Date of Interment: _____

Date to install monument/flat marker: _____ Location of monument/flat marker: Block: _____ Plot: _____

Monument/Flat Marker specifications must be followed according to Section #10 of the Bylaw. No monument or flat marker shall be installed in the Cemetery until Monument/Flat Marker Permit Fee is paid, a photograph is provided of the monument/flat marker, and RVSB employee has marked spot on the plot where the monument/flat marker is to be installed. (Attach monument/flat marker specifications sheet to this permit and provide them to contractor and/or person hiring Memorial Company.) _____ Only check mark if photograph of monument/flat marker was provided.

Type of material for the monument base: _____ Type of material for the monument/flat marker: _____

Foundation made of granite. Dimensions of foundation: Width: _____ Length: _____ Height: _____

Dimensions of the monument/flat marker: Width: _____ Length: _____ Height: _____

Dimensions of base: Width: _____ Length: _____ Height: _____

Office Use Only:

Signature of Person Hiring Memorial Company: _____

Authorization: This permit issued _____ day of _____, _____

Administration Signature

Monument/Flat Marker Permit Fee: \$ _____ Payment: cheque/cash/e-transfer (circle one). Cheque #: _____

_____ Only check mark if Burial Permit/Cremation Certificate was provided as it is required. The certificate is provided by the funeral home at the time of burial. Do not issue this Monument/Flat Marker Permit unless it was provided.