

BYLAW N^o 2021-02

A BYLAW TO PROVIDE FOR THE REGULATION AND CONTROL OF THE MILESTONE CEMETERY

The Council of the Town of Milestone and the RM of Caledonia, in the Province of Saskatchewan, enacts as follows:

1.0 SHORT TITLE

- 1.1 This Bylaw may be sited as The Milestone Cemetery Bylaw.

2.0 DEFINITIONS

- 2.1 In this Bylaw:

- a) Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning at those words as defined in The Cemetery Act, 1999
- b) "base" means the bottom part or lower portion of the monument which shall be made of granite;
- c) "CAO" means the Chief Administrative Officer of the Town of Milestone.
- d) "Cemetery" means land set apart for or used by the Town of Milestone as a place for the interment of the dead or which human bodies have been buried, known as Town of Milestone Cemetery, means the portion of land legally described as Parcel K, Plan DY2689, Block D Plan 50333 and C of T Plan DY2689.
- e) "Cemetery Committee" shall consist of at least one person(s) duly appointed by Council.
- f) "Columbarium" means a building designed for the purpose of storing or interring cremated human remains, compartments or niches.
- g) "Council" means the Council of the Town of Milestone and RM of Caledonia No 99.
- h) "Cremains" means the ashes of a cremated human body.
- i) "Director" means the person appointed by the Council to be in charge of the cemetery.
- j) "foundation" means the concrete pad that supports the monument.
- k) "Grave" means a parcel of land in the cemetery to be utilized solely for the interment of human remains or ashes.
- l) "human remains" means a dead human body, but does not include cremated human remains;
- m) "Interment" means the burial of human remains or cremated remains in a cemetery or the interment of cremated human remains in a columbarium.
- n) "Licensee" means a person or persons who purchased a grave lot or lots in the cemetery.
- o) "Lot" means a parcel of land in the cemetery which comprises of two or more plots and is to be utilized solely for the interment of human remains or ashes.
- p) "Marker" means a memorial made of granite, marble that is flush with the ground.
- q) "Monument" means any upright tombstone or other structure erected or constructed above the ground on any lot or lots in the cemetery for memorial purposes.
- r) "niche" means an individual compartment to be used for the interment of cremated human remains
- s) "Perpetual Care" means the basic maintenance of all graves and shall include the leveling the ground and the seeding, cutting the grass, as required. It shall not include the maintenance, repair or replacement of monuments or markers.

- t) "Plot" means a subdivision of land in the cemetery for the purpose of a single burial of human remains and/or the burial of cremated remains.

3.0 GENERAL RULES

- 3.1 Employees of the Town of Milestone conducting work in the Cemetery are not permitted to do any work for plot owners except upon order of the Cemetery Committee.
- 3.2 All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- 3.3 Persons within the Cemetery shall use only the Avenues, Roads, Walks and Alleys and no one person is permitted to walk upon or across graves, except Town employees in the course of their duties. The Town of Milestone expressly disclaims liability for any injuries sustained by anyone violating this rule.
- 3.4 Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or trimming any tree, shrub or plant, or from writing upon, defacing or damaging any memorial, fence or other structure within the Cemetery grounds.
- 3.5 Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a speed greater than 10 kilometers per hour.
- 3.6 No dogs or other pets shall be allowed in the Cemetery. No motorcycles, Atv's Dirt Bikes bicycles, power snow machines of any kind, skiing of any sort, snowshoeing, and tobogganing or sports activities of any kind will be allowed in the Cemetery
- 3.7 The Town shall not be liable for the loss of or any damage to any monument, marker, or any part thereof or of any memorial tribute located in the Cemetery.
- 3.8 Notwithstanding Section 3.7, the Town reserves the right to temporarily remove any monument or marker for the purpose of performing necessary maintenance work.
- 3.9 Notices given to any person pursuant to this Bylaw shall be deemed sufficient if in writing and mailed postpaid to the last known address of such person as entered on the Cemetery records.
- 3.10 Grave coverings, fences, borders, railings, curbs, copings, trellises, walls, hedges, shrubs, herbages and solar lights of any kind are prohibited in the Cemetery, except as provided in Section 6 of this Bylaw.

4.0 GRAVES, PLOTS AND NICHES

- 4.1 The Chief Administrative Officer or his/her appointee shall make all sales of graves or plots in the Cemetery and shall receive all moneys resulting from the sale of such graves or plots.
- 4.2 The sale of graves or plots in the "old part" of the Cemetery, which contains Blocks A, B and C are restricted to the interment of cremated human remains only, as outlined on Schedule "A" to this bylaw.
- 4.3 The Chief Administrative Officer shall keep an accurate account of all moneys received therefrom and of all expenditures made in connection with the Cemetery, with the name and description of each grave in the Cemetery, with the name and description of the licensee thereof and of every transfer and all other ledgers necessary to keep a complete record of all business transacted by him/her in connection with the Cemetery.

- 4.4 The fee for the purchase, opening and closing of graves and any other charges for work done or services rendered at the Cemetery shall be in accordance with the rates and charges set out in Schedule "A" attached to this Bylaw. The said Schedule may be amended from time to time by a resolution of the Council.
- 4.5 Cemetery graves and niches shall not be resold or transferred by the licensee but may be transferred back to the Town of Milestone. In case of transfer to the Town, the Town will refund to the licensee all money paid by him/her for the grave/niche.
- 4.6 No grave shall be used for any other purpose than for the burial of the human dead.
- 4.7 The Town of Milestone shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss or damage; but the Town distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from 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.

5.0 INTERMENTS AND DISINTERMENTS

- 5.1 No person shall bury any human body or cremated remains in the Cemetery unless and until the person has complied with the provisions of The Public Health Act and regulations there under The Vital Statistics Act and regulations there under and the provisions of this bylaw.
- 5.2 Payment for any appropriate charges as set out in Schedule "A" to this Bylaw are due prior to any interment.
- 5.3 Notice shall be given to the Chief Administrative Officer at least forty-eight (48) hours before the proposed time of interment. This provision as to notice shall not apply in the case of interment of a person who dies from a communicable disease.
- 5.4 Subject to subsection (i), a maximum of one body and three urns of cremated human remains, or *four* urns of cremated human remains shall be interred in any one cemetery grave. A maximum of two urns of cremated human remains shall be interred in any one columbarium niche:
 - (i) Cemetery plots identified on Schedule "B" to this bylaw shall only allow for interment of urns of cremated human remains.
- 5.5 No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Outer shells of wood, fibreglass or steel must be utilized for all burials.
- 5.6 Disinterment shall only be permitted upon the production of a written permission of the Minister of Public Health issued pursuant to an application under the Public Health Act.
- 5.7 When a plot or grave is held by a licensee, or jointly by two or more parties, authority for interment in such plot or grave or any part thereof will be accepted by the Town of Milestone from any one of the said parties or their executors or agents.
- 5.8 No interments shall be permitted in the Cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial, in accordance with this Bylaw.
- 5.9 Graves shall be opened and closed and the required excavation for urns of cremated human remains shall be made only by persons designated by the Town of Milestone, unless otherwise authorized by the Public Works Foreman or designate.
- 5.10 By order of the Town of Milestone, graves in the Cemetery shall be supplied without charge for the burial for indigent persons.

- 5.11 Columbarium Niche Door Plaques and Memorial Wall Plaques will be supplied by the Town of Milestone. Plaques, other than those supplied by the Town of Milestone, may not be used.

6.0 PLANTS AND SHRUBS

The Cemetery Committee shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features.

7.0 CARE OF GRAVES

- 7.1 To obtain the best landscape effects, the Cemetery Committee shall supervise the general care of the entire Cemetery. The licensee of graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
- 7.2 There shall be no installation of grave coverings, fences, borders, railings, trellises, curbs, walls or copings on the graves. The planting of any vegetation such as trees, shrubs, hedges, perennials or annuals, with the exception of grass, will not be permitted on or around the immediate area of the graves, except as permitted under Section 6 of this Bylaw.
- 7.3 Any grave coverings, borders, railings, curbs, walls, copings, hedges, trellises, shrubs, or trees that have been erected or planted prior to 1988 may be removed by the Town of Milestone if by reason of neglect or age, it becomes in a state of disrepair, unsightly, dangerous or detrimental. Upon request of the licensee any of the above mentioned may at the discretion of the Cemetery Committee, be removed free of charge by the Town of Milestone.
- 7.4 The Town employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in their judgement, they become unsightly, dangerous, detrimental or diseased.
- 7.5 Vases, crosses and/or statues may be permitted provided they are no higher than twenty (20) inches and are permanently secured to the base of the monument. They must not project beyond a plumb line from the outside dimensions of the monument base. Only one of the aforementioned (holder, vase, cross, statue or other approved receptacle) may be erected on a single grave. For double graves, any two may be erected and so forth in sequential order.

8.0 MONUMENTS AND MARKERS

No monument, marker, or object of any kind shall be placed on any grave or plot in the Cemetery except as provided for in this section:

- 8.1 All monuments and markers shall be of granite or marble; the front top and back of monuments shall be axed, honed or polished. All bases shall be of granite or marble and have rock pitched sides and ends. Monuments and Markers, even for temporary use, made of cement, artificial stone, wood, tin or iron will not be permitted.
- 8.2 No monument shall be erected except on a concrete foundation, unless otherwise authorized by the CAO, Public Works Foreman, or alternate. The Town shall approve or authorized designate, shall construct the foundation so that it is the full width of the plot for ease of maintenance. Foundation fees shall be paid for, in accordance with Schedule "A" attached to this bylaw.
- 8.3 No monument or marker shall be erected in the Cemetery without a written permit issued for the erection of such monument or marker. All Permits shall be issued in the form set out in Schedule "C" of this bylaw. Permit applications shall be received at least forty-eight (48) hours prior to date of interment. The permit fee set out in

Schedule "A" of this bylaw includes approval of the permit, marking of the plot and follow-up inspection.

- 8.4 Once installed, no monument shall be removed from the Cemetery without first notifying the Chief Administrative Officer, in writing, stating the reasons for such removal.
- 8.5 No monument shall be installed on a Sunday, Statutory Holiday or Public Holiday.
- 8.6 There are no size and shape requirements for monuments except that they are restricted to 1 meter (39 inches) in height and limited to the boundaries of the plot or portion of the plot purchased.
- 8.7 Markers shall be installed at the ground level. Markers do not require a concrete foundation but shall be approved by the Town of Milestone or their designate. Such marker shall be delivered to the Cemetery and the installation fee as shown on Schedule "A" of this bylaw be paid.
- 8.8 Replacement of existing memorials not conforming to the provisions of this bylaw, by non-conforming memorials, may be permitted by the Town of Milestone. Applications are to be made to the CAO supplying the details of the size, material and design of the monument.

9.0 MAPS, PLANS AND RECORDS

The maps, plans and records for the Cemetery showing the subdivision of land made available to the Town for cemetery purposes shall be open for inspection free of charge at the Town office during regular business hours.

Such maps and records are to show the grave plots that are occupied and the grave plots that are reserved.

10.0 PENALTY

A person or persons found guilty of an infraction of any provision of this bylaw shall be liable upon summary conviction to a fine or not less than \$50.00 not more than \$500.00.

11.0 INDEMNITY

The Town shall indemnify and save harmless each of its employees and servants including the Director, CAO and /or their designates, from all liability, claims or causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in performance of his or her duties or services hereunder, provided the same have been carried out in good faith.

12.0 Repeal of Former Bylaws

That all former Bylaws shall be repealed and this bylaw shall come into force on the final passing thereof.

(seal)

Administrator

Certified a true copy of the bylaw
passed by the unanimous consent of
the Council present at their regular meeting
held on the Day of .

Administrator

SCHEDULE A

Columbarium Pricing Schedule and Rules/Regulations- (Option 1)

Double cremation columbarium niche, top row \$1,600.00
(includes plaque, future landscaping costs, ongoing upkeep of area, open/close and admin fee)

Double cremation columbarium niche, third row \$1,450.00
(includes plaque, future landscaping costs, ongoing upkeep of area, open/close and admin fee)

Double cremation columbarium niche, second row \$1,450.00
(includes plaque, future landscaping costs, ongoing upkeep of area, open/close and admin fee)

Double cremation columbarium niche, bottom row \$1,300.00
(includes plaque, future landscaping costs, ongoing upkeep of area, open/close and admin fee)

*** *Plaques include first and last names and year of Birth and year of death. Additional text subject to approval of Nelson Granite and subject to additional \$100 fee. ****

MEMORY WALL

Bronze plaque for Memory Wall installed \$350 (includes taxes, freight & install)
 These plaques must be ordered thru Nelson Granite by Town of Milestone and paid for in full before order.

CEMETARY PLOTS

Single Plot \$200 (4 ½' x 9': 1 casket + 2 urns or 3 urns)

OPENING / CLOSING

Opening and Closing of Graves or Niches will be arranged by your funeral home through a contractor approved by the town.

*** A credit can be granted against the purchase price of the columbarium niche if an individual owns a previous purchased plot and wants to return the previous purchased plot back to the Town. The credit would be based on the rates within this bylaw and the type/size of plot that was previously purchased. ***

***Please Note: Urns must be made of an approved, permanent material. Example being: metal, stone, plastic or glass. ***