

# TOWN OF BIGGAR

## BYLAW NO. 18-805

### A BYLAW OF THE TOWN OF BIGGAR TO PROVIDE FOR THE CONTROL AND TO REGULATE THE OPERATION OF THE BIGGAR CEMETERY

The Council of the Town of Biggar enacts as follows:

#### I. DEFINITIONS

1. This Bylaw may be cited as “The Cemetery Bylaw”.
2.
  - a) **Cemetery:** Means land within the Town of Biggar set apart for use as a place for the interment of the dead or in which human bodies have been buried.
  - b) **Town:** Means the Town of Biggar.
  - c) **Columbarium:** Means a structure or building in a cemetery designated for the purpose of storing or interring cremated human remains in compartments or niches.
  - d) **Recreation Director:** Means the Director of the Recreation Department for the Town of Biggar or any person acting under their instructions.
  - e) **Licensee:** Means a person or persons who purchase a grave lot or lots and/or columbarium niche or niches in the cemetery.
  - f) **Monument:** Means a structure in the cemetery erected or constructed on a lot or lots as a memorial to the dead.
  - g) **Administrator:** Means the Chief Administrative Officer (CAO) for the Town of Biggar.
  - h) **Cemetery Committee:** Means a committee appointed by the Council of the Town of Biggar.
  - i) **Niche:** Means each individual compartment (12”x12”x14”) in a columbarium to be used for the interment of up to two (2) urns of cremated human remains.
  - j) **Perpetual Care:** Means the levelling of the ground of each lot, seeding 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 markers, tombstones, monuments or other like structures except as specifically provided by this Bylaw.
  - k) **Caretaker:** Means a person or persons appointed or hired by Council to maintain the Cemetery.
  - l) **Owner:** Means a person, a person’s heirs, executors or administrators who purchase a grave lot(s) in the Cemetery.
  - m) **Vault/Dome:** Means a structural enclosure designed to cover a casket and made of concrete, steel or fibreglass and used to prevent the sinking of graves.

## II. GENERAL REGULATIONS

1. The Town may grant a license to any person for the exclusive use of any lot. The said license shall be subject to all provisions of this Bylaw and any amendments or regulations passed from time to time by the Council of the Town.
2. The license fee and all other charges for work done or service rendered shall be in accordance with the Cemetery Fee Schedule, attached and identified as **Schedule “A”** and **Schedule “B”** forming a part of this Bylaw.
3. Lots shall not be resold and may only be transferred to an immediate family member of the licensee by the licensee or their designate.
4. A licensee or their designate may surrender their license to the Town for any unused lot. A request to surrender a license must be made in writing to the Town and must include the original receipt of purchase. The Town will refund to the original licensee the original purchase price of the license less a transfer fee of 50% of the original purchase price.
5. No grave lot shall be used for any other purpose than for the burial of the human dead.
6. No person shall bury any dead body in the cemetery until such person shall have complied with the provisions of *The Public Health Act, The Vital Statistics Act, 2009 and The Cemeteries Act, 1994* of the Province of Saskatchewan and with any regulations issued thereunder and as amended from time to time.
7. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
8. Persons within the cemetery shall use only the avenues, road walks, and alleys.
9. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild, or cultivated, breaking, or injuring any tree, shrub or plants, or from writing upon, defacing, or injuring any memorial, fence or other structure within the cemetery grounds.
10. Motor cars and vehicles in the cemetery shall travel only on the roadways provided for that purpose and shall not travel at a greater rate of speed than fifteen (15) kilometres per hour.
11. No animals, except service dogs shall be allowed within the cemetery.
12. Owners of grave lots shall be entitled to have them kept in proper order by the Town upon paying the amount required pursuant to **Schedule “A”** and **Schedule “B”** attached hereto.
13. The Town reserves the right to temporarily suspend or modify any regulations where literal interpretation may appear to create undue or unnecessary hardship.
14. The Town reserves the right to limit the number of services in any given morning or afternoon, so that the number of interments does not impact the Town’s commitment to fulfill the obligations of any interment.
15. During the period from October 15 to April 15, forty-eight (48) hours notice, two business days, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to the Town before an interment or disinterment takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.

16. During the period from April 16 to October 14, thirty-six (36) hours notice, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to the Town before an interment or disinterment takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.

### **III. INTERMENTS**

1. The Town of Biggar will open and close all graves and niches at the Town of Biggar Cemetery.
2. No interment of two or more bodies shall be made in one grave lot, except in the case of mother and child or two infants buried in one casket.
3. No interment of more than three cremated bodies shall be made in one grave lot or no more than three cremated bodies with one human being in one grave lot with the human body being the first burial in the grave plot.
4. In all cases, the interments of cremated bodies shall be made in the centre of the grave lot with the first and subsequent cremations to be placed as per the attached **Schedule "C"**.
5. No grave shall be less than 1.83 meters (6 feet) in depth from the surface of the ground. No grave for cremains shall be less than 0.61 meters (2 feet) in depth from the surface of the ground.
6. No person other than a qualified funeral director shall have charge of the interment of any human body.
7. Whenever a grave lot or lots is held jointly by two or more parties, authority for interment in such grave lot(s) or any part thereof, will be accepted by the Town of Biggar from any one of the said parties or their executors or agents.
8. No interments of a human body shall be permitted in the cemetery unless a burial permit is provided by the individual applying for the burial.
9. No interments of a cremated body shall be permitted in the cemetery unless a copy of the cremation certificate is provided by the individual applying for the burial.
10. The closing of a cremation grave may be done by someone other than the Town of Biggar provided written acknowledgment of responsibility is filed at the Town office.

### **IV. DISINTERMENTS**

1. The disinterment of human remains, other than of cremated remains, shall be permitted by order of the Chief Coroner or upon issuance of a disinterment permit from the Minister of Health or his/her designate issued pursuant to an application under *The Public Health Act, 1994* and payment of the required fees as set out in **Schedule "A"**.
2. A person making an application shall ensure that a funeral home representative is present during the disinterment for the handling and transportation of the human remains. All handling of liners, casket or remains are the responsibility of the funeral home representative.
3. The disinterment of cremated human remains shall be permitted only upon written request from the Licensee of the lot in question or his heirs, executors or assigns.

4. Whenever the remains are disinterred, the grave space or spaces so vacated shall be reverted to the Town.

**V. CARE OF GRAVES**

1. The Town of Biggar shall assume the general care of the entire cemetery. The Licensee of a grave lot shall observe all rules and regulations passed from time to time by Town Council for keeping the grave lots in order.
2. No benches, borders, fences, railings, trellises, copings, hedges, grave covers, concrete or stone corners, iron posts or solar lights shall be placed, constructed or planted in or around any grave lot. Solar lights and flower vases may be placed on the cement pad.
3. The Town shall have the authority to remove all benches, borders, fences, railings, trellises, copings, hedges, grave covers, concrete or stone corners, iron posts, solar lights, floral designs, flowers, trees, shrubs, plants or herbage of any kind from, on or around a plot.

**VI. MONUMENTS AND MARKERS**

1. All monument providers must obtain a permit from the Town of Biggar prior to installing headstones or markers in the Cemetery.
2. All monuments and markers shall be constructed of granite, marble, bronze or U.V. stabilized polyethylene. Other materials requested for monuments are subject to prior approval of the Administrator of the Town of Biggar or any person acting under their instructions.
3. One or more monument or markers may be placed on the cement pad at the head of the grave lot only, provided they all fit neatly within the space provided for the said lot and shall leave space of at least fifteen 5.08 cm (2 in ) wider and fifteen 15cm (6 in) longer than the monument or marker.
4. In the newest area of the Town of Biggar Cemetery located east of the stone building, the monuments shall be no more than 91.44 cm (36 in) in height.
5. All upright monuments must be set upon a cement pad at the head of a grave lot and shall be in a straight line in accordance with other monuments.
6. No granite or marble monument or marker shall be erected except on a concrete foundation of a thickness of ten (10) to fifteen (15) centimetres (4 -6 inches). The foundation shall be reinforced with steel bars or steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension at least fifteen 5.08 cm (2 in) wider and fifteen (15) cm (6 inches) longer than the base of the monument.
7. Monuments and markers made of U.V. stabilized polyethylene shall include an U. V. stabilized polyethylene base of a dimension at least fifteen 5.08 cm (2 in) wider and fifteen 15 cm (6 in) longer than the monument or marker and placed level with the ground surrounding the grave lot.
8. In the sections of the cemeteries where the Town has provided a concrete foundation, granite, marble or U.V. stabilized polyethylene monuments or markers may be erected without a foundation.
9. No monument, markers or any alterations shall be constructed or erected in the cemetery without prior permission by application (**Schedule “D”**) to the Town of

Biggar for a Cemetery Monument Permit (**Schedule “E”**) as attached hereto and forming a part of this Bylaw.

10. Grave covers of any type or description and of any material shall not be permitted.
11. The Town of Biggar will not be held responsible or liable for any monument damages or repairs required due to improper installation of the above noted monument.
12. All plaques or markers for cremains that are buried must be placed at the head of the grave and not where the cremains are interred.

#### **VII. TREES, SHRUBS, FLOWERS AND OTHER ITEMS**

1. No person shall plant any trees, shrubs or any vegetation or do work of any kind in the cemetery.
2. All items placed in the cemetery by the public shall be at their own risk. The Town will not accept responsibility for damaged or missing items.
3. The placing of flowers and wreaths shall be allowed only in receptacles which are affixed to the monument or monument pad excepting that flowers, wreaths and other items are permitted to be placed on the grave the day of the burial and left for a period of seven calendar days after which the flowers, wreaths and other items will be removed and disposed of.
4. Any other items placed on a grave, flowerbed; or concrete foundation are considered temporary and will be removed and disposed of weekly.

#### **VIII. INTERMENT OF INDIGENT PERSONS**

1. The Town shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the Town is instructed to provide interment rights free of charge pursuant to the provisions of *The Cemeteries Act, 1999* and any regulations' thereto addressing the interment of indigent persons.

#### **IX. MAPS, PLANS AND RECORDS**

1. All grave lots shall be described according to a Plan of Record in the Town Office. Suitable books of record shall be kept in the Town Office to record the description of each lot in the cemetery, together with the name and address of the owner thereof, and such other records shall be kept to give a complete record of all business transacted in connection with the cemetery. The records of the cemetery shall be open to inspection during regular office hours.
2. The town shall have maps prepared of the cemetery indicating thereon the owners of each grave lot in the cemetery, such maps to show the grave lots that are occupied and the grave lots that are reserved.

#### **X. INDEMNITY**

1. The Town or any official thereof shall not be held responsible for any mistakes resulting from lack of precise or proper instructions regarding the grave space where an interment is to be or has been made. Any additional costs incurred by the Town to correct such errors will be charged out based on actual costs incurred by the Town.

2. The Town shall indemnify and save harmless each of its employees and servants, from all liability, claims and causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in the performance of his or her duties or services hereunder, provided the same have been carried out in good faith.

**XI. PENALTY**

1. Any person guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction to the penalties prescribed by the General Penalty Bylaw of the Town of Biggar.

**XII. REPEAL**

Bylaw No. 17-793 is hereby repealed.

This Bylaw shall come into full force and take effect July 17, 2018.

Read a first time this 17<sup>th</sup> day of July, A.D., 2018.

Read a second time this 17<sup>th</sup> day of July, A.D., 2018.

Read a third time and adopted this 17<sup>th</sup> day of July, A.D., 2018.

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Mayor

S E A L

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Chief Administrative Officer

**SCHEDULE "A"**

**PLOT FEES**

**1. LOT PRICES**

- (1) Rate for One Lot..... \$500.00  
(\$50.00 will go to the Perpetual Care Fund)
- (2) Rate for Common Grave for Stillbirth..... \$ 25.00

**2. OPENING AND CLOSING (May 1 – Oct 31)**

- (1) Single Grave ..... \$ 400.00
- (2) Common Grave for Stillbirth..... \$ 100.00
- (3) Charges for Disinterment..... \$1,000.00
- (4) Charges for Cremation Grave ..... \$ 200.00  
(this fee will not be reduced if closed by another party, Section III (10))

**3. OPENING AND CLOSING (Nov 1 – Apr 30)**

- (1) Single Grave..... \$ 500.00
- (2) Common Grave for Stillbirth.....\$ 200.00
- (3) Charges for Disinterment..... \$1,000.00
- (4) Charges for Cremation Grave..... \$ 250.00  
(this fee will not be reduced if closed by another party, Section III (10))

*Any items impeding the digging of the grave must be removed by the family prior to the opening and closing of the grave.*

**4. OTHER CHARGES**

- (1) Extra cost for funerals on Saturdays, Sundays, Civic or Statutory Holidays or the days observed by the Municipality for any Federal or Provincial statutory holiday or civic holiday unless necessitated by Federal or Provincial regulations..... \$200.00
- (2) Extra labour cost for special circumstances such as moving fences, bricks, rocks, grave covers etc. The Town will not be responsible for any damage to said items..... \$100.00

**5. CEMETERY MONUMENT PERMITS**

- (1) Cemetery Monument Permit Fee..... \$ 10.00

\*\*\* All prices above are subject to GST \*\*\*\*

**SCHEDULE "B"**

**COLUMBARIUM FEES**

**1. NICHE PRICES (Includes Permit and Name Plaque)**

Row 1 (Top) .....	\$1,500.00
Row 2 .....	\$1,350.00
Row 3 .....	\$1,350.00
Row 4 (Bottom) .....	\$1,200.00

**2. MEMORY WALL PRICES**

Bronze Plaque .....	\$300.00
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**3. OPENING AND CLOSING WEEKDAYS**

May 1 – October 31 .....	\$50.00
November 1 – April 30 .....	\$100.00

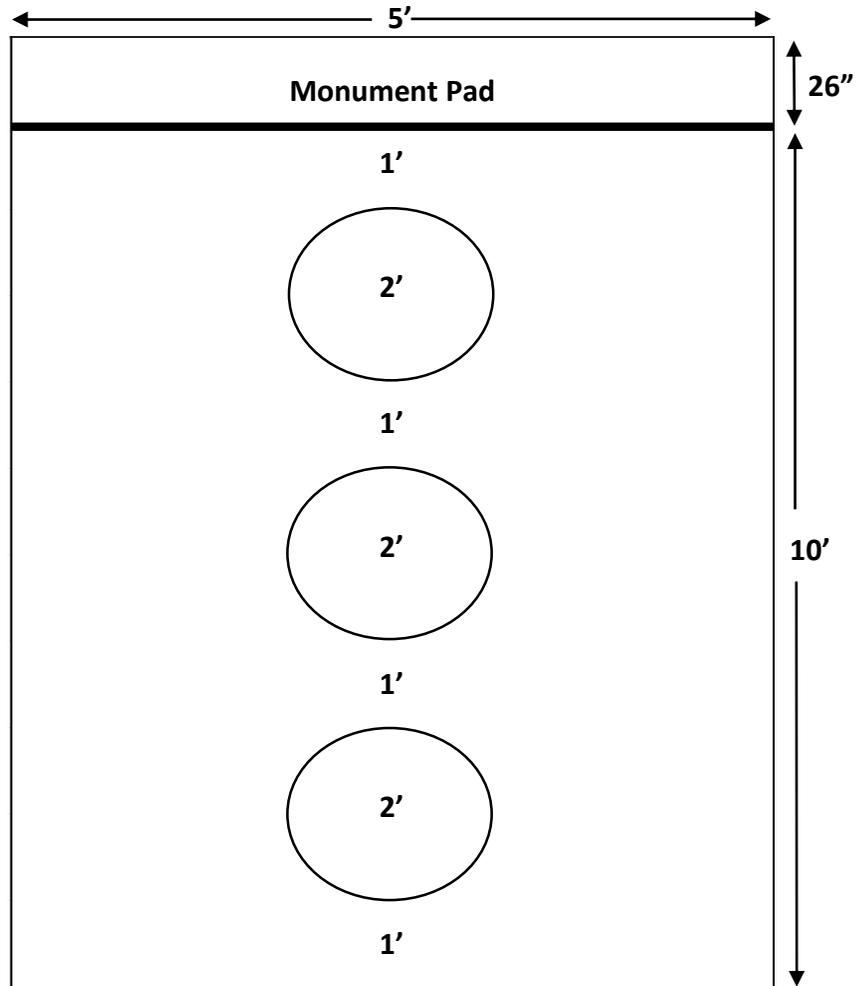
**4. OTHER CHARGES**

Costs for opening and closing after work hours, on Saturdays, Sundays, Civic or Statutory Holidays or the days observed by the Municipality for any Federal or Provincial statutory holiday or civic holiday unless necessitated by Federal or Provincial regulations.....	\$150.00
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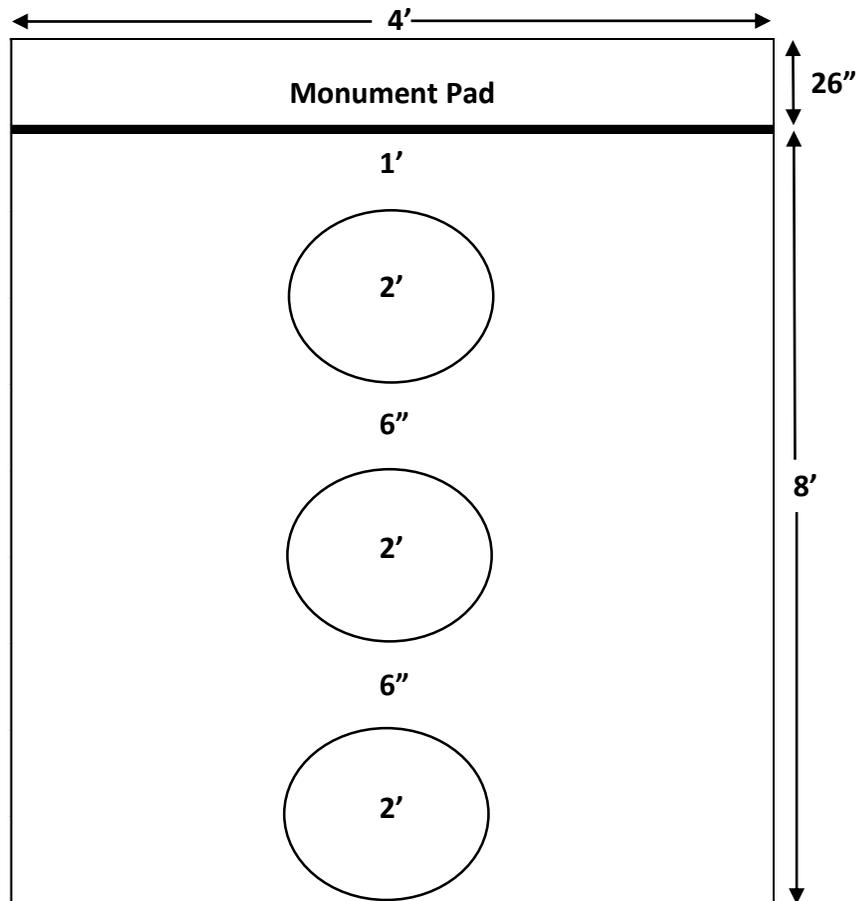
\*\*\* All prices above are subject to GST \*\*\*\*\*

**SCHEDULE "C"**

**New Cemetery Section:**



**Old Cemetery Section:**



SCHEDULE "D"



**APPLICATION FOR  
CEMETERY  
MONUMENT PERMIT**

**NAME OF APPLICANT:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**NAME OF DECEASED:** \_\_\_\_\_

**LOCATION:**      **Plot** \_\_\_\_\_      **Block** \_\_\_\_\_      **Section** \_\_\_\_\_

**Description of Work to be done:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Have relatives granted permission for above work?**       Yes       No

**Applicant relationship to deceased:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**FOR OFFICE USE ONLY**

**Fee:** \$ \_\_\_\_\_

**Paid:**       Yes       No



SCHEDULE "F"



**CEMETERY  
COLUMBARIUM  
LICENSE**

**Columbarium Niche & Bronze Plaque Information:**

NAME (ON LEFT SIDE): \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ (M) / \_\_\_\_\_ (D) / \_\_\_\_\_ (Year)

DATE OF DEATH: \_\_\_\_\_ (M) / \_\_\_\_\_ (D) / \_\_\_\_\_ (Year)

NAME (ON RIGHT SIDE): \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ (M) / \_\_\_\_\_ (D) / \_\_\_\_\_ (Year)

DATE OF DEATH: \_\_\_\_\_ (M) / \_\_\_\_\_ (D) / \_\_\_\_\_ (Year)

LOCATION: Columbarium/Section # \_\_\_\_\_ Side/Block: \_\_\_\_\_ Niche/Plot : \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Fee: \$ \_\_\_\_\_

Paid:  Yes  No

Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_