

**TOWN OF MAIDSTONE**

**BYLAW NO. 2006-09A**

**A BYLAW OF THE TOWN OF MAIDSTONE TO REGULATE THE USE AND CONTROL OF THE MAIDSTONE CEMETERY**

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

1. This Bylaw may be cited as **The Cemeteries Bylaw**.

2. **DEFINITIONS:**

- a) **"CEMETERY"** – shall mean land within the Rural Municipality of Eldon No. 471 set apart for or used as the place for the interment of the dead or in which human bodies have been buried, being the Southeast corner of Section 47, Township 47, Range 23, W3.
- b) **"LOT"** – shall mean a parcel of land in the cemetery which is comprised of two or more plots and is to be utilized solely for the interment of human remains or ashes.
- c) **"PLOT"** – shall mean a subdivision of land for the purpose of a single burial in the cemetery as shown on the municipal plan thereof.
- d) **"COUNCIL"** – shall mean the council of the Town of Maidstone, Saskatchewan.
- e) **"ADMINISTRATOR"** – shall mean the Administrator for the Town of Maidstone, Saskatchewan.
- f) **"CARETAKER"** – shall mean the person or persons responsible for the care and maintenance of the cemetery.
- g) **"MONUMENT"** – shall mean any tombstone or other structure in the cemetery erected on any lot for memorial purposes that shall extend above the surface of the ground.
- h) **"MARKER"** – shall mean a memorial of granite, marble or bronze finish that is flush with the ground.
- i) **"BASE"** – shall mean the bottom part or lower portion of a monument.
- j) **"LICENSEE"** – shall mean the person who purchases a plot or lots in the cemetery.
- k) **"RESERVED"** – shall mean reserved in the name of the person or persons who purchased a license.
- l) **"CREMATED REMAINS"** – shall mean the ashes of a cremated human body.

3. **GENERAL RULES:**

- a) All persons visiting the cemetery shall conduct themselves in a quiet and orderly manner.
- b) No person shall turn loose or allow to go at large or feed any cattle, swine, horses, dogs or any other animal in the cemetery.

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- c) Persons visiting the cemetery shall use only the avenues, roads, walks, and alleys and no one is permitted to walk upon or cross lots or plots unless it is necessary to do so to gain access to one's own lot or plot. The cemetery expressly disclaims liability for an injuries sustained by anyone violating this rule.
- d) Motor vehicles in the cemetery shall travel only on roadways provided for that purpose and shall not travel at a greater speed than 10 miles an hour.
- e) Children under the age of 15 years are not permitted within the cemetery or its building unless accompanied by proper persons or an adult to take care of them.
- f) Rubbish is to be placed in the receptacles provided. Throwing rubbish on the drives, paths, or any part of the grounds or building is prohibited.

#### 4. LOTS/PLOTS AND OWNERS:

- a) The municipality may grant a license to any person for the exclusive use by him, his heir, his executor or administrator of any lot or plot. This said license shall be issued subject to all provisions of this Bylaw and any amendments thereto passed from time to time by Council.
- b) The fee for the said license and all charges for work done at the cemetery shall be in accordance with the rates set out in Schedule "A" of this Bylaw.
- c) A license for the use of a lot/plot issued hereunder may be transferred between immediate family members only.
- d) Lots/Plots will be sold in consecutive order in the new portion of the cemetery.
- e) No refund will be given to lots or plots that have been reserved for a period of 10 years or more.
- f) Lots or plots shall be used solely for the internment of human remains or ashes.
- g) The Council distinctly disclaims all responsibility for loss or damage of any kind.
- h) It is the duty of the licensee to notify the municipality of any changes in his/her post office address.

#### 5. INTERMENTS AND DISINTERMENTS:

- a) No internment shall be made in the cemetery unless and until the following provisions have been complied with:
  - (i) The Public Health Act & Regulations
  - (ii) The Vital Statistics Act & Regulations
  - (iii) This Bylaw.
- b) Payment of any and all indebtedness due to the cemetery must be made before any internment will be made.
- c) The cremated ashes of 4 bodies shall be allowed in standard size plots providing all 4 markers are flush with the ground.
- d) The cremated ashes of 2 bodies shall be allowed in cremation size plots providing all 2 markers are flush with the ground.
- e) Subject to subsection c) hereof, a maximum of two urns of ashes may be interred in any standard size plot with an existing full sized burial.

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- f) No grave shall be less than 6 feet in depth from the surface of the surrounding ground. Other shells of fiberglass, wood, steel or concrete must be utilized for all internment's. This does not apply to the internment of ashes.
- g) No interments shall be permitted in the cemetery unless a proper burial certificate is produced by the party applying for the burial.
- h) Notice that the internment is to take place shall be given to the caretaker or the Administrator as follows:
  - 36 hours notice from November 1<sup>st</sup> to April 30<sup>th</sup>.
  - 24 hours notice from May 1<sup>st</sup> to October 31<sup>st</sup>.Exception will be to a person who dies of a communicable disease.
- i) Whenever outer cases for coffins or caskets are used for burial, such outer cases shall be at the cemetery at least 4 hours before the time set for internment so as to give a correct idea of the size of the grave required. The cases shall be at the cemetery before noon of the day preceding each Sunday or holiday.
- j) Graves shall be dug and internments made only by persons employed by the Council and no person or persons not under the control or employment of the caretaker shall open any grave for the purpose of interring or removing a body.
- k) No person shall disinter or remove a body from any lot or plot without first obtaining a written order from the licensee of such lot and a permit for such disinterment or removal from the Provincial Medical Health Officer.

6. **BURIAL OF DESTITUTE PERSONS OR UNCLAIMED BODIES:**

- a) At the request of the Minister of Social Services or the Minister of Public Health, the Town of Maidstone shall furnish graves in the cemetery without charge for the dead of indigent poor of any denomination. The burial shall take place in single graves as designated by the Administrator and there shall be no choice as to the location of the grave plot.

7. **MONUMENTS AND MARKERS:**

- a) All monuments and markers in the cemetery will be set at the head of the grave. The base for the headstones must be 4 inches wider around all side of the headstones and 5 inches thick and level with the ground.
- b) **There shall be no grave covers permitted.**
- c) On a regular grave plot, a maximum of one monument and one flat marker are permitted.
- d) On a cremation lot, 2 flat markers will be permitted.

8. **CORRECTION OF ERRORS:**

- a) The Council or any official thereof shall not be responsible for mistakes resulting from lack of precise or proper instructions regarding the grave space on a lot or plot where an internment is to be or has been made.

9. **MAINTENANCE AND CARE OF CEMETERY:**

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- a) To obtain the best landscaping effects, it is essential that the Council shall assume the general care of the entire cemetery. All grave lots in the cemetery shall be entitled to basic maintenance and care which includes leveling of the ground and cutting of grass as required. It shall not include the maintenance, repair, or replacement of monuments or markers.
- b) A licensee desiring additional care of their lot or plot, may arrange for such care by contacting the Administrator who will obtain an estimate of the cost of the work desired.
- c) The caretaker shall from time to time, report to the Council and Licensee on the condition of a monument or marker which is in disrepair and it shall be the duty of the owner of such monument or marker to repair same, without delay, to the satisfaction of the Caretaker.
- d) Whenever any owner of a monument or marker neglects to make the required alterations, after being given due notice by the caretaker, shall allow a period of 30 days to lapse after which time he shall have the power to remove such monument or marker and charge the cost thereof to the licensee which may be recovered as a debt from the licensee to the municipality.
- e) No border, fence, railing, trellis, coping, hedge, grave covers, or any other bounding or enclosing object shall be constructed, placed or planted in or around any lot other than for the purpose of operating the cemetery as authorized by council.
- f) Borders, fences, railings, trellises, copings, hedges or grave covers of any kind erected previous to the passing of this Bylaw may be removed by the Caretaker if by reason of neglect or age, it becomes in a state of disrepair and the licensee neglects or refuses to repair or remove the same within 30 days after a notice has been forwarded to him at his last known address.
- g) Borders, fences, railings, trellises, copings, hedges, or grave covers of any kind in or around the lot or plot in existence previous to the passing of this Bylaw will be removed free of charge by the municipality upon request by the licensee.
- h) The caretaker shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in the judgment of the Caretaker, they become unsightly, dangerous, detrimental or diseased. After 14 days all flowers are to be removed.

10. **PLANTS AND SHRUBS:**

- a) The caretaker shall not be responsible for frozen plants or herbage of any kind, or for plants damaged by the elements, thieves, vandals, or by other causes beyond his control.
- b) No tree or shrub shall be planted in the cemetery except with the permission of the caretaker. If any tree, shrub or plant situated on any lot or plot or part thereof shall, in the opinion of the caretaker become by means of its roots or branches in any way detrimental to any adjacent lot or plot, path or driveway, or to the general appearance of the cemetery or driveway, or dangerous or inconvenient to the public, the caretaker shall have the power to remove any such tree, shrub, or plant or parts thereof.
- c) No trees or shrubs located on any grave or lot shall be cut down or trimmed except by permission of the caretaker.

11. **GENERAL:**

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- a) No employee of the Town of Maidstone or Contractor employed by the Town shall accept any money or reward in connection with cemetery services.
- b) Subject to the provisions of The Cemeteries Act, any matters respecting burials or cemeteries not otherwise dealt with in this bylaw shall be dealt with by the Administrator in the manner that he/she deems most appropriate, having regard for the appearance of the cemetery and the scope of this bylaw.

12. ENFORCEMENT OF RULES:

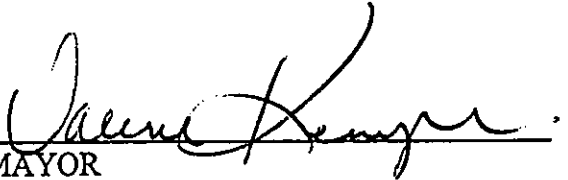
- a) The caretaker is hereby empowered to enforce all rules and regulations and to exclude from the cemetery any person violating same. The caretaker shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, lot and plot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

13. INFRACTIONS OF THE BYLAW:

Any person guilty of a violation of any provisions of this bylaw, shall be liable to the penalty set in the Town's General Penalty Bylaw.

14. REPEAL BYLAW:

- a) Bylaw 22-98 is here repealed.

  
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 MAYOR

  
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 ADMINISTRATOR

(SEAL)  
 CERTIFIED A TRUE COPY OF  
 BYLAW 2006-09A PASSED IN  
 COUNCIL THIS 1  
 DAY OF August 2006  
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