

**RURAL MUNICIPALITY OF ESTEVAN NO. 5
Estevan, SK**

BYLAW NO. 2021-11

**A BYLAW TO ESTABLISH, MAINTAIN, REGULATE AND
CONTROL CEMETERIES IN THE RM OF ESTEVAN NO. 5**

The Council of the Rural Municipality of Estevan No. 5, in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as the "Cemetery Bylaw".

Purpose and Scope

2. The purpose of this Bylaw is to provide for the maintenance, regulation and control of cemeteries in the Rural Municipality of Estevan No. 5.

Definitions

3. Except where otherwise defined herein, the words used in the Bylaw are deemed to have the same meaning of those words as defined in *The Cemetery Act, 1999*.
4. In this Bylaw:
 - a) **Authorized decision-maker** means a person designated as an authorized decision-maker pursuant to *The Funeral and Cremation Services Act*;
 - b) **Council** means the Council of the Rural Municipality of Estevan No. 5;
 - c) **Cemetery** means those lands locally described as the Forest Glen Cemetery (SW 18-1-7-W2) and Emmanuel Cemetery (SE 12-1-7-W2) which are controlled by the R.M. of Estevan, for the purposes of interring the dead, or in which human bodies have been placed, and identified by way of schematic plot plan, maintained by the R.M. of Estevan;
 - d) **Cremains** means the ashes of a cremated human body;
 - e) **Grave marker/monument** means any structure in the cemetery which is erected or constructed;
 - f) **Grave markers/monument owner** shall mean to include not only surviving members of the same family as related to the deceased, but also the estate of the deceased;
 - g) **Interment** means the burial of human remains or cremated remains in a cemetery;
 - h) **Licensee** means a person or persons who purchase a plot in the cemetery;
 - i) **Plot** means a parcel of land, as shown on the cemetery plan, subdivided for the purpose of receiving one or more burials;
 - j) **Municipality** means the Rural Municipality of Estevan No. 5;
 - k) **Non-Resident** means a person who does not reside in the Rural Municipality of Estevan No. 5;
 - l) **Ratepayer** means a person who pays taxes in the Rural Municipality of Estevan No. 5;
 - m) **Reserved** means reserved in the name of the person or persons who purchased a license;
 - n) **Resident** means a person who is a resident of the Rural Municipality of Estevan No. 5.

Acquisition of Plots and Licenses

5. The Municipality shall make all sales of plots in the cemetery and receive all monies resulting from the sale of plots.

6. Plots may be acquired subject to the fees set out in Schedule "A" to this bylaw or as the schedule may be amended from time to time by resolution of Council.
7. The Municipality may grant a license to any person for the exclusive use by him/her, his/her heir(s), his/her executor(s), or Administrator of any plot, said Licensee to be subject to all provisions of this bylaw and any amendments thereto, or any regulations passed from time to time by the Council.
8. The License shall be in Form "B", attached to and forming part of this Bylaw.
9. Plots may be reserved for future use, subject to full payment being made at the time of reservation and completion of Schedule "C" attached to and forming part of this bylaw.
10. Reserved plots will be reserved for a period of twenty (20) years, after the date of purchase. At the expiration of twenty (20) years, the municipality shall contact the licensee at their last known address to determine if they desire to renew the reservation at no extra charge. If the municipality fails to make contact and the licensee fails to make contact within six (6) months, the reservation will be cancelled and made available for resale.
11. Unused reserved plots shall not be resold by the licensee, but may be either:
 - a) Transferred back to the Municipality. No refund will be given to plots that have been reserved; or
 - b) Transferred to an immediate family member only upon receipt of the written authorization of the original licensee or authorized decision-maker.
12. It is the duty of the Licensee to notify the Municipality of any changes to his or her address and/or contact information.
13. Plots shall be used solely for the interment of human remains or ashes.
14. Any person acquiring a plot pursuant to this Bylaw shall only acquire the right and privilege of burial. Such rights and privileges do not extend to include any title to the land which shall remain vested in the Municipality.
15. At the request of the Minister of Social Services or the Minister of Public Health, the Municipality shall provide a plot in the cemetery for the interment of indigent persons.

Interments and Disinterment's

16. No Person shall bury any human body, remains or cremains with the cemetery unless and until the provisions of *The Public Health Act*, and *The Vital Statistics Act* of the Province of Saskatchewan and any other regulations issues thereunder, and the provisions of this Bylaw and any regulations thereunder or amendments thereto have been complied with.
17. Prior to the interment of any human body, remains, or cremains, permission for the interment must be first be obtained from the Municipality Form "B" and the proper fees paid in accordance with Schedule "A".
18. Each plot shall be used in the following combinations:
 - a) One casket interment and up to 3 cremated human remains interments (casket interment must be first); or
 - b) Up to four cremated human remains interments.An identifying marker shall be place directly above the vessel(s) or container(s) flush at ground level.
19. Human remains shall be interred so that the top of the outer burial container is at least seventy six (76) centimeters below the surface of the ground.

20. Interment of cremated human remains shall be no less than twenty four (24) inches in depth below the surface of the ground, a depth sufficient to give a covering of at least twelve (12) inches over the vessel or container.
21. No other person other than a qualified Funeral Director shall have charge of the interment or disinterment of any human body.
22. No disinterment shall be made without written authority from the licensee of the plot in question or his heirs, executors or assigns. No disinterment shall be made until a permit has been obtained from the Minister of Public Health of the Province of Saskatchewan.

Grave Markers and Monuments

23. Specifications for Grave Markers:
 - a) Shall be a headstone located at the head of the grave;
 - b) The material shall be recognized material which is suitable for the intended purpose;
 - c) The inscription shall be legible.
24. Except as authorized by Council, no person shall place or cause to be placed a fence, border, railing, curbing, capping, cover, hedge, shrub or tree adjacent to or upon any plot.
25. Monuments are placed in the Cemetery at the monument owners/licensee's risk and the Municipality accepts no responsibility for damage or theft resulting from vandalism.

Miscellaneous Provisions

26. Council reserves the right to deploy such manpower as is necessary and implement such plans as are deemed appropriate to ensure that the qualities of peacefulness and serenity may be extended throughout the cemetery.
27. The provisions under Section 62 of *The Cemeteries Act, 1999* shall apply with respect to conduct of individuals in the cemetery.
28. Council may employ such surveyors and caretakers as it deems necessary and may pay them such remuneration as it deems proper, and shall expend such funds as deemed necessary for the proper maintenance and improvement of any cemetery in the municipality.
29. The Municipality, including any employee or Council member shall not be responsible for any mistakes resulting from the lack of precise measurements regarding the grave space on a plot where an interment is to be or has been made.

Indemnity

30. The Municipality shall indemnify and save harmless each of its employees and servants including the Administrator and/or their designates, from all liability, claims or causes of action including costs in relation thereto, arising for 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.

Penalty

31. Any person guilty of an infraction of this bylaw, or any part thereof, shall be liable on summary conviction to the penalties prescribed the General Penalty Bylaw of the Municipality.

Coming Into Force

- 32. Bylaw No. 109-1986 is hereby repealed.
- 33. This Bylaw shall come into force and take effect upon the date of final passing by Council.

(Seal)




Deputy Reeve


Administrator

First Reading Passed: July 14, 2021
Second Reading Passed: July 14, 2021
Third Reading Passed: July 14, 2021

Certified a true copy of Bylaw 2021-11
Passed by Council on July 14, 2021.


Administrator



Schedule "A" to Bylaw 2021-11

Schedule of Fees

Forrest Glen Cemetery Plot Purchase

Resident/Ratepayer Fee	\$100.00
Non-Resident/Ratepayer Fee	\$1,000.00

* GST will be added to the above fees

Schedule "B" to Bylaw 2021-11
Burial License



RURAL MUNICIPALITY OF ESTEVAN NO. 5
BURIAL LICENSE

Permission is hereby granted to _____

To use Lot _____ Block _____ for the purpose of Burial in the
Forrest Glen Cemetery.

Name of Deceased: _____

Date of Burial: _____

This License is granted subject to the provisions of Bylaw 2021-11 governing the said
Cemetery.

Dated this _____ day of _____, 20 _____

Administrator

**Schedule "C" to Bylaw 2021-11
Plot Reservation Form**



**RURAL MUNICIPALITY OF ESTEVAN NO. 5
FOREST GLEN CEMETERY
PLOT RESERVATION FORM**

Date: _____

PLOT PURCHASER

FULL NAME: _____

LEGAL OR CIVIC ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL ADDRESS: _____

NEXT OF KIN

FULL NAME:	MAILING ADDRESS:	PHONE NUMBER:

*If extra space is required, please use the back of this form

PLOTS BEING RESERVED FOR:

FULL NAME:	MAILING ADDRESS:	PHONE NUMBER:

*If extra space is required, please use the back of this form

PLOT(S) BEING RESERVED

BLOCK: _____

PLOT(S) _____

A			J
B			I
C			H
D			G
E			F

SIGNATURE: _____ PRINT NAME: _____

OFFICE USE

EXPIRY DATE OF PLOT PURCHASE: _____ Municipal Staff _____
Initials

RECEIPT #: _____ AMOUNT: \$ _____