

CEMETERY BYLAW – MOUNTAIN VIEW

RURAL MUNICIPALITY OF TECUMSEH # 65

BYLAW NO 7-2023

A Bylaw to regulate and control the Mountain View Cemetery

The Council of the Rural Municipality of Tecumseh #65 in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

- a) This Bylaw may be cited as the "**Cemetery Bylaw – Mountain View**"

2. DEFINITIONS

- a) **Administrator**- The person appointed as Administrator pursuant to Section 111 of The Municipalities Act;
- b) **Base**- refers to the optional bottom portion of a monument that rests between the monument and the foundation, and is made of granite or marble;
- c) **Cemetery**- means the Mountain View Cemetery established and operated in accordance with the Act by and under control of the RM of Tecumseh No. 65.
- d) **Council** – means the council of the RM of Tecumseh No.65
- e) **Cremated Human Remains** -means human bone fragments that remain after cremation of a deceased human body;
- f) **Cremation** - means the technical process of using heat to reduce human remains to bone fragments;
- g) **Disinterment**- means the removal and relocation of human remains;
- h) **Double Grave**- consists of two (2) single graves forming a plot;
- i) **Family Plot**- consists of four (4) single graves forming a double plot;
- j) **Flat Marker** – means type of monument set flush with the ground with a flat level surface upon which an inscription may be made or a bronze plaque affixed;
- k) **Foundation** - means the concrete pad that supports the monument;
- l) **Funeral Urn**- means a vessel made of metal, wood, porcelain, pottery, ceramic, glass or stone which is used to store human cremains;
- m) **Grave** - means a subdivision of land for the purpose of a single burial in the Cemetery as shown on the Mountain View Cemetery Map;
- n) **Human Remains** -means a deceased human body, but does not include cremated human remains;
- o) **Interment** – means the burial of human remains or cremated human remains in a cemetery;

- p) **Licensed Funeral Director** - A person who supervises or conducts the preparation of the dead for burial and directs or arranges funerals;
- q) **Licensee** – means a person or persons who are assigned a grave or graves in the cemetery;
- r) **Marker**- means a memorial of granite or marble installed at ground level at the head of a grave;
- s) **Monument** – means a tombstone or memorial structure set upon concrete footing or foundation, which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration and made with granite, marble, bronze, or other approved material;
- t) **Municipality** – means the RM of Tecumseh No. 65
- u) **Perpetual Care** -The leveling of the ground on each lot, seeding, watering, and cutting the grass as required and generally keeping the Cemetery in good order and repair. Notwithstanding the foregoing, it shall not include maintenance, repair, or replacement of the markers, tombstones, monuments or other like structure except as specifically provided by this bylaw;
- v) **Plot** -means an area of land designated by the Cemetery for 2 single graves;

3. LOCATION

- a) The Mountain View Cemetery is located on a portion of the North West Quarter of Section Fifteen (15) in Township Eight (8) in Range Seven (7) West of the Second Meridian in the Province of Saskatchewan.

4. GENERAL RULES

- a) All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner;
- b) The RM of Tecumseh No. 65 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;
- c) Notwithstanding section 3 (b), the RM of Tecumseh No. 65 reserves the right to temporarily remove any monument, or marker for the purpose of performing necessary maintenance work;
- d) Any 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;
- e) Grave covering, fences, borders, railings, curbs, copings, trellises, walls, hedges, shrubs, and herbages of any kind are prohibited in the Cemetery.

5. GRAVES & PLOTS

- a) The Administration of the RM of Tecumseh No. 65 shall assign all graves, or plots in the Cemetery.
- b) The Administration shall keep an accurate account of all moneys received and of all expenditures made in connection with the Cemetery.
- c) Cemetery Plots may be chosen from the area which had been currently selected from plots, not specifically reserved.

- d) Cemetery plots may be reserved as follows:
 - **Double Grave-** consists of two (2) single graves forming a plot;
 - **Family Plot-** consists of four (4) single graves forming a plot;
- e) No grave shall be used for any purpose other than the burial of the human remains.
- f) The RM of Tecumseh No 65 shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss and damage; but the Municipality 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, thieves, vandals, malicious mischief makers and unavoidable accidents.
- g) Whenever human remains are removed from a plot; the plot shall revert to the Mountain View Cemetery.

6. ADMINISTRATION

- a) The administrator shall keep an accurate record setting forth the name, location and date of burial of the deceased person.
- b) All records, maps, registers, etc. necessary in the administration of the Cemetery shall be maintained in the RM of Tecumseh No. 65 Office and shall be open to public inspection during regular office hours.

7. INTERMENTS, AND DISINTERMENTS

- a) No interments shall be made in the Cemetery until compliance with the provisions of this Bylaw, the Public Health Act and Vital Statistics Act of the Province of Saskatchewan and with any regulations issued thereunder.
- b) Notice shall be given to the Administrator at least forty-eight (48) hours in the summer and seventy-two (72) hours in the winter, 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.
- c) A maximum of one (1) body and two (2) urns of cremated human remains, or four (4) urns of cremated human remains shall be interred in any one cemetery grave.
- d) Notwithstanding Section 6c, the Administrator may in their discretion upon written request, increase the number of interments permitted in one plot, having regard to such consideration as the circumstances surrounding the death, the relationship with the deceased, continuity of monuments and landscaping, and any other relevant factor under the circumstances.
- e) No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Outer shells of wood, fiberglass or steel must be utilized for all burials.
- f) Disinterment shall only be permitted upon the production of written permission of the Minister of Public Health issued pursuant to an application under the Public Health Act.
- g) Disease Control Regulations prevail in all circumstances where there might arise a conflict between the Regulations and this Cemetery Bylaw.
- h) No interments shall be the 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.

- i) All opening and closing of graves, whether full burial or cremation, shall be completed by a contractor of the Municipalities choosing.
- j) No person other than a Licensed Funeral Director shall have charge of the interment or disinterment of the body.
- k) Immediately following the interment, weather permitting, gravesites must be backfilled.
- l) Following the opening and closing of the burial plot, all surrounding sites must be returned to the condition they were prior to the burial. This will include the cleanup of topsoil, clay and the raking of grass around the burial site and surrounding area.
- m) An application for Cemetery Interment as seen in Form "A" of this Bylaw, must be filled out before interment of human remains takes place at the Cemetery and the applicant will be given Form "B" the Cemetery Permit in return.
- n) The RM of Tecumseh No. 65 shall not be held responsible for any mistakes resulting in precise or proper instructions regarding the grave space where an interment is to be or has been made.

8. INTERMENT OF INDIGENT PERSONS

- a) The Administrator shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person pursuant of Section 50 of The Cemeteries Act, 1999 and any regulations thereto addressing the interment of indigent persons.
- b) The interment of indigent persons shall occur in single plots, the location of which shall be within the sole discretion of the Administrator.

9. CEMETERY/GRAVE MAINTENANCE

- a) The RM of Tecumseh Public Works staff shall undertake to maintain as may be practicable, the Cemetery grounds.
- b) Council may, at its discretion and if so needed, hire a caretaker for the Cemetery whose duties and remuneration will be set out in terms of the contract to be negotiated with the caretaker.
- c) All trees and shrubs in the Cemetery shall be the property of the municipality.
- d) There shall be no installation of grave coverings, borders, railings, curbs, walls, 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
- e) The Municipalities Public Works shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain the landscape.
- f) The Municipalities employees or contracted caretakers shall have authority to remove any 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.
- g) Artificial flowers, flowers, ornaments, or remembrance markers may only be left in containers on the base of monuments. Live flowers will be removed, at the Town's discretion.

- h) The Municipality shall take all reasonable precautions to protect the property rights of owners within the cemetery, including plots and monuments, from loss or damage, but the Municipality distinctly disclaims all responsibility for loss or damage by the elements, acts of God, thieves, vandals, and accidents.

10. 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:

- a) All monuments and markers shall be of granite, marble or bronze: Other materials requested for monuments are subject to prior approval by the RM Council. Monuments and Markers, even for temporary use, made of cement, artificial stone, tin, iron or wood will not be permitted.
- b) Only one monument per plot shall be placed at the head of the plot (facing east) in alignment with the adjacent monuments.
- c) Monuments shall not be placed in front of existing monuments. If a second marker is required on a grave, only a flat marker will be permitted directing in front of the existing monument.
- d) Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery will advise the Municipality upon arrival at the Cemetery and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The Municipality will not be held responsible for any monument damages and repairs required due to improper installation.
- e) Any person wishing to install a monument is responsible to determine the width of the grave or graves to be marked for determining maximum dimensions.
- f) No monument shall be erected except on a concrete foundation with a minimum thickness of two (2) inches. The top of the foundation shall be level with the ground. The said foundation shall be of a dimension at least twelve (12) inches longer and twelve (12) inches wider than the base of the monument. If the monument is installed directly on the foundation, the same dimensions apply.
- g) There are no size or shape requirements for monuments except that they are restricted to the boundaries of the plot or portion of the plot utilized.
- h) New grave covers of any type, description, or material shall not be permitted. Covers in a state of disrepair shall be removed permanently. At the passing of this Bylaw, all current grave covers can be removed at the discretion of the Municipality. It shall be unlawful to cover gravesites with any other substance other than grass.
- i) Should any monument or other structure in the Cemetery fall into a state of disrepair, the Municipality has the discretion to remove said monument from the Cemetery.
- j) The Municipality has the right to temporarily remove any monument or marker for the purpose of performing necessary maintenance work and is not responsible for any damages this temporary removal may cause.
- k) Temporary markers must be placed at the grave site after interment until a permanent monument is placed.

11. SERVABILITY

A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect of this Bylaw.

12. REPEAL OF FORMER BYLAW

That Bylaw No. 24-1917 is hereby repealed.

13. EFFECTIVE DATE OF BYLAW

This Bylaw shall come into force and take effect of the final date of passing by Council.

Read a first time on August 9, 2023.

Read a second time August 9, 2023.

Read a third time and adopted on August 9, 2023.




Reeve


Acting-Administrator

Certified a true copy of Bylaw 7-2023
adopted by resolution of Council
the 9th day of August, 2023.


Acting-Administrator

CEMETERY BYLAW – MOUNTAIN VIEW

RURAL MUNICIPALITY OF TECUMSEH # 65

BYLAW NO 7-2023 – FORM “A”

Application for Cemetery Internment

Date:	<div></div>
Applicant Name:	<div></div>
Address:	<div></div>
Phone:	<div></div>
Deceased Name:	<div></div>
Internment Type:	<div>Burial<input type="radio"/> Cremation<input type="radio"/></div>
Location of Plot:	<div></div>
Internment Date:	<div></div>
Relationship to the Deceased:	<div></div>

CEMETERY BYLAW – MOUNTAIN VIEW

RURAL MUNICIPALITY OF TECUMSEH # 65

BYLAW NO 7-2023 – FORM “B”

Application for Cemetery Internment

Name:	<div></div>
Address:	<div></div>
Phone:	<div></div>
Deceased Name:	<div></div>
Location of Plot:	<div></div>
Internment Date:	<div></div>
Authorized:	<div>YES <input type="radio"/></div> <div>NO <input type="radio"/></div>

Administrator

Date