

## Town of Nipawin

### Bylaw No. 1075/19

#### **A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE REGULATION AND CONTROL OF TOWN-OWNED CEMETERIES**

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

#### **Short Title**

This bylaw may be cited as *The Cemeteries Bylaw*

#### **Purpose**

The purpose of this bylaw is to provide for regulation and control of Town of Nipawin-owned cemeteries.

#### **Cemetery Locations**

The following locations have been established for the purpose of Cemeteries for burial of dead human remains:

- **Mabel Hill Memorial Cemetery** – approximately Ten (10) acres in the SE 31-50-14-W2nd in the Rural Municipality of Nipawin #487
- **Woodlawn Cemetery** – all the land in Parcel A, Registered Plan #BJ2950, in the SE 31-50-14 W2nd in the Town of Nipawin
- **Ravine Bank Cemetery** – a portion of the land in the NE 31-5014 W2nd in the Rural Municipality of Nipawin #487

#### **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- a. **Block** - means a subdivision of land containing up to four plots.
- b. **Cemetery** – means land owned by the Town of Nipawin set apart for, or used as, a place of interment of human remains and includes a place where human remains have heretofore been buried.
- c. **Cremated Remains or Cremains** – means human bone fragments that remain after cremation
- d. **Director** - means the Director of the Parks and Recreation for the Town of Nipawin, or other person designated by the Council.

- e. **Family Columbarium Monument** – means a structure in the cemetery erected or constructed above ground on any lot or lots for the interment of cremated remains in sealed compartments or niches.
- f. **Grave Marker** - means a flat Memorial set at ground level, constructed on any Lot or Lots for memorial purposes.
- g. **Human Remains** – means a dead human body but does not include cremated human remains.
- h. **Interment** – means the burial of human remains or cremated human remains or the interment of cremated human remains in a columbarium.
- i. **License** – means a permit provided by the Town to an individual with respect to a lot or plot for the purpose of a single burial or the burial of cremains as provided for therein.
- j. **Lot** - means a space of land in the cemetery to be utilized solely for the interment of human remains or cremated human remains and includes a niche or compartment in a columbarium.
- k. **Monument** - means any structure in the Cemetery erected or constructed above ground on any lot or lots for memorial purposes.
- l. **Plot** - means a subdivision of land containing up to four lots.
- m. **Regular Hours** – means regular working hours for the Town of Nipawin employees from 7:00am – 12:00pm and 1:00pm – 4:00pm, weekdays.
- n. **Resident** - means any person or persons who have resided or presently reside in the Town of Nipawin.
- o. **Section** - means a subdivision of land containing several Blocks.

## PURCHASE OF LOTS

- a. All lots shall be described according to a Plan of Records in the Town of Nipawin Office, where suitable books of record with a description of each lot in the cemetery, with the name and description of the owner thereof, and all other books necessary to keep a complete record of all business transacted in connection with the Cemeteries shall be open to inspection during regular office hours.
- b. Upon payment to the Town of Nipawin by any party of the full cash price of a lot, furnish such party with a receipt for the sum of money paid and draw up a Deed or Transfer in favour of such party, such Deed or Transfer to be subject to the terms, conditions, rules and regulations set forth in this Bylaw, and any amendments hereto governing said Cemetery, and to be executed by the Chief Administrative Officer, and to have the Corporate Seal of the Town of Nipawin affixed thereto.
- c. Every conveyance or Deed to any lot in any Cemetery shall be subject to the Condition that the lot shall not be used for any purpose other than as a burial ground for human remains.
- d. No Deed shall be recognized by the Town unless same is duly registered at the Town Office.

- e. All persons ordering graves in the Cemetery shall be held responsible for the cost thereof and for all charges in connection with same. Charges for lots and opening and closing of same shall be those rates as determined from time to time by resolution of Council.
- f. A person may reserve a grave, or graves, by paying in full, the current purchase price as shown in Schedule 'A' to this Bylaw. The reservation shall hold the grave for use by the party who paid the purchase price, the purchaser's heir(s), or for a burial upon the purchaser's instructions, for a period of ten (10) years. At the expiry of the ten (10) year reservation period, the grave(s) shall revert to the Town unless the party who paid the purchase price or renew the reservation in writing. The Town shall notify the party who paid the purchase price, or if known to be deceased, the heir(s), if known, during the first six (6) months of the tenth year, advising of the impending cancellation if not renewed as required by this section. Notification by ordinary mail at last known address shall be sufficient notice.
- g. Failure by the purchaser to pay the full price of a reserved lot within six (6) months shall result in cancellation of the reservation and a refund of any monies paid.

**LICENSE:**

- a. The Town may grant a license to any person for use of a lot or lots as provided for in this Bylaw. The said license shall be issued subject to all provisions of this Bylaw and any amendments thereto passed from time to time by Council
- b. The license fee and all charges for work done or services rendered at the Cemetery shall be in accordance with the Cemetery Rates Schedule, attached hereto and identified as Schedule 'A' and forming part of the Bylaw.
- c. Grave lots and plots shall not be resold or transferred by the licensee. Licensee may only transfer a lot or plot to an immediate family member (ie: father, mother, child, grandchild, or grandparent). A licensee may surrender the license to the Town for any unused lot or plot. The Town will refund to the original licensee the original purchase price of the license. The licensee must provide the original receipt to the Town of Nipawin.

**GENERAL CONDITIONS:**

- a. The Cemeteries will be open to the public daily.
- b. All funeral processions shall be under the control and supervision of the Funeral Director in charge of funeral services while within the boundaries of the cemetery.
- c. No person shall give money or other reward to any employee working in connection with the Cemetery for their service or attention.

- d. All material brought into the cemetery to be used in improving any lot shall be transported and deposited in the cemetery in such manner as the Director shall direct, and all earth, wood or rubbish remaining after such improvements shall be removed or shall be deposited at a suitable location in the cemetery under the direction of the Director, by the person who provided the said improvements.
- e. No child under the age of twelve (12) years shall be admitted to the cemetery unless in the charge of an adult person.
- f. All employees completing work in the cemetery shall comply with the orders and directions of the supervisor of the cemetery who shall be under the direction of the Director and all employees shall cease work and cemetery vehicles shall be removed when a burial is taking place in the vicinity of their work.
- g. No trees, shrubs, plants or flowers of any kind shall be removed from the Cemetery unless special permission of the Director is first obtained.
- h. All persons employed in the construction of columbarium's, erection of monuments or grave markers, or in doing any other work on the lots or graves in the Cemetery, shall be subject to the direction and control of the Director, and in the case of any such persons refusing to obey the orders or directions of the Director, the Director shall have power to remove such person or persons from the Cemetery.
- i. The Director, or anyone under the Directors charge, shall have power to remove from the grounds, 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.
- j. No animals shall be allowed in the Cemetery.
- k. No person shall injure any shrub or tree or pick or destroy any flower, wild or cultivated, growing in the Cemetery.
- l. No person shall write upon, mark, scratch, deface or injure any lot, monument, grave marker, fence, building or other structure in the Cemetery and shall be personally responsible to the Town for such damage, besides being guilty of a breach of this Bylaw.
- m. No person shall remove or destroy or attempt to remove or destroy any body or remains put in any grave.
- n. No person, except those Town employees in performance of duties, shall drive a vehicle over any part of the Cemetery, except on the roadways.
- o. Motor vehicles in the cemetery shall travel on the roadways provided and shall not exceed ten (10) kilometres per hour.

## **FLORAL ARRANGEMENTS, BORDERS, FENCES, HEDGES, ETC.**

- a. No border, fence, railing, trellis, coping, hedge, or any other bounding or enclosing object or material shall be constructed, placed or planted in or around any lot or plot other than for purposes of operating the cemetery as authorized by the Director.
- b. 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 lot or plot or part thereof shall in the opinion of the Director by means of its roots or branches in any way become detrimental to any adjacent grave, plot or path or driveway or to the general appearance of the cemetery or become dangerous or inconvenient to the public, the Director may arrange for the removal of such tree, shrub or plants or parts thereof.
- c. The foregoing shall not be deemed to prohibit the normal Remembrance observances of any Bonafide Veterans' organization, or the placing of cut flowers or artificial flowers upon the graves, but in such cases, these shall be placed in a receptacle approved by the Town and sunk level with the ground. Not more than two such receptacles shall be allowed for any one grave
- d. The Town maintenance crew may remove from any lot any weeds, wilted flowers, or floral pieces or any other articles or things which are unsightly or which are considered to be an obstacle to convenient and safe mowing of the grass.
- e. All vases, urns, and plant stands not properly cared for and such as are not filled with plants or flowers on or before the 20th day of June in any year, may be removed by the Director from the lots on which they are situated and stored. If applied for by the owner within one year from the date of removal, the same shall be returned; however, the Town will not be held responsible for any loss of or damage to any vases, urns, plant stands or other receptacles.
- f. All items placed in the cemetery by the public shall be at their own risk.

## **INTERMENTS & DISINTERMENTS:**

- a. No person shall bury any dead human body or cremated remains in the Cemetery unless and until the person has complied with the provisions of:
  - i. The Public Health Act and regulations there under;
  - ii. The Vital Statistics Act and regulations there under; and
  - iii. The provisions of this Bylaw.
- b. Written notice that an interment is to take place shall be given to the Director at the Town Office at least forty-eight (48) hours (two working days) before the interment is to take place during the period from November 1 to April 30 and at least twenty-four (24) hours (one working day) before the interment is to take place during the period from May 1 to October 31.

- c. Interments shall be made only between the hours of 8:00 am – 4:00 pm Monday through Friday. Burials after 4:00pm on weekdays, or on weekends and holidays shall be subject to an additional fee as shown in Schedule 'A' of this bylaw and scheduled at the discretion of the Director.
- d. A grave for the burial of an adult shall be a maximum of six (6) feet in depth from the surface of the ground surrounding the grave, provided however that this shall not apply to the burial of ashes, where in such cases the ashes shall be buried two and one half (2 ½ ) feet from the surface of the ground and at the head of the grave lot (on the left corner, middle, or right hand corner). Notwithstanding Part 4(iv)(a), no more than four interments will be permitted in one grave lot.
- e. No more than four (4) cremated interments will be permitted in one grave lot OR no more than three (3) cremated interments and one (1) casket will be permitted in one grave lot.
- f. With the exception of cremated remains, no interment of a body shall be permitted in the same grave where another body has already been interred.
- g. No interment shall be made until a legal Burial Permit has been purchased and proper notice is given to the Director as hereinbefore provided.
- h. Any person applying for interments in the Cemetery, whether as principal or undertaker, shall furnish the Town of Nipawin with such particulars as he/she may require for the purpose of record before such interments shall be allowed.
- i. Whenever outer cases for coffins or caskets are used in burials, such outer cases shall be at the Cemetery at least two hours before the time set for the interment so as to give a correct idea of the size of grave required, and in the case of burial taking place on a Sunday or Holiday, such outer cases shall be at the Cemetery before noon of the day preceding such Sunday or Holiday, provided that an exemption may be allowed where bodies arrive from out of Town.
- j. 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 Director showing that the necessary fees have been paid in accordance with rates set out in Schedule 'A' of this bylaw.
- k. The Town's service in connection with disinterments 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 remains or ashes.
- l. Whenever the remains of a single grave are removed, the grave space so vacated shall revert to the Town in consideration of the cost and trouble of the removal.

## **MONUMENTS, GRAVE MARKERS & COLUMBARIUMS**

- a. Any person desiring to place a memorial or grave marker shall make written application to the Director for a permit therefor, and in such application shall state particulars of the memorial to be erected. Such application shall be accompanied by a permit fee in the amount as elsewhere in this Bylaw provided. Memorial Permit attached hereto and identified as Schedule 'B' and forming part of the Bylaw.
- b. Grave covers of any type or description and of any material shall not be permitted.
- c. The base for a monument or grave marker shall be laid at the head centre thereof in single graves. The base for monuments or grave markers marking multiple graves shall be laid at the head centre thereof.
- d. No person shall place or erect in the cemetery any monument, grave marker or any like structure that does not consist solely of imperishable and adamant materials. Monuments or grave markers or any like structures or applied decoration, constructed of plastic, glass, perishable or easily damaged materials are hereby prohibited in the cemetery.
- e. There shall not be more than one monument or marker permitted on each grave lot except where cremated remains are to be buried in an occupied grave with an existing monument or marker, whereas in such cases additional monuments or markers set at the head of the grave would be allowed providing all the monuments or markers together do not exceed the maximum width of 48" (inches) and maximum depth of 17" (inches), as specified for single monuments or markers. However, in cases where this is not possible, individual flat markers set at the head of the grave and at ground level would be allowed. These markers are not to exceed a maximum width of 16" (inches) including a base or border and a maximum depth of 12" (inches) including a base or border.
- f. All Monuments and Grave Markers shall be of either granite, marble, Ionite, other material approved by the Town.
- g. Monuments & Grave Markers shall be placed on continuous foundations, where provided by the Town.
- h. Mounting of lighting or vases on continuous foundations will be permitted upon approval from the Director.
- i. A single grave monument, marker or pillow shall be a maximum 48" (inches) wide, maximum 17" (inches) deep (including a base or border), maximum 42" (inches) high (excluding grave markers). Such specifications shall also be those applicable in cases where a monument, grave marker or pillow is to mark a single grave lot with multiple interments.

- j. A double grave monument, grave marker or pillow intended to mark two graves adjacent to each other shall be a maximum 54" (inches wide) maximum 17" (inches) deep (including a base or border), maximum 42" (inches) high (excluding grave marker).
- k. Where continuous foundations are not present, all flat grave markers shall be placed in such a manner in a row of graves, that they shall be in complete alignment.

## **Columbariums**

Family Columbarium Monuments shall conform to the following:

- i. Allowed in Sections A, D, 1 and 2 only.
- ii. Shall be placed on continuous foundations as provided by the Town.
- iii. Shall be of either granite or marble.
- iv. Shall conform to the following specifications:
  - a. maximum height 42 inches
  - b. maximum depth 24 inches
  - c. maximum length of 51 inches on one single lot
  - d. multiple lots may be purchased for additional lengths of columbarium
- v. No more than 4 interments will be permitted in one lot.

## **BURIAL LOCATIONS - Mabel Hill Cemetery**

Sections of the Cemetery shall be set aside for burials as follows:

- a. Section E shall be reserved for the burial of children and infants
- b. Sections B, C, F, H, I, J, K, L shall be reserved for the burial of adults, children and infants
- c. Section G shall be for the burial of Veterans
- d. Sections 1, 2, A and D shall be reserved for Family Columbarium Monuments only.

## **MONUMENTS, GRAVE MARKERS & COLUMBARIUMS IN DISREPAIR**

- a. The Director shall, from time to time, report to the owners upon the condition of any monument or grave marker out of repair, and it shall be the duty of the owner of such monument or grave marker, to repair same without delay, to the satisfaction of the Director.
- b. Whenever an owner of a monument and/or grave marker neglects to make the required repairs or alterations after receiving due notice from the Director, the Director shall allow a period of three months to elapse, after which time the Director shall have the power to remove such monument or grave marker from the Cemetery, or to repair such monument or grave marker and charge the cost thereof to the owner, which may be recovered as a debt from the owner to the Town.
- c. The Town of Nipawin will not be responsible for any damage or cost to repair any damage to monuments, grave markers, columbarium, or other structures that occur as a result of vandalism or improper installation.



**BURIAL OF INDIGENT POOR**

The Director shall furnish graves in the Cemetery, without charge, for the dead of indigent poor of any denomination who were resident in the town at the time of death.

**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 Penalties Bylaw of the Town of Nipawin.

Bylaws 935/12 and 936/12 are hereby repealed.

This bylaw shall come into force and take effect upon the final approval by Council.

(SEAL)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Barry Elliott,  
Chief Administrative Officer

**CEMETERY RATES SCHEDULE  
SCHEDULE 'A'**

**TOWN OF NIPAWIN, SASKATCHEWAN  
MABEL HILL, RAVINE BANK & WOODLAWN CEMETERIES**

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**RATES:**

	<b>Purchase Price</b>	<b>Opening &amp; Closing</b>	<b>GST</b>	<b>Total</b>
All Plots	\$ 725.00	\$ 625.00	\$ 67.50	\$ 1,417.50
Cremation		\$ 240.00	\$ 12.00	\$ 252.00
Memorial Permits				
Family Columbarium Lot	\$ 330.00		\$ 16.50	\$ 346.50

Opening and closing on Saturdays, Sundays, after regular working hours, and Statutory Holidays will be an additional \$240.00 plus GST for a total of \$252.00.

For cremations, an additional \$155.00 plus GST for a total of \$162.75.

**APPLICATION FOR PERMIT TO PLACE A MEMORIAL**  
**Schedule 'B'**  
 (BYLAW NO. -----)

I, \_\_\_\_\_ hereby make **application for a permit** to place a memorial consisting of:

- Flat Grave Marker       Monument       Pillow

on Lot(s) \_\_\_\_\_ Plot \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_

being the grave(s) of \_\_\_\_\_

The **dimensions** of the Memorial are: (note: **Maximum Width cannot exceed 17"**, including base or border. **Maximum Length cannot exceed 48"** for a **Single Memorial** or **54"** for a **Double Memorial** which includes a base or border)

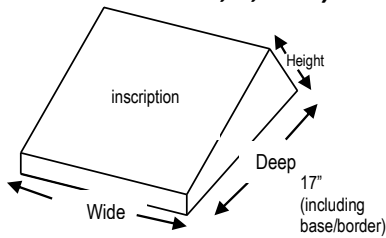
Width: \_\_\_\_\_ Depth: \_\_\_\_\_ Height: \_\_\_\_\_ (overall – including base)

The material is:

- Lonite     Marble     Granite     Other (i.e. base) Specify: \_\_\_\_\_

**PILLOW TYPE:**

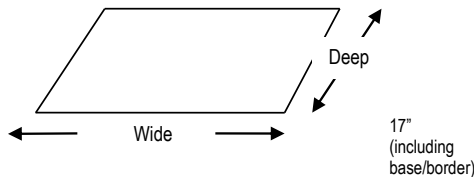
**(Mabel Hill: Section F, H, J & K)**



Single Maximum 48"  
 Double Maximum 54"

**FLAT GRAVE MARKERS:**

**(Mabel Hill – Sections A, B, C, D, E & G)**



Single Maximum 48"  
 Double Maximum 54"

**FLAT GRAVE MARKER**  
 The top of the grave marker **must** be flush with or just below ground level in grassed areas of the Cemeteries.

**MONUMENT HEADSTONE:**

**(Mabel Hill: Section F, H, J & K)**

Single: Maximum 42" high, 48" wide  
 17" deep (including base/border)  
 Double: Max 42" high, 54" wide  
 17" deep (including base/border)

**COLUMBARIUM MONUMENT: (Mabel Hill: Section A & D)**

Maximum 48" high  
 Maximum 24" deep  
 Max Length 51" on one single lot. Multiple lots may be purchased for additional length

I understand that it is the responsibility of the heir(s) to keep the Memorial in good repair, and that it may be removed if it is allowed to deteriorate.

\_\_\_\_\_  
 (Signature of Applicant)

\_\_\_\_\_  
 (Address)

**TOWN OF NIPAWIN AUTHORIZATION**

\_\_\_\_\_ is hereby authorized to erect a Flat Grave Marker/Monument as outlined above.

\_\_\_\_\_  
 Authorized Signature

\_\_\_\_\_  
 Date

- Original for File     Copy for Applicant     Copy for Director