



BYLAW NO. 02-2018

A BYLAW OF THE TOWN OF WHITEWOOD TO PROVIDE FOR THE MANAGEMENT, MAINTENANCE AND CONTROL OF THE CEMETERY IN THE TOWN OF WHITEWOOD

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

1. This bylaw shall be call the **"Cemetery Bylaw"**
2. **INTERPRETATION:**

For the purpose of this Bylaw, unless the context otherwise requires, the expression:

  - a. **"Administrator"** shall mean the Administrator of the Town of Whitewood and any person authorized by the Administrator to carry out his/her duties.
  - b. **"Base"** shall mean a slab of granite, marble, stone or concrete to form a base for a monument.
  - c. **"Block"** shall mean a division of land which is subdivided into plots or lots.
  - d. **"Casket"** means a rigid container designed for the encasement of a body for interment, entombment or cremation and usually constructed of wood or metal, as referred to as a coffin.
  - e. **"Cemetery"** shall mean all lands acquired by the Town of Whitewood and/or used for burial of human remains to be known as the Whitewood Cemetery as described as follows:

All those portions of the South West Quarter (SW ¼) of Section Seven (07) in Township Sixteen (16) Range Two (02) West of Second (2<sup>nd</sup>) Meridian, in the Province of Saskatchewan,  
Shown as: Lot 1, Blk. 49, Plan 69R08927 Ext 0, ISC Parcel #109285342
  - f. **"Columbarium"** means a structure or building designed for the purpose of storing or interring cremated human remains in sealed compartment or niches and may be part of a building or a free-standing structure.
  - g. **"Council"** shall mean the Council of the Town of Whitewood.
  - h. **"Cremated Human Remains"** means human bone fragments that remain after cremation also referred to as "cremated remains" or "cremains".
  - i. **"Disinterment"** means the removal of human remains or cremated human remains from a grave or columbarium.
  - j. **"Family"** shall mean and include spouse, common law, sons and/or daughters of a licensee of a grave, plot or niche.
  - k. **"Garden"** shall mean a major subdivision of land in that portion of the Cemetery per ISC Parcel #109285342.
  - l. **"Human Remains"** means a dead human body, but does not include cremated human remains.
  - m. **"Interment"** means the placement of human remains or cremated human remains in a grave, lot or niche.
  - n. **"Licensee"** shall mean a person or persons who purchase a lot or niche in the Cemetery.

- o. **“Lot” or “Grave”** shall mean a subdivision of land in the cemetery, measuring five (5) feet by ten (10) feet, which shall contain one grave.
- p. **“Marker”** is a memorial of marble, granite, bronze, stone or other material set flush to ground in memory of the interment of human or cremated remains.
- q. **“Monument”** means a memorial structure set upon a concrete footing or foundation which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration of the interment of human or cremated remains and made of granite or marble.
- r. **“Niche”** means an individual unit in the Columbarium, measuring 12-1/2” s 12-12” x 14”.
- s. **“Perpetual Care”** shall mean the basic maintenance of all graves and shall include leveling of the ground and the seeding and cutting of grass, as required. It shall not include the maintenance, repair, replacement or removal of monuments, grave covers, grave edgings, markers or plaques.
- t. **“Town”** shall mean the Town of Whitewood and its employees.

### 3. **PURCHASE AND TRANSFER OF LOT OR NICHE FOR INTERMENT RIGHTS**

- a. Lots or niches for internment purpose may be purchased at the office of the Town of Whitewood upon application and payment of the appropriate fee, as may from time to time be determined by resolution of Council. The Administrator shall transfer, at the end of each fiscal year, the total of appropriate fees paid into Reserves for the Cemetery.
- b. An licensee acquiring a lot or niche under the provisions of this bylaw shall only acquire the right or privilege of internment of the dead therein and of erecting markers or monuments on the lot or the placing of a plaque on the niche but title to the land shall remain vested in the Town for all of time.
- c. Lots or niches shall not be sold, assigned or disposed of by any licensee other than by written notification to the Town, by the licensee or their representative. Interment rights may also be transferred back to the Town. The full purchase price to be refunded upon providing the Administrator with proof of payment, less a fifty (\$50.00) transfer fee.
- d. The Town is authorized to recover unused graves and niches in accordance with the provisions of the *Cemeteries Act*.
- e. In all cases, where a body is disinterred from a lot or niche, so as to leave such lot or niche vacant, the lot or niche shall revert to the Town, no refund will be provided, as the fees paid will be used to offset the cost to reestablish the lot or niche.

### 4. **INTERMENTS IN LOTS OR NICHE**

- a. No person shall inter any human body or remains in or on any land situated within the limits of the Town of Whitewood other than in such lands as set apart by the Town of Whitewood to be used as a cemetery.
- b. No grave shall be used for any other purpose than for the burial of the human dead.
- c. No interments shall be made in the Cemetery until the provisions and regulations of the *Public Health Act* and *The Vital Statistics Act* of the Province of Saskatchewan, and this bylaw, have been complied with.
- d. No interment shall be allowed until an application has been made to the Administrator and the appropriate fees for the lot or lots and other cemetery services, as set out by resolution of Council, have been received or arrangements for the payment of such fees have been made with the Administrator.

- e. No person shall be buried in any lot unless such person is the licensee of the burial rights of the lot or has received written consent from the licensee or agent of the owner, with a copy of such consent filed in the office of the Administrator.
- f. No interment shall be made without a legal burial permit a copy of which shall be provided to the Administrator before or of the day of interment.
- g. Notice of an interment shall be given to the Administrator a minimum of twenty-four (24) hours before the interment is to take place, except in the case of a death of any communicable disease.
- h. A lot shall be provided free of charge for the interment of any unclaimed body or a for a deceased indigent person where the Town is instructed to provide interment rights free of charge pursuant to the provisions of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.
- i. No interment of a body shall be permitted in the same grave where another body has already been interred, with the exception in the case of parent and child concurrently or two infants buried concurrently in one casket of 1.2192 meters or four (4) feet from the top of the casket to the grade level of the surrounding ground.
- k. The digging of all graves is to be arranged by the Public Works Foreman.

#### **Interment of Cremated Remains in Lot/Grave**

- l. Interment of cremated remains may be in a separate single lot or in the same lot with human remains or other cremated remains interred of the same family or in a niche in a columbarium:
  - a) No more than two (2) cremated remains of a family may be interred with the human remains of a family member with the placement of the cremated remains to be in the middle (6' from the top and centered) and foot of the lot (9' from top and centered);
  - b) No more than four (4) cremated remains of a family may be interred in a single lot with the placement of the cremated remains to be two at the head (3' from top and 1' from each side), one in the middle (6' from top and centered) and one at the foot of the lot (9' from top and centered).
- m. Cremated remains shall be covered with a minimum of thirty (30) centimeters or twelve (12) inches of top soil.
- n. The digging of all cremation holes shall be arranged by the Public Works Foreman.

#### **Interment of Cremated Remains in Columbarium**

- o. A niche shall only be used for the storage of cremated human remains in an urn that is to be made of brass, bronze, sandstone or stainless steel.
- p. No more than two (2) urns shall be allowed in any one niche and each urn shall contain only the remains of one individual.
- q. Only family members will be allowed to use the same niche.

#### **5. DISINTERMENTS**

- a. Monuments and markers shall be installed in the cemetery to reflect the interment of human remains or cremated human remains, only after the interment of such remains.
- b. All monuments shall be manufactured of granite or marble.

6. **MONUMENTS, MARKERS, NICHE PLAQUES AND MEMORY PLAQUES**

- a. Monuments and markers shall be installed in the cemetery to reflect in interment of human remains or cremated human remains, only after the interment of such remains.
- b. All monuments, markers and foundations shall be installed entirely within the lot for which it was intended.
- c. No person shall place or erect in the Cemetery any monument without first obtaining permission from the Administrator.
- d. All monuments shall be manufactured of granite or marble.
- e. All markers shall be manufactured of granite, marble or bronze.
- f. Monuments may only be placed at the head of each lot, where two (2) lots are purchased side by side only one (1) monument may be placed at the head of the lots centered by the common lot line. Only one monument is permitted per lot.
- g. Each monument shall be set on a concrete or granite foundation of a minimum thickness of 4". The upper surface of each foundation shall be to ground level. All foundations must be at least eight (8) centimeters from the top (head) of the lot.
- h. **The dimensions of monuments and bases for:**
  - a) **a single lot** shall not exceed sixty (60) centimeters/twenty-four (24) inches in length, thirty (30) centimeters/twelve (12) inches in width, twenty-five (25) centimeters/ten (10) inches in height at the back and fifteen (15) centimeters/six (6) inches in height at the front and base for this monument for a single plot shall not exceed eighty (80) centimeters/thirty-two (32) inches in length, forty-five (45) centimeters/eighteen (18) inches in width and fifteen (15) centimeters/six (6) inches in height; and
  - b) **two lots side by side** shall not exceed seventy-five (75) centimeters/thirty (30) inches in length, forty-five (45) centimeters/eighteen (18) inches in width, twenty-five (25) centimeters/ten (10) inches in height at the back and fifteen (15) centimeters/six (6) inches in height at the front and the base for this monument for two lots side by side shall not exceed one-hundred (100) centimeters/forty (40) inches in length, forty-five (45) centimeters/eighteen (18) inches in width and fifteen (15) centimeters/six (6) inches in height.
- i. Markers may be installed on the lot where the cremated remains were interred in the middle or at the bottom of the lot, the dimensions of a marker shall not exceed forty-five (45) centimeters/eighteen (18) inches by sixty (60) centimeters/twenty-four (24) inches.
- j. Markers may be installed with or without a foundation; however, markers are not to project more than two (2) centimeters above the surface of the ground.
- k. The Town shall not be liable for the loss of or damage to any monument, marker, memorial plaques or other object or planting in the cemetery and the Town reserves the right to permanently move or remove from any grave any monument or marker that is in disrepair or poses a safety concern.

**Niche Plaques**

- l. Plaques to be mounted on the outside of each niche shall only be 11" x 7" Bronze Plaques with Wreath Scroll Ends and Full Dates which shall be ordered through the Town from Nelson Granite at time of purchase and installed only by the Town. The cost of the plaques shall be included in the price of the niche.

**Memory Wall Plaques**

- m. Plaques to be mounted on the end/Memory Wall of a columbarium shall only be for on individual and shall only be a 6" x 4" Bronze Memory Wall Plaque with only Year

Dates which shall be ordered through the Town from Nelson Granite and installed only by the Town, after application and payment of the appropriate fees, as may from time to time be determined by resolution of Council.

**7. GENERAL REGULATIONS**

- a. No borders, fences, railings, grave covers, concrete or stone corners, hedges, copings, curbs, trellises, walls or iron posts shall be permitted in the Cemetery. Where any of the same have previously been erected on or around a plot and have become unsightly or objectionable by reason of age, neglect or damage, the Town may cause the same to be removed in order to ensure the area conforms to the general good appearance of the cemetery and ensures the area is left in a safe condition. When any of the above materials warrant removal, such removal shall be subject to consultation with the Public Works Committee of Town Council.
- b. The Town shall notify, in writing, the owner at the last known address, if a monument or other constructed item, falls in disrepair, and/or becomes unsightly. Sixty days after the date of such notice, if the work detailed is not completed, the Town may remove and/or dispose of such item, according to the discretion of the Public Works Committee of Town Council.
- c. No lots or graves are to be raised above the level of the surrounding graves.
- d. No person shall place or deposit a glass, or other breakable material, encased wreath or any stand, holder, vase, receptacle, jar, bottle or post made of glass or other breakable material on any plot in the Cemetery.
- e. No person shall place LED lights anywhere in the Cemetery unless the lights are a part of the permanent monument.
- f. The Town shall not accept responsibility for lost or damaged floral arrangements under any circumstances.
- g. No person shall place artificial or fresh flowers or potted plants on any plot in the Cemetery unless the flowers or plant are totally contained in a vase that is part of the permanent monument, and no part of the floral arrangement or potted plant is in contact with the grass. Arrangements or potted plants that are not totally contained in a permanent vase attached to a monument will be removed.
- h. Flowers, funeral designs or floral pieces will be permitted on the grave the day of the burial for a period of fourteen calendar days. The Administrator shall have the authority to remove any funeral design or floral pieces, which may become wilted, or any other article or thing after the expiration of fourteen days from date of service.
- i. The Town reserves the right to plant all flowers, shrubs, and trees and to landscape or to carry out any improvements to the grounds. Permission from the Administrator will be required by anyone wanting to plant flowers, trees, shrubs or any other object that could be considered an obstruction to the maintenance of the Cemetery.
- j. The Town has full authority to remove any items not in accordance with is bylaw, or any item deemed to be unsightly, untidy, in disrepairs, or impedes maintenance activities notwithstanding Section 7(b).
- k. Vehicles shall keep to the roadways provided in the Cemetery and shall not exceed the speed of ten (10) miles or sixteen (16) kilometers per hour.
- l. No unseemly conduct or mischievous or destructive behavior shall be permitted in the Cemetery.
- m. All lots sold in the Town of Whitewood Cemetery shall hereafter be subject to perpetual care: such perpetual care meaning and being the leveling of the ground, seeding and mowing the grass and keeping straight the monuments, tombstones or like structures. 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, tombstones, grave covers or any other like structures.

- n. The existing perpetual care trust fund monies established since 1967 shall be maintained at a principal amount of Forty six Thousand Five Hundred Dollars (\$46,500.00), and invested in the "Cemetery Reserve Fund". The interest in the fund shall be expanded from time to time for perpetual care purposes and/or Cemetery enhancements.

**8. SUPERVISION AND CONTROL**

- a. The Cemetery shall be under the general supervision, charge and control of the Public Works Foreman.
- b. All books, plans, records, and documents relating to the Cemetery shall be under the charge and control of the Administrator at the office of the Town of Whitewood.
- c. The Administrator shall keep all books, plans of subdivision of the Cemetery and all records and documents regarding sale of grave plots, persons interred in the Cemetery and the dates of such burials and further records as may be required by the Province of Saskatchewan and the Town of Whitewood.
- d. The provisions and amendments of all applicable Provincial Acts and Regulations including but not limited to *The Cemeteries Act*, *The Public-Health Act* and the *Disease Control Regulations* shall apply.

**9. MINOR MODIFICATIONS**

On all regulations in this bylaw, the Administrator, may, at his/her discretion, make minor modifications or requirements on an individual basis if he/she feels that the efficient operation of the Cemetery will not be disturbed.

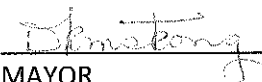
**10. PENALTY**

Any person or organization found guilty of any infraction or breach of any of the provisions of this bylaw, is guilty of an offense and liable on summary conviction to a fine not less than twenty-five (25.00) dollars and not exceeding twenty-five (2500.00) dollars.

11. This Bylaw shall come into force and take effect, upon third reading thereof.

12. Bylaw No. 13/67 & Bylaw 14/98 is hereby repealed.



  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"**

<b>Cemetery Plot</b>		
Up to 1 casket & 2 urns or 2 urns	\$300.00	Per plot
<b>COLUMBARIUM</b>		
Up to 2 standard sized urns	\$1,250.00	Per Niche
First opening/closing and name plaque included in above price		
Subsequent Niche opening(s)/closing(s) –winter	\$100.00	per opening & closing
Summer	\$50.00	Per opening & closing
Weekend	\$100.00	(additional cost)
Memory Wall	\$260.00	Per plaque

**\*GST Included**