

**BYLAW NO. 356/2011****A BYLAW OF THE TOWN OF BALGONIE  
TO MAINTAIN AND CONTROL A CEMETERY**

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

**This bylaw shall be known as the Cemetery Bylaw.**

**1. DEFINITIONS**

- a) **Administrator** - shall mean the Town Administrator of the Town of Balgonie, appointed by Town Council and for the purposes of this Bylaw, shall include any person appointed by the Administrator from time to time, to act on his/her behalf in the administration of this Bylaw and operating in conjunction with the member of Council having responsibility for the Cemetery.
- b) **Base** - means the bottom part or lower portion of a monument or marker.
- c) **Block** - means a division of land, which is subdivided into lots.
- d) **Burial Vault** – a strength-tested fiberglass vault or cover that will withstand the weight of 4535.97 kg (10,000 lbs), with or without a floor, placed over a casket interred in a grave for burial.
- e) **Cemeteries Act** – means the Cemeteries Act of the Province of Saskatchewan, 1999.
- f) **Cemeteries Regulations** – means the *Cemeteries Regulations of the Province of Saskatchewan, 2001.*
- g) **Cemetery** - means the area of land owned by the Town of Balgonie established and set apart for use as a public cemetery to be known as the Balgonie Cemetery and described as follows: Firstly, shown as Lot B, Block 27 on a plan of record on the Land Title as No. 86R49351; Secondly, that portion of the South East quarter of Section Four (4) in Township Eighteen (18) in Range Seventeen (17) West of the Second Meridian, in the Province of Saskatchewan, in the Dominion of Canada described as follows: commencing at the South East corner of said quarter section, thence North along the East boundary of said quarter section, a distance of Three hundred and thirty (330) feet, thence West parallel with the Southern boundary of said quarter section, a distance of Two hundred and sixty four (264) feet, thence South parallel with said Eastern boundary, a distance of Three hundred and thirty (330) feet to the said Southern boundary, thence East along the said Southern boundary a distance of Two hundred and sixty four (264) feet to the place of beginning containing Two(2) acres more or less.
- h) **Council** - means the Council of the Town of Balgonie.
- i) **Cremated Human Remains** - means the ashes of a human body that remain after the body has been cremated; hereinafter referred to as cremated remains.
- j) **Grave, Standard Depth** – means a grave approximately 2 metres (79 inches in depth).
- k) **Grave Marker** - means a memorial that is installed with its upper surface flush with the ground.
- l) **Grave Monument** - means a memorial, which shall extend above the surface of the ground.
- m) **Human Remains** – means a dead body, but does not include cremated human remains.
- n) **Interment** – means the *burial of human remains or cremated human remains in a cemetery*
- o) **Licensee** – means a person or persons who purchase a lot in the Cemetery.
- p) **Lot** – means a space in the Cemetery used or intended to be used for the interment of human remains or cremated human remains.

- q) **Perpetual Care** - means the basic maintenance of all lots and shall include leveling of the ground and the seeding and the cutting of grass as required, but shall not include the maintenance repair or replacement of monuments or markers.
- r) **Town** - means the Town of Balgonie.

## **2. GENERAL REGULATIONS**

- a) All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner. The Administrator or any Town employee in his/her charge shall be authorized to remove from the Cemetery, any person or persons disturbing the quiet and good order of the Cemetery by noisy or improper conduct or language.
- b) All persons employed in the construction and/or installation of burial vaults, grave monuments or markers, or in doing any other work on lots or graves in the Cemetery, shall be subject to the direction and control of the Administrator, and in the case of any such person or persons refusing to obey the directions or orders of the Administrator, the Administrator shall be authorized to remove such person or persons from the Cemetery.
- c) All work in the immediate vicinity that may disrupt the quiet and good order of the Cemetery shall cease while mourners are present at a burial service being conducted at the Cemetery.
- d) Persons within the Cemetery shall use only the paths and roadways and no one is permitted to walk upon or across graves except Town employees in the course of their duties. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.
- e) Persons visiting the Cemetery or attending a funeral are strictly prohibited from picking flowers, wild or cultivated and breaking or injuring any tree, shrub or plant.
- f) No fences, borders, railings, curbs, trees, shrubs, perennials, annuals, or boundary markers around a grave or on a grave or graves shall be permitted from the date of this Bylaw, except those already in place.
- g) The Administrator may cause the removal of fences, borders, railings, curbs, trees, shrubs, perennials, annuals, or boundary markers around a grave or on a grave or graves or any other structure erected previous to the passing of this Bylaw if by reason of neglect or age, it becomes in a state of disrepair and the licensee, or family thereof, neglects or refuses to repair or remove same after a notice has been forwarded to his or her last known address.
- h) No person shall write upon, mark, scratch, deface or injure any lot, grave monument or marker, fence building or any structure in or around the Cemetery.
- i) The Town will take all reasonable precautions to protect the licensee and the property right of the licensees within the Cemetery from loss or damage; but the Town distinctly disclaims all responsibility for a loss or damage from causes beyond its reasonable control, including but not restricted to 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, whether the damage be direct or collateral, other than as herein provided.
- j) The Cemetery hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations at any time and without notice.

## **3. TRAFFIC**

- a) Vehicles being operated within the confines of the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a speed greater than ten (10) kilometers per hour, except those vehicles required for maintenance.
- b) No person except those employed by the Town in the performance of their duties, shall drive a vehicle on any part of the Cemetery other than a roadway provided for that purpose.

#### **4. MAINTENANCE OF LOTS**

- a) The Town shall assume the general care of the entire Cemetery.
- b) The Town shall seed all grave surfaces to grass.
- c) No person shall remove the sod from a lot, or from any portion of a lot, in the Cemetery without first obtaining written consent from the Town.
- d) The Administrator shall have the right to remove all flowers and wreaths, natural or artificial, from any grave, thirty days after their placement.
- e) The Administrator shall have the right to remove from any lot – weeds, grass, shrubs or trees or any article, which is deemed unsightly, improper or injurious to the appearance of the Cemetery.
- f) The Administrator may remove or prevent the placing of any stand, holder, base or other receptacle for flowers or plants, deemed unsuitable and a hindrance to the maintenance of the Cemetery.
- g) No person shall give money or other reward to any employee of the Town working in connection with the Cemetery for cemetery services or attention, nor shall any employee of the Town accept any such reward.

#### **5. GRAVES, BURIALS AND RESERVATIONS**

- a) A licensee may reserve a lot or lots by paying in full at the Town Office, the purchase price as set out in "Schedule A", the schedule of fees for land and services, attached to and forming part of this Bylaw. The lot or lots shall be reserved for the use of the licensee who has paid the purchase price, a member of the licensee's family, or for a burial upon his/her instructions of an heir.
- b) A grave may be used for the burial of one body, except in the case of a parent and child (under 5 years of age) or two children (under 5 years of age).
- c) Cremated remains may be interred in an individual lot of the Cemetery or in an occupied grave.
- d) A licensee of a lot or lots shall make written application to the Town for approval to transfer ownership rights to another licensee.
- e) A licensee of a lot or lots shall not sell or transfer the lot or lots and shall make written application to the Town to transfer ownership rights back to the Town. In the case of transfer, the Town will refund to the licensee fifty (50) per cent of the original purchase price.
- f) The Town is authorized to recover unused graves in accordance with the provisions of the Cemeteries Act.

#### **6. INTERMENTS**

- a) No interment shall be made in the Cemetery until the provisions of The Public Health Act and The Vital Statistics Act of the Province of Saskatchewan and this Bylaw have been complied with.
- b) Before an interment is made in any grave, an application shall be made to the Administrator to purchase a lot (unless a lot has already been purchased) and pay for the opening and closing of the said grave. This notice shall be given no less than 24 hours in advance of the interment. In the case of graves being required for a Sunday or Monday burial, notification shall be provided no later than 2:00 p.m. on the preceding Friday.
- c) Section 6 (b) for provision of notice, shall not apply in the case of the issuance of a certificate from the office of Public Health for danger of contagion.

- d) Interment may take place between the hours of 8:00 a.m. and 4:00 p.m. on any day except Saturday, Sunday and Holidays. Special arrangements for burials after 4:00 p.m. or on Saturdays, Sundays or holidays must be made at the Town Office.
- e) No person shall be buried in any lot unless such person is the owner of the burial rights of the lot or has received consent from the owner or agent of the owner.
- f) The Administrator shall ensure the marking of a lot(s) before burials.
- g) Only persons employed by the Town shall open and close graves and make the required excavation for urns. The Administrator shall supervise such to assure other lots are not disturbed.
- h) A maximum of one body and two (2) urns of cremated remains, or three (3) urns of cremated remains shall be interred in any one grave.
- i) In all cases, the interments of cremated remains shall have an identifying marker placed directly above the vessels or containers.
- j) No grave shall be less than 2 meters (79 inches) in depth from the surface of the ground. The top of the burial container must be at least 76 centimeters (29.9 inches) below the surface of the ground.
- k) Cremated remains may be interred at a minimum depth of 60.96 centimeters (24 inches).
- l) No person other than a qualified funeral director shall have charge of the interment of any human remains.
- m) Cremated remains may be interred by persons other than a qualified funeral director.
- n) A burial vault of fiberglass construction is required when a casket is used for interment. A burial vault placed over a casket interred in a grave for burial will withstand the weight of 4535.97 kg (10,000 lbs.) with or without a floor.
- o) The Town shall, pursuant to The Cemeteries Act, provide a lot without charge for the interment of indigent persons.

## 7. DISINTERMENTS

- a) No person shall disinter human remains except in accordance with the regulations as described in the Cemeteries Act and with authorization of the Town Administrator.
- b) No person shall disinter or remove a body from any plot without first producing a written order from the licensee of such plot, his heirs, executor or assigns and a permit has been obtained from the Minister of Public Health for the Province of Saskatchewan.
- c) Disinterment shall take place only under the direction of a funeral director after receiving authorization from the Administrator.
- d) Whenever a body is permanently disinterred from a grave and the grave is vacated, ownership rights of the lot so vacated shall revert to the Town.

## 8. MONUMENTS OR MARKERS

- a) Grave covers will not be permitted in the Cemetery from the date of this Bylaw except those already in place.
- b) All grave monuments and markers shall be manufactured of granite, marble or any durable, non-corrosive material.
- c) All temporary markers supplied by funeral homes may be removed by the Administrator after a period of six (6) months has elapsed.
- d) Heavy loads for the purpose of constructing monuments will not be allowed to enter the Cemetery when the roads are in an unfit condition.

- e) Each monument shall lie on a concrete base placed at least 10.1 centimeters (4 inches) from the rear of the lot.
- f) Each marker shall lie on a concrete base that projects no more than 2.54 centimeters (1 inch) above the surface of the ground.
- g) Where more than one lot is purchased side by side, one monument may be placed at the head centre of the lots.  
 The dimensions of the monument shall not exceed more than:  
 76.2 cm (30 inches) in length;  
 30.4 cm (12 inches) in width;  
 25.4 cm (10 inches) in height at the back and;  
 15.2 cm (6 inches) in height at the front.  
  
 The dimensions of the base shall not exceed more than:  
 101.6 centimeters (40 inches) in length;  
 45.7 centimeters (18 inches) in width and;  
 25.4 centimeters (10 inches) in height.
- h) Where a single lot is purchased:  
 The dimensions of the monument shall not exceed more than:  
 60.9 centimeters (24 inches) in length;  
 30.4 centimeters (12 inches) in height at the back and;  
 15.2 centimeters (6 inches) in height at the front.  
  
 The base shall not exceed more than:  
 81.2 centimeters (32 inches) in length;  
 45.7 centimeters (18 inches) in width and;  
 15.2 centimeters (6 inches) in height.
- i) Where cremated remains have been interred in a plot already containing one grave, no further monuments may be erected. A marker may be installed on the lot where the cremated remains are interred.  
 The dimensions of a marker shall not exceed:  
 60.9 centimeters (24 inches) in length and;  
 45.7 centimeters (18 inches) in width.  
  
 The base shall not exceed more than:  
 81.2 centimeters (32 inches) in length and;  
 45.7 centimeters (18 inches) in width.
- j) A marker may be used in any circumstance where a monument would be used.
- k) Whenever any owner of a monument or marker neglects to make the required repairs or alterations, after being given due notice by the Administrator, the Administrator shall allow a period of thirty (30) days to elapse after which time, the Administrator shall be authorized to remove such monument or marker and charge the cost thereof to the licensee which may be recovered as a debt from the licensee to the Town.
- l) Outside workmen installing monuments or markers shall leave the Cemetery grounds in a neat and tidy condition, removing all excess dirt and materials.
- m) The Town shall not be liable for the loss of or damage to any monument, marker or part thereof or any memorial tribute located in the Cemetery.

## 9. CORRECTION OF ERRORS

The Town or any official thereof shall not be responsible for any mistakes resulting from lack of precise or proper instructions regarding the grave space on a lot where an interment is to be or has been made.

**SCHEDULE "A"****Schedule of Fees**

1. Fee for a single lot	-resident	\$250.00
	-non-resident	\$400.00
2. Fee for opening and closing a standard grave on weekdays:		
Summer rate – May 1 to October 31		\$350.00
Winter rate – November 1 to April 30		\$450.00
3. Fee for opening and closing a standard grave on Saturdays, Sundays or Statutory Holidays or after hours on weekdays:		
Summer rate – May 1 to October 31		\$450.00
Winter rate – November 1 to April 30		\$550.00
4. Fee for burial of cremated remains:		\$250.00
5. Disinterment		Actual hourly rate for operator and machinery


10. **PENALTY**

Any person guilty of a violation of any provision of this Bylaw shall be liable to damages plus a minimum penalty of \$250.00.

Bylaw No. 190 passed on the 9<sup>th</sup> day of November, 1992 and any amendments thereto are hereby repealed.

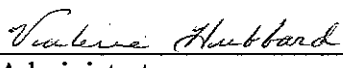
This bylaw shall come into force and take effect on the date of final passing.



  
MAYOR

  
ADMINISTRATOR

Certified a true copy of a Bylaw  
passed by resolution of Council  
on the 13<sup>th</sup> day of June, 2011.

  
Administrator