

# Town of Nipawin

## Bylaw No. 935/12

### A BYLAW OF THE TOWN OF NIPAWIN IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE REGULATION AND CONTROL OF MABEL HILL MEMORIAL CEMETERY.

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WHEREAS it is deemed expedient and in the public interest to establish a Cemetery in the SE Quarter (SE 1/4) of Section Three (3), in Township Fifty-One (51), in Range Fourteen (14), west of the Second (W2nd) Meridian, and to provide for the regulation and control of same;

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

#### 1. LOCATION

- a) There shall be established in the SE 3-51-14-W2nd, an area of land to extend approximately Ten (10) acres, as shown on the Sketch attached hereto as Schedule "A" to this Bylaw, for the purpose of a Cemetery for burial of dead human remains.

#### 2. NAME

- a) The said Cemetery shall be named "MABEL HILL MEMORIAL CEMETERY."

#### 3. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- a) **BLOCK** - means a subdivision of land containing up to four plots;
- b) **DIRECTOR** - means the Director of the Parks and Recreation Department of the Town, or other person designated by the Council.
- c) **LOT** - means a subdivision of land measuring 10' by 5', for the purpose of burial of a single adult or more children or infants.
- d) **GRAVE MARKER** - means a flat Memorial set at ground level, constructed on any Lot or Lots for memorial purposes.
- e) **LAWN AREA** - means an area maintained in lawn in which only grave markers are permitted.
- f) **MONUMENT** - means any structure in the Cemetery erected or constructed above ground on any lot or lots for memorial purposes.
- g) **PLOT** - means a subdivision of land containing up to four lots.
- h) **RESIDENCE** - means anyone actually resident in a Bonafide dwelling, exclusive of a Hospital, within the Corporate limits of the Town of Nipawin, and in the case of a newborn, the residence of the Mother shall be deemed to be residence of the child.

- i) **SECTION** - means a subdivision of land containing several Blocks.
- j) Where the singular appears it may also mean the plural, and whenever the masculine appears it may also mean the feminine.
- k) **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

4. **BURIAL LOCATIONS**

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 and shall be maintained as "Lawn Areas".
- b) Sections B and C shall be reserved for the burial of adults, children and infants, and shall be maintained as "Lawn Area".
- c) Sections F, H, J, and K shall be for the burial of adults, children and infants. The graves in this section may be marked with Monuments as provided by this Bylaw
- d) Section G shall be for the burial of Veterans and shall be maintained as a "Lawn Area".
- e) Section A shall be reserved for cremations only.
- f) Sections 1, 2 and D shall be reserved for Family Columbarium Monuments only.

5. **DUTIES OF DIRECTOR**

- a) All the powers granted to the Director by this Bylaw shall be subject to the supervision and control of the council, through the Chief Administrative Officer.
- b) The Director shall have charge of the Cemetery and control over all men employed in connection therewith, with power to hire and discharge same, subject to approval of Council, through the Chief Administrative Officer.
- c) It shall be the duty of the Director to keep in good order all walks, paths, and driveways in the Cemetery, and to cut down weeds, grasses and such trees and shrubs, or any part thereof which are, in his/her opinion, injurious or unsightly; to see that all workmen employed under him/her faithfully perform their work and to perform all other duties pertaining to this Office as may be from time to time assigned to him/her.

6. **DUTIES OF TREASURER**

- a) All sales of lots and graves in the Cemetery shall be made by the treasurer and he/she shall receive all monies resulting from the sale of such lots and graves, and for all interments made in the Cemetery.

- b) All lots shall be described according to a Plan of Records in the Office of the Town, 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 by him/her in connection with this Cemetery shall be open to inspection during regular Office hours.
- c) The Treasurer shall, upon payment 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 said Town affixed thereto.
- d) Every conveyance or Deed to any lot in the Cemetery shall be subject to the Condition that the grantee, his/her heirs, his/her executors and assigns, or any of them, shall not use the lot for any purpose other than as a burial ground for human remains.
- e) No Deed shall be recognized by the Town unless same is duly registered at the Office of the Town.

#### 7. RESPONSIBILITY OF PURCHASE

- a) Upon the registration of every Transfer of Deed to a lot in the said Cemetery at the Office of the Town, the party registering the Transfer shall produce the original receipt for the purchase price of said lot.
- b) In the event of the holder of an original Deed losing same, he/she may secure a duplicate upon satisfying the treasurer by Affidavit that such Deed has been lost.
- c) Whenever a lot is held jointly by two or more parties, an order for interment in such lot or any part thereof will be accepted by the Director from either or any of the said parties or any of their heirs. also, an order for interment will be accepted by the Director from an individual holder of a lot or any of his/her heirs.
- d) No party shall allow interment to be made for valuable consideration in any lot which he/she is owner, or part owner, or in any lot over which he/she has control.

#### 8. MONUMENTS AND GRAVE MARKERS

- a) Monuments shall conform to the following specifications:
  - i) a single grave monument or pillow shall be a maximum 48" (inches) wide, maximum 17" (inches) deep (including a base or border), maximum 42" (inches) high. Such specifications shall also be those applicable in cases where a monument or pillow is to mark a single grave lot with multiple interments.
  - ii) a double grave monument 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.

- iii) All Monuments shall be of either granite, marble, lonite, other material approved by the Town.
  - iv) Monuments shall be placed on continuous foundations, where provided by the Town. Flat grave markers in Section J & K are only permitted to be placed on continuous foundations, not on lawn areas.
  - v) Mounting of lighting or vases on continuous foundations will be permitted upon approval from the Director.
- b) Grave Markers shall conform to the following specifications:
- i) a single flat grave marker shall be a maximum 48" (inches) wide, maximum 17" (inches) deep (including a base or border). Such specifications shall also be those applicable in cases where the flat marker is to mark a single grave lot with multiple interments. A double grave flat marker 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). All flat grave markers shall be placed in such a manner in a row of graves, that they shall be in complete alignment.
  - ii) All grave markers shall be of either Granite, Marble, Lonite, or any durable noncorrosive material.
  - iii) All grave markers to be erected in such a manner that they remain in a stable position.
  - iv) Grave covers of any type or description and of any material shall not be permitted.
  - v) The construction of cenotaphs, mausoleums and shrines within the boundaries of the Cemetery will be allowed at the discretion of the Town Council.
- c) 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.
- d) 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 he 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.
- e) In the erection of monuments or grave markers, the Director shall in all cases designate the place where the material to be used for the erection of such monument or grave marker is to be stored during the course of erection or excavation, and all workmen moving any heavy material over lots or paths shall move same on planks laid across the paths or lots so as to protect such lots or paths from injury or damage.

- f) No grave or plot shall be decorated by its owner or owners, or other interested therein, with any trees, shrubs, plants, boxes, shells, arbors, trellises, or any other objects of any description. 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.
- g) The base for a monument or grave marker shall be laid at the head thereof.
- h) The base for monuments or grave markers marking multiple graves shall be laid at the head centre thereof.
- i) 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.
- j) 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.
- k) Family Columbarium Monuments shall conform to the following:
  - (i) Allowed in Sections 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:
    - maximum height 42 inches
    - maximum depth 24 inches
    - maximum length of 51 inches on one single lot
    - multiple lots may be purchased for additional lengths of columbarium
  - (v) No more than 4 interments will be permitted in one lot.

## 9. VISITORS

- a) No children under the age of twelve years shall be admitted to the grounds of the Cemetery unless they are accompanied by an adult person.
- b) No person shall enter any portion of the Cemetery which is set apart for nursery grounds, garden or greenhouse, without first having obtained the consent of the Director.

- c) The Cemetery will be open to the public daily.

10. **VEHICLES IN THE CEMETERY**

- a) No vehicle shall pass through the grounds of the Cemetery at a speed greater than 25 kilometres per hour.
- b) No person, except those employed in performance of their duties, shall drive a vehicle over any part of the Cemetery, except on the roadways and no person shall ride a bicycle over the lots nor lean same against any storework, nor leave same on any lot for any period of time.

11. **GENERAL CONDITIONS**

- a) 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.
- b) No fence or boundary markers of any description shall be allowed in the Cemetery.
- c) No watering cans or other vessels shall be left in the Cemetery, except at the storehouse.
- d) No trees, shrubs, plants or flowers of any kind shall be removed from the Cemetery unless special permission of the Director is first obtained.
- e) The Director may remove or prevent the planting of any stand, hold, vase or other receptacle for flowers or plants, which deems to be unsuitable for such purpose, or unsightly in appearance.
- f) 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.
- g) The Director may remove from any lot, any weeds and grass, funeral design or floral piece which has become wilted, or any other article or thing which is, in his opinion, unsightly.
- h) All persons employed in the construction of burial vaults, 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 his/her 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) All work in the immediate vicinity shall be discontinued during any burial service in the Cemetery.
- k) No person shall give money or other reward to any employee working in connection with the Cemetery for their service or attention.
- l) No person, except Pallbearers, and persons employed in maintenance of the Cemetery, shall stand or walk on any grave in the Cemetery at any time other than during interment services where it may be unavoidable.
- m) No animals shall be allowed in the Cemetery.
- n) No person shall injure any shrub or tree or pick or destroy any flower, wild or cultivated, growing in the Cemetery.
- o) No person shall write upon, mark, scratch, deface or injure any lot, monument, grave marker, fence, building or other structure in the Cemetery shall be personally responsible to the Town for such damage, besides being guilty of a breach of this Bylaw.
- p) The hours of burial in the Cemetery shall be from 10:00 a.m. to 4:00 p.m. No burials on Sunday except in extenuating circumstances, such as decomposed bodies, or bodies dead of contagious or communicable diseases.
- q) All notice required to be given to lot owners or other parties by this Bylaw may be delivered either in writing or verbally by the Director, or in writing mailed postage prepaid, to the last known address of such lot owners or other parties, and proof of such notice having been mailed, properly addressed and postage prepaid, or delivered by the Director, shall be considered sufficient proof that such notice have been given.
- r) No person shall remove or destroy or attempt to remove or destroy any body or remains put in any grave.
- s) Any person applying for interments in the Cemetery, whether as principal or undertaker, shall furnish the Treasurer with such particulars as he/she may require for the purpose of record before such interments shall be allowed.
- t) 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.
- u) Before interment in a grave takes place, twenty-four hours notice (one working day), exclusive of Saturdays, Sundays, and Statutory Holidays, must be given to the Treasurer. During the period November 1 to April 30, forty-eight hours (two working days) notice shall be given.

12. **GRAVES, BURIALS, RESERVATIONS**

- a) A grave for the burial of an adult shall be a maximum depth of six (6) feet 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).
- b) With the exception of cremated remains, no interment of a person shall be permitted in the same grave where a body has already been interred.
- c) Notwithstanding Section 12(b), no more than four (4) interments will be permitted in one grave lot.
- d) 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.
- e) A person may reserve a grave, or graves, by paying in full, the current purchase price as shown in Schedule "B" to this Bylaw. The reservation shall hold the grave for use by the party who paid the purchase price, his/her heir(s), or for a burial upon his/her 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 his/her heir(s) renew the reservation in writing. The Town shall notify the party who paid the purchase price, or if known to be deceased, his/her 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.
- f) 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.
- g) No person shall disinter or remove a body from any lot without first producing a written order from the owner of such lot, and a permit for such disinterment or removal, from the Department of Public Health, accompanied by a Certificate from the Treasurer, showing that the necessary fees have been paid.

13. **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. Other Municipalities shall be held responsible for cost of graves and their opening and closing for indigent poor who were residents of their Municipalities.

14. **CONSECRATED GROUND**

In the event of the consecration of the said Cemetery or any part thereof by religious denomination holding property therein, such act of consecration shall not be held to invest the said religious body with any exclusive rights and powers of jurisdiction, either spiritual or temporal, within the Cemetery, and such religious body shall be subject to the rules and regulations governing the Cemetery.



15. **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.

16. The following bylaws are hereby repealed:

230/71	709/96
351/77	729/98
436/81	767/00
621/90	811/03
642/94	

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



Mayor

Chief Administrative Officer

Read a third time and adopted  
this 13 day of November, 2012

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Roy Tutschek,  
Chief Administrative Officer

