

BYLAW NO. 3 - 2017

A BYLAW of the City of Swift Current, in the province of Saskatchewan to provide for the establishment of use, control and general regulation of cemeteries owned and operated by the City of Swift Current.

THE COUNCIL OF THE CITY OF SWIFT CURRENT, IN THE PROVINCE OF SASKATCHEWAN IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. APPLICATION OF BYLAW

This Bylaw may be cited as the "Cemeteries Bylaw".

2. This Bylaw shall govern all matters with respect to the operations of Cemeteries in accordance with *The Cemeteries Act, 1999* and *The Cities Act, 2003*.

3. DEFINITIONS

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

- (a) "**Base**" shall mean a slab of granite to form a base for a marker.
- (b) "**CAO**" shall mean the Chief Administrative Officer of the City of Swift Current or any person authorized to act on his or her behalf due to an absence from duty for any cause.
- (c) "**Cemeterian**" shall mean the person appointed by the General Manager to act on his or her behalf as Supervisor of the City of Swift Current Cemeteries.
- (d) "**Cemetery**" shall mean any land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.
- (e) "**Cemetery Services**" shall mean services rendered or to be rendered at a cemetery, and includes the opening and closing of graves, compartments, niches or other spaces and services related thereto.
- (f) "**Child**" shall mean every person under the age of five (5) years and all other persons shall be deemed adults.
- (g) "**City**" shall mean the City of Swift Current.
- (h) "**Columbarium**" shall mean a structure designed for the purpose of storing or interring human cremated remains in sealed compartments or niches.
- (i) "**Council**" shall mean the Council of the City of Swift Current.
- (j) "**Cremated Remains**" shall mean the human bone fragments of a cremated human body.
- (k) "**Family**" shall mean and include a husband, wife, son and/or daughter of a holder of a lot, plot or niche.
- (l) "**Foundation**" shall mean a slab of granite or concrete to form a foundation for a marker and base.
- (m) "**General Manager**" shall mean the General Manager of the Community Services Division of the City of Swift Current or any person authorized to act on his or her behalf due to an absence from duty at any cause.
- (n) "**Grave, Lot, Plot, Block or Section**" shall mean the subdivision of the land for the purpose of burials in a cemetery.

- (o) **“Holder”** shall mean any person to whom any certificate or deed to use any grave, lot or plot for burial purposes has been issued in accordance with this Bylaw.
- (p) **“Human Remains”** shall mean a dead human body, but does not include cremated remains.
- (q) **“Interment”** shall mean the burial of human remains or cremated human remains or the inurnment of cremated human remains in a columbarium.
- (r) **“Marker”** shall mean a marker, headstone, monument, plaque or inscription constructed of bronze, granite or marble that is to be installed in a cemetery, in memory of deceased persons.
- (s) **“Medical Health Officer”** shall mean a person certified and appointed by the Local Health Authority and/or Provincial Health Authority of Saskatchewan.
- (t) **“Minister”** shall mean the Minister of Health for the Province of Saskatchewan.
- (u) **“Non-Resident”** shall mean any person who, at the time of his or her admittance to any non-taxable institution in the City of Swift Current, was not a resident of the City as well as any person who, at the time of death, did not reside in the City.
- (v) **“Occupancy”** shall refer to human remains or human cremated remains.
- (w) **“Person”** means and includes a corporation and both women and men.
- (x) **“Designated Sections”** refers to sections set aside for special populations (i.e. Roman Catholic, Greek, Muslim, Veterans) which may be approved at the discretion of Council.

4. CEMETERIES

The following lands are hereby declared to be the cemeteries of the City of Swift Current:

- (a) Parcel A, Plan 101644635 - Extension 76, Surface Parcel #151633346 which shall hereafter be known as “Mount Pleasant Cemetery”.
- (b) Parcel E, Plan D2328 - Extension 0, Surface Parcel #144225772 which shall hereafter be known as “Mount Pleasant Burial Park”.
- (c) Parcel J, Plan 98SC02696 - Extension 0, Surface Parcel #144592971 which shall hereafter be known as “Hillcrest Cemetery”.

5. DESIGNATED SECTIONS

The following described lands are hereby reserved and set aside for the interment of deceased members of the Roman Catholic Faith:

- (a) Block Six (6), Rows (A-H) in Mount Pleasant Cemetery.
- (b) Blocks Three (3) to Twenty (20), Section 4 both inclusive, in Mount Pleasant Burial Park.
- (c) Blocks Two Hundred and Six (206) to Two Hundred Nineteen (219), Section 8 both inclusive, in Mount Pleasant Burial Park.
- (d) Blocks Forty Six (40) to Fifty (50), Section C in Hillcrest Cemetery.

The following described lands are hereby reserved and set aside for the interment of War Veterans:

(e) Blocks One (1), Two (2) and Three (3), of the Veteran's Section of the Mount Pleasant Cemetery.

The following described lands are hereby reserved and set aside for the interment of deceased members of the Muslim Faith:

(f) Block Fifty One (51) to Sixty One (61) in Hillcrest Cemetery.

The following described lands are hereby reserved and set aside for the interment of deceased members of the Greek Ethnicity:

(g) Block Sixty Two (62) to Sixty Nine (69) in Hillcrest Cemetery.

6. GRAVES FOR DESTITUTE PERSONS AND UNCLAIMED BODIES

In each and every cemetery, lots shall be provided free of charge for the internment of bodies of destitute persons and/or unclaimed bodies pursuant to the provisions of "The Cemeteries Act, 1999" and shall occur in single lots, at the discretion of the General Manager or designate.

7. PERSONS IN CHARGE

The General Manager shall, under the guidance of the CAO and/or the Council, when deemed necessary, be responsive for the proper and efficient operation, care and maintenance of the cemeteries.

8. PLANS OF CEMETERIES

- (a) Plans of subdivision of each and every cemetery into lots, plots, blocks and sections shall be prepared by a qualified surveyor and shall be subject to the approval of the Registrar of Companies.
- (b) The original plan of subdivision of each cemetery shall be filed at City Hall, but it shall not be necessary to register a plan of subdivision under The Land Titles Act.
- (c) Title to all cemetery lots, plots, blocks and sections shall be vested in the name of the City.

9. SALE OF BURIAL LOTS AND COLUMBARIUM NICHES

- (a) A lot for burial purposes and/or a columbarium niche may be acquired by any person upon application at City Hall and upon payment of the appropriate fee which therefore, may from time to time, be determined by resolution of Council.
- (b) A record of each burial lot and each columbarium niche sold, showing the following information shall be kept at City Hall and a copy shall be issued to the purchaser:
 - (i) Name and address of the person to whom sold.
 - (ii) Date of Sale.

- (iii) Proper description of burial lot(s)/plot(s) or niche(s) sold.
- (iv) Price Paid.
- (c) Any person acquiring a lot/plots or niches under the provisions of this Bylaw shall only acquire the right or privilege of interment of the dead therein and of erecting markers thereon but the title to the land shall remain vested in the City for all time.

10. INTERMENT OR BURIAL OF HUMAN BODIES

- (a) No person shall inter any human body in any land situate within the limits of the City of Swift Current other than Mount Pleasant Cemetery, Mount Pleasant Burial Park or Hillcrest Cemetery or such other lands as may hereafter be appropriated or approved by City Council until such person shall have complied with the provisions of The Public Health Act, and The Vital Statistics Act, and The Cemeteries Act, of the Province of Saskatchewan.
- (b) No person shall inter any human body until and unless:
 - (i) Registration of Death, prescribed by the Department of Public Health, Division of Vital Statistics, has been filed with the Registrar of Vital Statistics.
 - (ii) A Burial Permit, prescribed by the Department of Public Health, Division of Vital Statistics, has been issued by the Registrar of Vital Statistics.
 - (iii) An order for Interment has been issued by the City Tax Roll Clerk.
- (c) No interment order shall be issued by the City Tax Roll Clerk until payment of the appropriate fee for the lot or lots, or niche or niches and other cemetery services as set by the resolution of Council has been received.

This provision shall not apply to the interment of bodies of destitute persons or unclaimed bodies for the interment of which the City may be responsible.
- (d) No person shall inter or cause to be interred any body in a grave which shall be no less than 1.2192 meters (four (4) feet) from the surface of the ground surrounding the grave to the top of the coffin or casket.
- (e) No person shall inter or cause to be interred more than one body in a casket.
 - (i) Each lot shall contain no more than one (1) casket and two (2) cremated remains.
 - (ii) No more than three (3) occupancies shall be permitted in a single lot.
 - (iii) Interment of cremated remains must occur either following or during interment of a casket.
- (f) No person shall open any grave for the purpose of a second interment of a casket.
- (g) Order for interment of a casket shall be given in time to allow forty-eight (48) hours to prepare a grave. Provided however, that this section shall not apply to infectious cases or emergent cases when the Provincial Health Regulations shall take precedence. A Physician's Certificate certifying danger or contagion of infection shall be required.
- (h) Order for interment of cremated remains shall be given in time to allow twenty-four (24) hours to prepare a grave.
- (i) For all casket interments, the use of fiberglass vaults c/w base, shall be mandatory, vaults are to be delivered to the Cemetery one (1) business day prior to the time set for the interment.

- (j) During an interment service or family grave side service, all work in the Cemetery shall be discontinued.

11. DISINTERMENT OF BODIES

- (a) No person shall disinter any human body unless the person applying therefore files the following documents with the Local Registrar:
 - (i) Written authority from the holder of the grave in question or his heirs, executors or assigns.
 - (ii) Permit from the Department of Public Health authorizing such disinterment.
 - (iii) Certificate from the Medical Health Officer stating that the disinterment can be made without danger to public health.
 - (iv) Order for disinterment issued by the City Tax Roll Clerk.
- (b) Upon receipt of documents set out in i., ii., iii. and iv. above, and upon receipt of payment of the appropriate fees therefore as may be specified by resolution of Council, the City Tax Roll Clerk shall issue an Order for Disinterment.
- (c) No person shall disinter or remove any body from a grave in any City of Swift Current Cemetery for interment in another City of Swift Current Cemetery unless the removal is for the purpose of interring in a family plot (or for the interment in a cemetery outside City limits).

12. INURNMENT AND INTERMENT OF CREMATED REMAINS

- (a) A single urn shall contain the only cremated remains of one (1) person or one (1) child.
- (b) No more than three (3) cremated remains may be interred in a single lot.
- (c) Only one (1) cremated remains may be interred in a single cremation lot.
- (d) Cremated remains may be interred in a columbarium niche, a separate single lot, cremation lot or in an existing grave in which a member of the family has been interred.
- (e) In the section of Mount Pleasant Cemetery known as the Veterans' section, the cremated remains of both a husband and wife, either one being a Veteran, may be interred in a single lot or cremation lot, provided at the time of the first interment, the City is notified in writing that one half of the lot will be reserved for a second interment of cremated remains.
- (f) No person shall inter or cause to be interred cremated remains in a grave which shall be no less than 30 centimeters (twelve (12) inches) from the surface of the ground surrounding the grave to the top of the urn.
- (g) Registration of Death, prescribed by the Department of Public Health, Division of Vital Statistics, has been filed with the Registrar of Vital Statistics.
- (h) Upon receipt of payment of the appropriate fees therefore as may be specified by resolution of Council, the City Tax Roll Clerk shall issue an Order for Interment of cremated remains.

13. LOTS TO REVERT TO THE CITY

- (a) When any lot in a cemetery is vacated by disinterment and is no longer required for family purposes, the same shall revert to the City.

- (b) When any person purchased more than one lot and some of the lots are unused and are no longer required for family purposes, the said unused lot or lots shall revert to the City.
- (c) Requests for transfer of ownership of any pre-arranged lot, plots or niches requires written notice to the Local Registrar and must include names, addresses and signed by both parties.
- (d) In all cases where a lot or plots revert to the City, the City will refund to the holder or his heirs, executors or assigns the original purchase price less 10% of said lot, plots or niches.

14. MARKER AND MONUMENTS

- (a) No person shall erect or place any marker or monument, base and foundation or make any alterations to an existing marker on any grave or plot without first obtaining Marker Permit from the City of Swift Current.
- (b) No person shall erect or place any marker or monument on any grave or plot in the City's Cemeteries until in compliance with the City's monument regulations set out in Schedule "A" of this bylaw.
- (c) Notwithstanding the provisions of the S.S. 3), upright monuments may be erected or placed on any grave or plot in that portion of Mount Pleasant Burial Park, which, under Section 4:
 - (i) The design thereof has first been approved by the General Manager or designate.
 - (ii) The upright monument is set on a substantial concrete base or foundation constructed in accordance with specifications furnished by the General Manager or designate.
 - (iii) The top of the concrete or granite foundation is set level with the surrounding ground and projects a minimum of fifteen (15) centimetres (six (6) inches) on each side of the base of the monument.
 - (iv) The concrete or granite foundation and the monument is set at the head of the grave in a line designated by the General Manager or designate.
- (d) No monument shall be delivered at the cemetery until the base or foundation therefore is completed and the work of erecting or installing same is ready to proceed.
- (e) No person shall make any alteration to any marker or monument (heretofore erected) until he or she shall have furnished the General Manager or designate with all necessary information required by him and shall have received the permission of the General Manager or designate to proceed with the proposed alteration.
- (f) Should any marker or monument installed in a cemetery at any given time, be in a state of disrepair, the General Manager or designate may, after issuance of due notice to the owner of any such marker or monument at his last known address, have said marker or monument removed from the cemetery until such time that the said owner acknowledges and undertakes the required repair in accordance with said notice.
- (g) No person shall erect or place any markers, lights, flowers or other materials outside the boundaries of the monuments foundation.
- (h) All installations, alterations or any maintenance to monuments in the Cities Cemeteries shall take place during normal business hours.

15. DUTIES OF THE GENERAL MANAGER

The General Manager or designate shall perform the following duties:

- (a) To record electronically or in a log retained specifically for that purpose all pertinent information regarding every interment and/or disinterment showing the name, age and sex of every person interred and correct description of the cemetery lot in which each person is interred.
- (b) Submit a monthly report to the Division Registrar containing above details.
- (c) Attend every funeral and after the burial service properly fill up the grave.
- (d) Plant grass, trees, shrubs and flowers as directed and take care of same when planted.
- (e) Cut weeds and grass within the cemetery, keep the cemetery fences in good repair and generally look after, take care of and manage the cemetery grounds as he may, from time to time, be directed.
- (f) Remove from graves any natural floral or deteriorating artificial pieces laid thereon when same becomes unsightly.
- (g) Lay out walks and roads within the cemetery according to plans furnished out to him and maintain same in good condition or repair.
- (h) After the ground on a grave has thoroughly settled, to sod or plant grass over to make the grave level with the surrounding ground.

16. REGULATIONS AND PROHIBITIONS

- (a) No person shall wilfully destroy, mutilate, deface, injure or remove any property, monument, marker or any other object or structure placed within a cemetery. This shall include a fence, railing or any other object in place for the protection or ornamentation of a cemetery or of any such monument, marker or other structure present.
- (b) No person shall wilfully destroy, prune or cut, break or injure a tree, shrub or plant in a cemetery or wilfully vandalize, injure, destroy or deface a building or structure on a road, walk or other works in a cemetery.
- (c) No person shall undertake to play at a game or sport in a cemetery.
- (d) No person shall discharge a firearm in a cemetery except at a military funeral and authorized by the City of Swift Current.
- (e) No person shall inadvertently, wilfully and unlawfully disturb persons assembled for the purpose of attending a cemetery service or visitation.
- (f) No person shall commit a nuisance in a cemetery.
- (g) No person shall permit a pet or any other animal to enter within the limits of a cemetery.
- (h) No person under the age of twelve (12) years shall be permitted to enter a cemetery unless accompanied by an adult.
- (i) No person shall enter a cemetery except through public gates or through a designated public entrance; no public access shall be permitted through employee and maintenance gates or entrances; no public access shall be permitted to Cemetery maintenance buildings.

- (j) All persons shall keep to the walks and roads within a cemetery and no person shall drive any vehicle onto any lot or grave within the cemetery.
- (k) No person shall construct any fences, curbing, railings or plant any hedges on or around any burial lot or grave.
- (l) The City shall not be responsible for any injury resulting to any person who enters the cemeteries, or any damage to any grave, monument or memorial tribute located within the cemeteries, unless such damage is shown to be caused by negligence of the City or its' designates.
- (m) The City or any official thereof shall not be held responsible for any mistakes resulting from lack of precise or proper instructions regarding the lot space where an interment is to be or has been made. Any additional costs incurred by the City to correct such errors will be out based on actual costs incurred by the City.

17. FEES FOR GRAVE LOTS AND CHARGES FOR CEMETERY SERVICES

The fees for purchase of grave lots and charges for providing cemetery services shall be set by resolution of Council.

18. OFFENCES AND PENALTIES

Every person who contravenes any provision of this bylaw is guilty of an offence and liable on Summary Conviction to a fine set out as follows:

- (a) For each offence committed by an individual, not less than one hundred dollars (\$100.00) and not more than ten thousand dollars \$10,000.00 and upon default payment thereof, to imprisonment for a term not more than one year, or both.
- (b) For each offense committed by a corporation, not less than two hundred dollars (\$200.00) and not more than twenty-five thousand dollars (\$25,000.00) or providing that the directors or officers of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence are guilty of the offence and liable on Summary Conviction to the penalties mentioned in clause (a) in the case of the individuals, whether or not the corporation has been prosecuted or convicted, or both.
- (c) Such person(s) may also be liable in an action in the name of the City or of the owner of a burial lot upon which damage is done, or any unlawful act committed, to pay all damages occasioned by his unlawful act, and when recovered to same shall be applied for the reparation and reconstruction of the property damaged and destroyed, and upon default payment thereof to imprisonment for not more than one year.

19. FORMER BYLAWS REPEALED

Bylaw No. 22 - 1978 and all amendments thereto are hereby repealed.

20. COMING INTO EFFECT

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

_____ **MAYOR** _____ **CITY CLERK**

INTRODUCED AND READ a first time this 27th day of February, 2017.

READ a second time this 27th day of February, 2017.

READ a third time and finally passed this 27th day of February, 2017.

**SCHEDULE "A" To
BYLAW NO. 3 - 2017
City of Swift Current Cemetery Monument Regulations**

HILLCREST CEMETERY

Upright Markers

Single plot: length 4' maximum
width 12" maximum
height 30" maximum **(base included)**

Double plot: length 6' maximum
width 12" maximum
height 30" maximum **(base included)**

Triple plot: length 8' maximum
width 12" maximum
height 30" maximum **(base included)**

- Bases are mandatory for Upright Markers, and shall be 6" high and 12" wide.
- Foundations are not required in Hillcrest, as they are provided in the strip foundation system.

Pillow/Flat Markers

Pillow Markers (must be 6"- 4" or 8"- 5" slope and Flat Markers must be 4" high)

Single plot: 12" x 20" or 12" x 24"

Double plot: 12" x 30" or 12" x 36"

Bases are not mandatory under pillow/flat markers, however bases under pillow/flat markers only, may be 18" wide, provided they are set back 6" from front edge of foundation.

Bronze Markers

Single plot: 12" x 24" or 13" x 24"

Double plot: 13" x 36" or 13" x 44"

- Bases are mandatory for Bronze markers. Bases must be 4" high, and must not exceed 18" wide and 48" long.

Vases

Should be set to the sides or rear of the marker/ base and not in front of concrete strip foundation, except in the case of a bronze style marker which is part of the marker.

MOUNT PLEASANT BURIAL PARK/MOUNT PLEASANT CEMETERY

Granite or Marble Pillow Marker only (6"/4" slope or 8"/5" slope)

Single plot: 12" x 20" marker on a 24" x 32" foundation

12" x 24" marker on a 24" x 36" foundation

Double plot: 18" x 30" marker on a 30" x 42" foundation

12" x 30" marker on a 24" x 42" foundation

Child's plot: 10" x 16" marker on a 18" x 24" foundation

Bronze or Metal Marker

Single plot: 14" x 24" marker on a 16" x 28" foundation

12" x 24" marker on a 16" x 28" foundation

Double plot: 14" x 44" marker on a 18" x 48" foundation

13" x 36" marker on a 18" x 40" foundation

MOUNT PLEASANT BURIAL PARK – CREMATION SECTION

Granite or Marble Pillow Marker only (6"/4" slope or 8"/5" slope)

Bronze markers may only be placed on a sloped pillow marker

Single – burial in a single plot 12" x 20" or 12" x 24"

Double – burial in a single plot 12" x 30" or 12" x 36"

- Foundations are not required in this section, as they are provided in the strip foundation system.

MOUNT PLEASANT CEMETERY – VETERAN'S SECTION

- Grey Granite, flat military style marker only
12" x 20" x 4" high on a 24" x 32" foundation (concrete or granite)
- If a spouse is, or will be, buried in a veteran's plot
12" x 24" x 4" high on a 24" x 36" foundation (concrete or granite)
- Upright markers may not be installed on a "new" plot.
- An upright marker may be installed on an existing plot, provided that approval has been given by the Royal Canadian Legion Branch #56 and the Division of Community Services.