

## **BYLAW NO. 13/67**

### **A BYLAW OF THE TOWN OF WHITEWOOD TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE CEMETERY OF THE TOWN OF WHITEWOOD**

The Council of the Town of Whitewood enacts as follows:

1. The following land is hereby declared to be a cemetery of the Town of Whitewood and shall hereafter be known as “Whitewood Cemetery”, namely:

Lot One (1), Block Forty Nine (49)
2. No person shall inter a human body in any land situated within the limits of the Town other than the said Whitewood Cemetery, or such lands as may hereafter be appropriated or approved by the Town Council and used as a burial grounds.
3. Lots for burial purposes and graves in the Whitewood Cemetery may be acquired by any person upon application to the Town Clerk and upon payment of the appropriate fee therefore as hereinafter specified.
4. Any person acquiring a lot or grave under the provisions of the next preceding paragraph shall only acquire the right or privilege of burial of the dead therein and of constructing vaults or tombs, and of erecting cenotaphs or other monuments thereon subject to the regulations herein contained and any other regulations which may be in force from time to time, and shall not be deemed to acquire any title to the land which shall remain vested in the Town for all time.
5. The Town Clerk shall furnish to every person requiring a lot under the provisions of section 3, hereof, a certificate in the form following or to the like effect, which shall be made out in triplicate and signed by the person acquiring same. One of such certificates shall be retained by the Town Clerk and one shall be forwarded to the caretaker of the Cemetery.
6. Any person who has acquired a lot pursuant to section 3 hereof may have same transferred to any person upon surrendering his certificate to the Town Clerk for cancellation and upon the transferee applying for and being granted a fresh certificate in the form prescribed by this Bylaw for the lot so surrendered. A transfer fee of Two Dollars (\$2.00) shall be paid to the Town Clerk before the transfer is made, and no certificate shall be transferred until the original holder thereof, or his legal representatives, has endorsed on the back of the certificate a note of his willingness to have same transferred.
7. Any person who has heretofore has acquired or shall hereafter acquire any lot in the Whitewood Cemetery shall be entitled to receive a certificate in the prescribed

form, free of charge, upon application therefore to the Town Clerk, which certificate shall be granted subject to the rules and regulations herein contained.

8. In case any certificate is lost or destroyed the holder may secure a certified copy thereof upon making application therefore to the Town Clerk and upon payment to him for the use of the Town a fee of One Dollar (\$1.00).
9. In case the holder of a certificate shall die without having transferred same, an application may be made by his legal representative or heirs entitled to inherit real property, under the laws of Saskatchewan for the issuance of a new certificate to such heirs jointly, or in the case of deceased holders rights under the certificate have been devised, to the devisee; provided that nothing herein contained shall be constructed to prevent the interment in the lot or grave for which a certificate was issued to any person who was the holder thereof at the time of his death.
10. No certificate shall be issued under the provisions of the next preceding section unless the applicant therefore makes a statutory declaration before the Town Clerk stating the person whose names appear in the proposed certificate are the heirs of devisee entitled thereto as aforesaid.
11. In all case where bodies are disinterred from single graves the use of the grave shall revert to the Town, but the certificate holder shall, upon the surrender of such certificate to the Town Clerk, in case the body is re-interred in a lot in the Whitewood Cemetery or if the body is removed from said cemetery, be entitled no refund.
12. In all cases where bodies are disinterred from a lot so as to leave such lot vacant the property shall revert to the Town but the Certificate holder shall upon surrender of his certificate to the Town Clerk, be entitled to no refund.
13. No body shall be interred except in compliance with and subject to the provisions of this bylaw.
14. The said Whitewood Cemetery shall be maintained by a caretaker to be appointed by the Town of Whitewood and shall be under the direction of the Town of Whitewood.
15. No person shall inter or disinter or cause to be interred or disinterred any body in the said Whitewood Cemetery until he has first filled out an interment order with the Town Clerk authorizing such interment or disinterment.
16. No internment order shall be issued to any person prior to his paying to the Town Clerk, for the use of the Town, all fees provided by this bylaw in connection with the proposed internment. Provided that this section shall not apply to internment orders issued for the burial of an indigent person.

17. Amended by Bylaw 8/86.
18. For the purpose of this bylaw every person under the age of eight (8) years shall be deemed to be a child and all other person shall be deemed to be adults.
19. All lots sold in the Whitewood Cemetery shall hereafter be subject to perpetual care; such perpetual care meaning and being the leveling of the ground, seeding to and cutting down and watering the grass, and keeping straight the monuments and curbs. This regulation sets forth what, in the interest of these portions of the cemeteries is absolutely necessary but does not include replacing, repairing and cleaning monuments and curbs.
20. One Hundred per cent (100%) of the money received for the purpose of "perpetual Trust Fund" care shall be held in its entirety for a period for five years(5) after the passing of said bylaw, after such time the interest from perpetual care monies shall be expended according to section 19.
21. Monies of said fund shall be invested from time to time in the same manner as if they formed a part of a sinking fund of the Town.
22. No person shall inter or cause to be interred any body in a grave that is not dug to a depth of at least six (6) feet.
23. No person other than a qualified undertaker shall have charge of the internment or disinternment of any human body.
24. Not more than one internment shall be permitted in any grave, with the exception of children and or cremated remains.
25. No person shall place or erect in the cemetery any tomb stone or monument or any like structure or make alteration to same heretofore erected, until he shall have furnished the Town Clerk will all necessary information required by him and shall have obtained a permit therefore.
26. All monuments to not be more than forty (40) inches high and all curbing must be flush with the ground. All stones must be set at the head of the grave all stones shall be in a line designated by the Cemetery caretaker.
27. All foundations for the erecting of monuments shall be constructed by the caretaker or some other person employed by the Town under the direction and supervision of the Town, the cost thereof to be paid in advance by the grave or lot owner, or by the persons ordering same.
28. Should any tomb stone, monument or like structure placed or erected in the cemetery be in a state of disrepair the Town may, after notice in writing to the owner of any tombstone, monument or like structure, at his last known address,

- have said tomb stone, monument or like structure removed from the cemetery if the said owner does not have the same repaired in accordance with the said notice.
29. Grave cover slabs made of concrete, marble, fibre glass or any other materials are not allowed to be placed on any grave within the confines of the cemetery.
  30. All monuments shall be made of cut stone, granite, marble or other material approved by the Town.
  31. Any person who willfully destroys, mutilates, defaces, injures or removes a tomb, monument, gravestone or other structure placed in the cemetery or burial ground, or any fence, railing or other work, for the protection or ornamentation of the cemetery or burial ground or any tomb, monument, gravestone, or other structure aforesaid, or burial lot within the cemetery, or willfully destroys, cuts, breaks, or injures any tree, shrub or plant in the cemetery or burial ground, or plays at any game or sport or discharges any fire arms (save at a military funeral) in the cemetery or burial ground or who willfully or unlawfully disturbs person assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent or unseemly manner in the cemetery or burial ground or in any way interferes with the cemetery or burial ground or in any way interferes with the cemetery or burial ground or any grave, tomb, tombstone, vault or other structure within the same, shall be deemed guilty of a breach of this bylaw.
  32. There shall be kept in the office of the Town Clerk, a plan of the Whitewood Cemetery upon which shall be marked the lots and graves where internments have been made, such plans shall be open to public inspection.
  33. The Town Clerk shall keep a register in which he shall record full particulars of all certificates and internment orders issued, and of all fees received by him.
  34. (a) In case an application is made to the Town Clerk for the internment of the body of an indigent person he may issue an internment order for the burial of such body and the internment fees shall be charged to the Town of Whitewood.  
  
(b) In every case where an indigent person is buried at the expense of the Town and no burial service actually takes place at the graveside it shall be necessary for the undertaker in charge of the burial to leave with the caretaker of the cemetery a certificate signed by a clergyman certifying that funeral has been held over the body, provided that this clause shall not apply to the burial of stillborn children.
  35. Any person found guilty of any offense under the Cemetery Bylaw shall be subject to a fine of not less than ten dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each offense.

READ for the first and second time this 28<sup>th</sup> day of November, 1967.