

# Town of Nipawin Bylaw No. 936/12

## A BYLAW OF THE TOWN OF NIPAWIN IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE REGULATION AND CONTROL OF THE RAVINE BANK CEMETERY AND THE WOODLAWN CEMETERY

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WHEREAS it is deemed expedient to provide general regulations, in respect to the Ravine Bank and Woodlawn Cemeteries in the Town of Nipawin.

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

### 1. DEFINITIONS:

- (a) **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.
- (b) **WOODLAWN CEMETERY** – means all the land in Parcel A, Registered Plan #BJ2950, in the South-East Quarter; Section 31; Township 50; Range 14; West of the 2<sup>nd</sup> Meridian in the settlement of Nipawin, in the Province of Saskatchewan.
- (c) **RAVINE BANK CEMETERY** – means a portion of the land in the North-East Quarter; Section 31; Township 50; Range 14; West of the 2<sup>nd</sup> Meridian in the Rural Municipality of Nipawin #487 in the Province of Sask.
- (d) **BLOCK** – means a subdivision of land containing up to four plots.
- (e) **DIRECTOR** – means the Director of the Parks & Recreation Department of the Town, or other person designated by the Council.
- (f) **LOT** – means a subdivision of land measuring 10' by 5', for the purpose of burial of a single adult or one or more children or infants.
- (g) **GRAVE MARKER** – means a flat memorial set at ground level, constructed on any lot or lots for memorial purposes.
- (h) **LAWN AREA** – means an area maintained in lawn in which only grave markers are permitted.
- (i) **MONUMENT** – means any structure in the cemetery erected or constructed above ground on any lot or lots for memorial purposes.

- (j) **PLOT** – means a subdivision of land containing up to four lots.
- (k) **RESIDENT** – 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 the residence of the child.
- (l) **SECTION** – means a subdivision of land containing several blocks.
- (m) Wherever the singular appears it may also mean the plural, and wherever the masculine appears, it may also mean the feminine.
- (n) **PERPETUAL CARE** – means leveling the ground on each lot, seeding, watering and cutting the grass.
- (o) **DEEPENED GRAVE** – means a lot that is dug to a minimum depth of eight (8) feet to accommodate the burial of not more than two bodies.
- (p) **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 not more than two bodies in a lot as provided for herein in a deepened grave.
- (q) **GRAVE COVER** – means a flat structure placed on a foundation on a grave lot for memorial purposes. The said structure and foundation shall not exceed the size of the lot.

**2. LICENSE:**

- (a) The Town may grant a license to any person for the exclusive use by him/her, his/her heir, his/her executor, administrator of any lot or plot or any other person upon written approval from the original licensee, his/her heir, executor or administrator. The said license is to be subject to all the provisions of this bylaw and any amendment thereto or any regulation passed from time to time by the Council.
- (b) Whenever application for a license is made for a lot or plot the allotment shall be made only with the approval of the Director.
- (c) It shall be the responsibility of the licensee, his/her heir, executor or administrator, to maintain a current address for service in the office of the Director. Direction to that effect shall be so noted on the license.

**3. SURRENDER OF LICENSE:**

- (a) Every transfer of any interest in a cemetery lot subsequent to the original sale thereof shall be made by the owner thereof or his legal representative giving to the Director, a written notice containing a description of the lot, the date of the sale and the name and address of the transferee. Upon receipt of such notice the Director shall forthwith

enter in the register the date of the transfer and the name and address of the transferee.

- (b) 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.
- (c) The fee for purchasing cemetery plots and opening and closing graves shall be those rates as determined from time to time by resolution of Council.

4. **INTERMENT:**

- (a) A licensee of any lot or plot who, having the necessary authority desires to have a grave dug therein, shall first make arrangements for the fees for opening the grave in accordance with the said Schedule "A" to this Bylaw or as the said Schedule may be amended from time to time by resolution of Council. The Director shall then prepare a notice that the interment is to take place, setting out such details as may be required, and present such notice to the supervisor of the cemetery as his/her authority to open the grave as set out in the said notice.
- (b) Written notice that an interment is to take place shall be given to the Director at his/her 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 next following 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 next following.
- (c) 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 (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.
- (d) 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.
- (e) 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.
- (f) No interment shall be made until a legal Burial Permit has been purchased and proper notice is given to the Director as hereinbefore provided.
- (g) No person shall bury any dead body in the Town of Nipawin until such person shall have complied with the provisions of the Public Health Act, the Vital Statistics Act, and the Cemeteries Act of the Province of Saskatchewan.

5. **FREE LOT:**

There shall be no special section within the cemetery reserved for the interment of unclaimed bodies or indigent persons however, the Director of Social Service Centre may issue an order for the interment of unclaimed bodies or an indigent person within the cemetery and the Director shall issue the necessary license for the interment free of charge.

6. **DISINTERMENTS:**

- (a) 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.
- (b) 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.

7. **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.

8. **MONUMENTS:**

- (a) No person shall place or erect in the cemetery any monument or grave marker or any like structure or make any alteration to any such structure without first obtaining permission for the same from the Director.
- (b) 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.

- (c)
  - (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 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) A single flat grave marker shall be a minimum 48" (inches) wide, maximum 17" (inches) deep (including a base or border). Such specifications shall be those applicable in cases where the flat marker is to mark a single grave lot with multiple interments.
  - (iv) A double 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.
- (d) 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 to 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.
- (e) The base for a monument or grave marker shall be laid at the head thereof.
- (f) The base for monuments or grave markers marking multiple graves shall be laid at the head centre thereof.
- (g) No person shall write upon, mark, scratch, deface or injure any lot, monument, grave marker, fence, building or other structure in or around the cemetery. Any person who shall damage 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.
- (h) 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.

- (i) 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.
- (j) Whenever an owner of a monument, grave marker or grave cover 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/she shall have the power to remove such monument, grave marker or grave cover 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.
- (k) Whenever any licensee or owner of a monument, grave marker or grave cover neglects or refuses to remove same from the cemetery within the time limited in the notice of the Director, or if he fails to make the repairs or alterations which the Director may order him/her to do by notice in writing within the time limit in the said notice, or if any monument, fence, grave marker or similar structure is erected, repaired or altered without proper permit from the Director, or with permit but contrary to the provisions of this bylaw, the Director shall have and he/she is hereby given full power to arrange removal of such monument, grave marker or other structure from the cemetery at the expense of the licensee or the owner to be recovered as a debt in a court of competent jurisdiction at the discretion of the Director.
- (l) All notices required to be given to licensees of lots or owners of monuments or other parties in this Bylaw shall be served in writing by the Director delivered by registered mail to the address for service of such licensee or owner or other party, and proof of such notice having been mailed, properly addressed with postage prepaid shall be sufficient proof that such notice has been given.

9. **GENERAL CONDITIONS:**

- (a) All funeral processions shall be under the control and supervision of the Funeral Director in charge of funeral services while they are within the limits of the cemetery.
- (b) Artificial flowers or natural flowers that are secured or bound with metal or wire are hereby permitted on lots or plots from November 1 to April 1, but are not permitted at any other time except for the purpose of burial ceremonies at which time such flowers and/or wreaths are permitted for a period of four (4) days following the said burial ceremony; after the expiration of the said period of four days it shall be the duty of the Town maintenance crew to remove and destroy all such flowers and/or wreaths.
- (c) The Town maintenance crew may remove from any lot any weeds, wilted flowers, or floral pieces or any other articles or things which in his opinion are unsightly or which are considered to be an obstacle to convenient and safe mowing of the grass.

- (d) No person shall give money or other reward to any employees of the Town working in connection with the cemetery for cemetery services or attention and no employee of the Town shall accept any money or reward in connection with cemetery services other than the payment of fees to the Director as required by this bylaw.
- (e) 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.
- (f) No child under the age of twelve (12) years shall be admitted to the cemetery unless in the charge of an adult person.
- (g) Vehicles in the cemetery shall keep to the driveways provided.
- (h) All workmen employed on any 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 workmen shall cease work and cemetery vehicles shall be removed when a burial is taking place in the vicinity of their work.

10. Any person who violates any provision of this bylaw, or violates any provision of an order issued pursuant to this bylaw, or fails to do any act or thing legally required of him to be done pursuant to the provisions of this bylaw, or suffers or permits any act or thing to be done in violation of any provision of this bylaw or an order issued or given under this bylaw, or obstructs or hinders any person in the performance of his duties under the provisions of this bylaw, shall be guilty of an offence and liable on summary conviction to the penalties prescribed by the General Penalty Bylaw of the Town of Nipawin.

11. This Bylaw shall come into force and take effect on the date of the final passing thereof.

12. The following bylaws are hereby repealed:

575/88	710/96
641/92	730/98
661/93	766/00

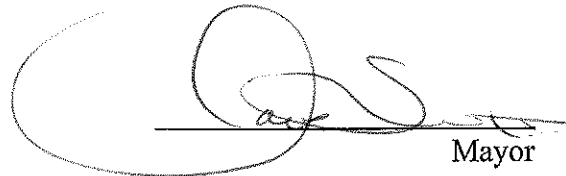
13. This bylaw shall come into force and take effect upon the final approval by Council.



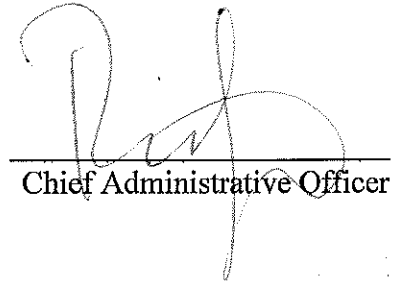
Read a third time and adopted  
this 13 day of November, 2012

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Roy Tutschek,  
Chief Administrative Officer



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Mayor



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Chief Administrative Officer



## SCHEDULE "A" OF BYLAW 936/12

[See 4(a)]

