

RURAL MUNICIPALITY OF LEROY NO. 339
BYLAW NO 2015-02

A BYLAW TO ESTABLISH
CEMETERY MANAGEMENT RULES AND REGULATIONS

Purpose

The purposes of this bylaw are to outline how the Municipality manages its cemeteries in order to:

- 1) Comply with legislative requirements
- 2) Provide respectful commemoration of the deceased
- 3) Maintain detailed records to provide historical research references for the public.

Agreement

The care and maintenance of the LeRoy Public Cemetery is shared between the Town of LeRoy and the RM of LeRoy No. 339. The RM provides the administration and record keeping, and the Town provides the maintenance. Representatives of the RM and the Town Council meet annually to discuss matters of mutual interest. At this meeting, recommendations are made to each party to contribute to the operations the other is funding. The Town accordingly invoices the RM for 50% of the costs of cemetery maintenance and the RM remits 50% of monies collected for burial plots to the Town. The Town of LeRoy has reviewed and agreed to provide the service and follow maintenance rules and regulations as laid out in this bylaw by way of approval on the attached Agreement identified as *Schedule "B"*.

Whereas section 54 of *The Cemeteries Act, 1999* authorizes bylaws for the operation of non-commercial cemeteries and whereas it is deemed necessary to provide general regulations for the operations and maintenance of cemeteries, the Council of the RM of LeRoy No. 339, in the Province of Saskatchewan, enacts as follows:

- 1) This Bylaw may be cited as *The Cemetery Bylaw*.
- 2) **Location:** That the land described as the portion of the South East Quarter (SE ¼) of Section Fourteen (14) Township Thirty Five (35) Range Twenty (20) West of the Second (2nd) Meridian, in the Province of Saskatchewan, acquired by the municipality for cemetery purposes be called LeRoy Public Cemetery.
- 3) **Definitions:**
 - a. **Block** – A subdivision of land in the cemetery containing four plots.
 - b. **Cemetery** – Land set aside for, or used as, places for the interment of human remains.
 - c. **Cremains** – The ashes of a human body which has been cremated
 - d. **Grave** – A subdivision of land in the Cemetery for the purpose of burial of human remains for one intact body but in addition can be the resting place for up to 3 cremains.
 - e. **Grave Cover** – Cover of fiber glass, plastic, marble, granite, concrete or other material placed over the interred remains.
 - f. **Grave Marker** – A flat marker that is used to identify a plot or memorialize a deceased person.
 - g. **Interment** – The burial of human remains or cremated remains in a cemetery.
 - h. **Memorial** – An upright marker, headstone, monument, plaque, plate, inscription, lettering or ornamentation that is used to identify a plot or memorialize a deceased person.
 - i. **Owner** – RM of LeRoy #339 is the owner of the cemetery named within as per section 55(1) (a) of *The Cemeteries Act, 1999*.
 - j. **Plot** – A subdivision of land in the cemetery of sufficient size for four graves.

4) **Documents and Records**

- a. Register Respecting Interment Rights - *The Cemeteries Regulations, 2001* Section 24
This ledger is maintained to document:

- i. The name and address of every buyer of interment rights and a record of every transfer in interment rights



- ii. Information from the register is to be available to any person on request.
- b. **Register of Interments - The Cemeteries Regulations, 2001 Section 25**

A Register of Interment (includes authorized scatterings) separate from the register/ledger referred to above, will be maintained and shall record in it the following:

 - i. Full name of the deceased (including middle name if known)
 - ii. Location of – Block / Plot / Grave number
 - iii. Date of interment (or scattering)
 - iv. Date of Death and Age at time of death
 - v. Gender
 - vi. Date of Birth (and Place if known)
- c. It has also been practice historically to obtain the following information:
 - vii. Relationship (ex: wife of - -)
 - viii. Surviving Next of Kin - Name, address, phone, relationship
- d. For purposes of staking out the grave, the Cemetery staff will also require to know:
 - i. Date and time of interment
 - ii. Full casket or cremation
- e. If coverage over the outer burial container is less than required as outlined under *The Cemeteries Regulations, 2001 Section 32 (1)*, the depth of the coverage along with a brief statement setting out the reason shall be documented.
- f. Particulars of every disinterment or removal of any human remains shall be documented. Disinterment shall occur only in accordance with *The Public Health Act, 1994* or *The Coroners Act, 1999* and regulations pursuant to those Acts.

5) Interment Site Cost

- a. Cemetery grave sites are \$100 for the first interment of any cremation or full casket grave to be paid at the RM office. The cost is \$50 for any additional interment on the same grave site.
- b. The Municipality shall provide a grave site without charge, for the interment of unclaimed bodies or indigent persons.

6) Pre-Purchase

- a. Assignment of graves will be done in order to minimize disruption of existing grave sites. Graves may be reserved beside a deceased spouse or by one or more parents beside a deceased child provided that it does not disrupt the Cemetery's maintenance and operating plans.
- b. Record must be made of the full name, address, date of birth, place of birth of the beneficiary as well as the next of kin and their contact information.
- c. The fee of \$100 must be paid in full to reserve the grave site.

7) Surrender of Plot

- a. **Surrendered** cemetery grave sites shall not be resold but may be transferred back to the Municipality, at which time the buyer will be refunded the original purchase price, less a transfer fee of \$25.00.
- b. The purchased grave site cannot be **transferred** except to an immediate family member and upon receipt of the written authorization of the original buyer or his legal representative, plus a transfer fee of \$25.00
- c. Whenever human remains are **removed** from the cemetery, the grave so vacated may be sold back to the Municipality and the Municipality shall refund to the buyer the original purchase price, less the transfer fee of \$25.00. When human remains are transferred from one grave to another grave, the original price paid may be applied toward the cost of the new grave.

8) Interment

- a. No grave site shall be used for purposes other than the burial of human remains.
- b. The Next of Kin or Funeral Home will make arrangements for the digging of the grave. Digging is not to commence prior to the staking/marketing out of the exact burial location, be it for a casket or cremated remains.



- c. A maximum of one body and a maximum of three cremated remains may be interred in any one grave site, providing interment of cremated remains takes place after or at the time of interment of the body. See layout on attached *Schedule "A"*.
- d. No interment of two or more bodies shall be made in one grave, except in the case of parent and child or two infants buried in one casket, subject to applicable legislation.
- e. No **body interment** shall be less than 1.83 meters (6 feet) in depth from the surface of the ground surrounding the grave. This does not apply to the interment of infants where depth is dependent upon having a minimum of 1 meter (3.25 feet) covering over the infant's coffin.
- f. **Cremations** should be interred at a minimum depth of .6 meters (2 feet) from the surface of the surrounding ground. Interments of cremated bodies shall be made down the center line of the plot with the first cremation to be placed 0.61 meters (1 foot) from the space required for a marker or monument. The remaining cremations shall be spaced 0.61 meters (2 feet) apart and interred in the following order; head , middle and foot as per attached *Schedule "A"*.
- g. Where interment is made at less than the depth required, the owner shall make an entry in the Register of Interments mentioned above under Documents and Records (Section 5c).

9) Memorials and Markers

- a. The purchase of memorials or markers and concrete foundations will remain the responsibility of the deceased's family or legal representative.
- b. The concrete memorial foundation is to be placed no higher than one inch over the lowest point of the surface of the ground and is to be placed at the designated head of the grave in alignment with other foundations in the designated row.
- c. All memorials or markers placed on the concrete foundation, when placed side by side can be no more than five feet in total width, this being the total width of the grave.
- d. Cremation markers may be placed over the burial site however must be placed flush with the ground for maintenance purposes.
- e. No grave covers, borders, fences, railings, trees, shrubs, hedges, flowers, concrete or stone corners, iron posts or other similar items shall be constructed or planted on or around any grave site.
- f. The height of any new memorial shall not exceed two and one-half feet above ground level.
- g. The placing of flowers and wreaths shall be allowed only in receptacles that are affixed to the memorial, however, these items are permitted to be placed on the grave the day of the burial and left for a period of fourteen days or an appropriate period of time, after which all items will be removed for maintenance purposes.
- h. Any items placed on a grave or concrete foundation or pathways (other than memorials or markers) are considered temporary and will be removed for maintenance purposes.
- i. Memorials in Disrepair - Should any memorial, marker, plaque or other structure placed or arranged in the cemetery be in a state of disrepair, the Municipal Representative, after consulting the family, or at the very least making a concerted effort to do so, may have the said memorial, plaque or other structure removed from the cemetery.

10) General Rules and Regulations

- a. Purchase of a burial site is with the understanding that all rules and regulations in effect at the time of purchases and any that may be passed, or amended at a later date are to be followed.
- b. All graves shall be entitled to basic maintenance and care that includes addition and levelling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance, repair or replacement of memorials, markers or foundations.

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11) Indemnity

- No action or other proceeding lies or shall be instituted against the Municipality, its employees and servants, including the RM Council, Administrator and/or their designates, for any loss or damage suffered by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by that person or by any of the other persons mentioned in this section.

Read a 1st time this 4th day of March 2015

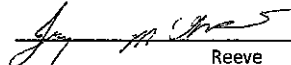
Read a 2nd time this 8th day of April 2015

Read a 3rd time and adopted this 8th day of April 2015

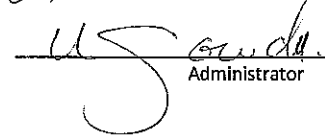
This Bylaw will come into force and effect on the day it is given final approval by the RM of LeRoy No. 339.

(seal)





Reeve



Administrator