

BYLAW NO. 2023-05

**THE RURAL MUNICIPALITY OF KELLROSS NO. 247
SASKATCHEWAN**

**A BYLAW TO PROVIDE REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF
LESTOCK CEMETERY.**

THE COUNCIL OF THE RURAL MUNICIPALITY OF KELLROSS NO. 247, in the Province of Saskatchewan, ENACTS AS FOLLOWS:

1. In this Bylaw:
 - a) “Administrator” means the Administrator of the RM of Kellross No. 247
 - b) “Cemetery” means Lestock Cemetery described as:
 - i) Parcel G Plan No. 10178442
 - c) “Cemeteries Act” means *The Cemeteries Act, R.S.S. 1999*, Chapter C-4.01 and amendments thereto.
 - d) “Council” means the Council for the RM of Kellross No. 247
 - e) “Person” includes a corporation or partnership
 - f) “Plot” means an area of the cemetery which is of sufficient size to accommodate the burial of one human corpse.
 - g) “Registrar” means the person designated from time to time by the Minister responsible for *The Cemeteries Act, R.S.S. 1999*, Chapter C-4.01, to be the registrar pursuant to said Act.
2. The Administrator may make regulations consistent with this bylaw for the carrying out of this bylaw and for the efficient management and control of the cemetery. Such regulations shall be known as the Cemetery Regulations and attached as Schedule ‘A’ to this bylaw.
3.
 - a) Any person may purchase a plot in the Lestock Cemetery upon application to the RM Office and payment of the appropriate fees. \$800 for a plot and a \$100 maintenance fee.
 - b) The purchaser of a plot have the right to use the plot for the burial of human remains in accordance with the provisions of this bylaw and such Cemetery Regulations as may from time to time be in effect; and shall acquire no other rights whatsoever.
 - c) The purchaser of a plot or his legal representative may transfer the plot to a member of his family, or return the plot to the R.M.; both subject to compliance with such Cemetery Regulations as are then in effect.
 - d) The purchaser of a plot or his legal representative may not sell the plot to any other person.
 - e) The number and type of burials permitted in any one plot shall be 1 casket and 2 urns or 3 urns.
 - f) No person or organization may purchase more than two (2) plots without first obtaining Council’s approval.
 - g) The Administrator is hereby authorized and empowered to recover unused plots in accordance with the provisions of *The Cemeteries Act, 1999*.
4. No burial shall be permitted in the Kellross Cemetery unless the Administrator is in receipt of a burial permit therefor, issued pursuant to *The Vital Statistics Act, R.S.S. 2009* Chapter V-7.21.
5. No disinterment of remains shall be permitted from the cemetery except pursuant to the written order of the Minister of Health for Saskatchewan, or his designate. A permit is not required for the disinterment of:
 - a) remains to another location within the cemetery or to another cemetery; or
 - b) remains to another location within the cemetery.

6.
 - a) No burial or disinterment will be permitted unless proper notice as specified in the Cemetery Regulations has been given, and the appropriate fees and charges have been paid.
 - b) All burials and disinterment's shall be carried out in accordance with the Cemetery Regulations then in effect, and shall be subject to the supervision and direction of the Administrator.
 - c) All burials require a permit with Bylaw attached.
7.
 - a) No person shall place, erect, plant or remove from any grave, a monument, marker, planting or object of any kind, except in accordance with the Cemetery Regulations.
 - b) The Administrator shall have the authority to remove any article or planting placed, erected, or planted on any grave when the same is not in accordance with the Cemetery Regulations or when the same is objectionable.
 - c) Existing grave covers in derelict condition shall be removed.
8.
 - a) The RM shall not be liable for the loss of or damage to any monument or marker, or other or planting located in the cemetery.
 - b) The RM reserves the right to permanently move or remove any monument or marker from any grave.
 - c) The RM reserves the right to temporarily move or remove any monument or marker for the purposes of performing necessary maintenance and/or for opening graves.
 - d) No grave covers shall be allowed in the future.
9. Advertising in the cemetery shall be as approved by the Administrator.
10. No children under the age of fourteen years will be permitted in the cemetery, unless accompanied by an adult.
11. No person shall engage in or carry on any game, sport or other activity, or operate any motor vehicle, or bring an animal within a cemetery except in accordance with the Cemetery Regulations.
12. Any notice required by this bylaw or the Cemetery Regulations to be given to any person shall be deemed sufficient if in writing and mailed postpaid to the last known address of such person as entered on the records of the municipality.
13. A person who contravenes any provision of this bylaw is guilty of an offence and upon summary conviction is liable to a fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars.
14.
 - a) Grave digging shall be the responsibility of the family or designate.
 - b) All Mechanical Contractors are to be licensed with the RM and must have valid Liability Insurance.
 - c) When covering the grave with dirt, it must be leveled down to the surface.
15. This bylaw shall come into force and take effect on _____.
16. Bylaw No. 2021-01 is Hereby Repealed.

Reeve

(Seal)

Administrator

First Reading: _____

Second Reading: _____

Read a Third Time and adopted
This _____ day of _____, 20 ____.

Administrator

Cemetery Regulations

Short Title

1. These regulations may be cited as the *Cemetery Regulations*.

Purpose

2. The purpose of these Regulations is to provide for the efficient management, regulation and control of the Lestock Municipal Cemetery.

Definitions

3. In these Regulations:

- a) “authorized decision-maker” means an authorized decision-maker within the meaning of *The Funeral and Cremation Services Act*, S.s. 1999, c. F-23-3;
- b) “Administrator” means the Administrator of the RM of Kellross No. 247 or his/her designate;
- c) “casket” means a rigid container designed for the encasement of a body for interment, entombment or cremation and usually constructed of wood or metal, also referred to as a coffin;
- d) “*The Cemeteries Act*” means *The Cemeteries Act*, 1999, S.S. 1999, c. C-4.01;
- e) “Cemetery” means the Lestock Cemetery unless otherwise specifically stated;
- f) “Cemetery Bylaw” means Bylaw No. 2021-01 being a bylaw of the RM of Kellross No. 247 to provide for the management and control of the Lestock Cemetery;
- g) “Council” means the Council of the RM of Kellross No. 247;
- h) “cremated human remains” means human bone fragments that remain after cremation, also, referred to as “cremated remains”, or “cremains”;
- i) “cremation” means the technical process of using heat to reduce human remains to bone fragments;
- j) “disinterment” means the removal of human remains or cremated human remains from a grave;
- k) “fixture” means any item that is attached to a monument including vases, statues, pictures, lanterns, metal rods or similar item;
- l) “flat marker” means a type of monument set flush with the ground with a flat and level surface upon which an inscription may be made or a bronze plaque affixed (plaque must be set flush with the ground);
- m) “grave” means a plot in a cemetery specifically designed and of sufficient size 4 feet x 10 feet to accommodate the in-ground interment of human remains or cremated human remains;
- n) “Holiday” means any of the following days: New Year’s Day, Family Day, Good Friday, Easter Munday, Victoria Day, Canada Day, Saskatchewan Day, Labor Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any day or part of a day proclaimed a public or civic holiday; and shall include any day which is ‘designated in lieu of one of the aforementioned days;
- o) “human remains” means a dead human body, but does not include cremated human remains;

- p) “interment” means the placement of human remains or cremated human remains in a grave;
- q) “interment rights” means a license granted by the RM to a person to allow the interment of human remains or cremated human remains in a designated grave, in accordance with these Regulations, the Bylaw and *The Cemeteries Act, 1999*;
- r) “License” means a person who has been granted the interment rights of one or more graves within a cemetery own by the Rural Municipality of Kellross No.2 47;
- s) “Monument” means a memorial structure with inscribe or attached lettering or artwork as a means of commemoration and made of granite, marble, bronze or other approved material;
- t) “person” includes a corporation or partnership;
- u) “Regulation” means these Cemetery Regulations;
- v) “Resident” means a person that resides in the Rural Municipality of Kellross No. 247 at the time of their passing;
- w) “RM” or “municipality” means the Rural Municipality of Kellross No. 247;
- x) “upright monument” means a monument projecting above the ground that is set upon a foundation, including pillow markers;
- y) “urn” means a container into which cremated remains are placed prior to interment, entombment or scattering.

Inscription Layout

4. Where a monument is marking more than one grave, it is the responsibility of the person making the application to ensure the monument’s inscription corresponds with the correct sides or location of the burials.

Vandalism

5. Monuments are placed in the cemetery at the risk of the Licensee of the grave or of the applicant. The RM accepts no responsibility for theft or damage resulting from vandalism. It shall be the responsibility of the plot holder to have proper insurance for headstones.

Maintenance of Monuments

6. The RM accepts no responsibility for degrading of the monuments or markers due to normal wear or deterioration. Minor chipping of the base portion of the monuments as a result of the turf mowing operation is considered normal wear.

Homemade Marker

7. Handcrafted (homemade) markers are not permitted without a foundation.

Matching Existing Monuments

8. Applications for monuments that do not comply with these regulations but would match an existing or previously installed monument shall not be approved.

Exemption and Exceptions

9. The Administrator may, at his/her discretion, and where special circumstances exit, make exceptions to the regulations with respect to monuments.

Upright Monuments

10.
 - a) Approved Materials
Granite and limestone are approved materials for upright monuments or parts thereof. Marble is approved only for parts of a monument such as vases and statues. Marble shall not be approved as a base.
 - b) Other Materials
No monument or part thereof containing wood, glass or plastic shall be approved. Other

materials requested for monuments or parts thereof are subject to prior approval by the RM and must be materials recognized as long-lasting and requiring no ongoing maintenance. The onus for testing and proving acceptability for a material shall be on the person making the application.

c) Only One Monument

Only one (1) monument shall be permitted on any grave or portion thereof and it is to be placed at the head of the grave as designated by the RM.

d) Monuments by Licensed Installer

Monuments shall be erected only by a licensed installer.

e) Old Monuments Must be Removed

Old monuments that are replaced, must be removed.

Flowers and Memorialization

Responsibility

11. All items placed in the Cemetery by the public shall be at their own risk. The RM accepts no responsibility for any damaged or missing items.

Permanent Items

12. Only approved monuments, markers or approved parts thereof are considered permanent items and are permitted to remain in the cemetery year-round.

Perennials, Trees and Shrubs

13. The RM reserves the sole right to plant and remove any perennial flowers, shrubs and trees and to landscape or carry out any improvements to the grounds.

At The Time of Interment

14. All types of flowers and other items are permitted on the gravel the day of the burial and shall be left for a period of thirty (30) calendar days following interment, or for a length of time to be determined by the Administrator. Any time after this period, the items shall be removed and disposed of by the Municipality.

Annual Flowers

15. a) From May 1 to October 31, the following guidelines apply:
 - 1) flowers in containers that are not part of the approved monument shall be removed and disposed of, however, Cemetery staff shall not remove flowers placed in vases that are part of an approved monument;
 - 2) any artificial flowers, potted plants, perennials, lawn-edging, non-natural/such items, which includes but not limited to the following: solar lights, chimes, rocks, stepping stones or other decorative items that are not part of the approved monument shall be removed and disposed of by the Municipality; and
 - 3) all other items placed on a grave, monument or foundation are considered temporary and shall be removed and disposed of monthly by the Municipality.
- b) From November 1 to April 30, the following guidelines apply:
 - 1) all vases in the flat marker sections must be inverted by family members / friends of deceased. The RM assumes no responsibility for missing or damaged vases or flowers; and
 - 2) all items placed at graves shall be removed only as needed to accommodate interments or if deemed hazardous, excessive, or inappropriate by the Municipality.

Decorative Elements

16. a) To reserve the proper appearance of the Cemetery, the RM may remove any memorial or memorialization when it is objectionable, or its removal is otherwise considered necessary by the RM. For clarity, non-natural items, include but not limited to the following: solar lights, chimes, rocks, stepping stones, flags, poles, or other decorative elements that are not permanent would be objectionable.

b) The Municipality shall not be responsible for any loss occasioned by any person as a result of the removal of the memorial or memorialization, or the failure of the Licensee or authorized decision maker or any other party to claim a removed memorial or memorialization.

Most Restrictive Provision Prevail

17. Where there is a conflict between the provisions of the Bylaw and the provisions of these regulations or any other legislation, the most restrictive provision shall prevail.