

CITY OF WEYBURN

BYLAW NO. 2012-3246

M-11 (a)

**A BYLAW TO AMEND BYLAW 2005-3061
RESPECTING THE OPERATION OF HILLCREST CEMETERY**

The Council of the City of Weyburn, in the Province of Saskatchewan, enacts as follows:

1. This bylaw shall be known as the "Cemetery Bylaw".
2. In this Bylaw:
 - a) "Administrator" shall mean the Parks Coordinator of the City of Weyburn or a designate or any other person appointed by Council.
 - b) "Cemetery" shall mean Hillcrest Cemetery located in the SE¼ Section 17-8-14-W2nd.
 - c) "City" shall mean the City of Weyburn.
 - d) "Cremains" shall mean the ashes of a cremated human body.
 - e) "Deepened Grave" shall mean a Lot that is dug to a minimum depth of two and one-half (2.5) metres to accommodate the burial of not more than two bodies.
 - f) "Grave/Lot/Plot" shall mean a parcel of land in the Cemetery for which a License may be purchased for the interment of human remains or ashes.
 - g) "License" shall mean a permit provided by the City to an individual with respect to a Plot for the purpose of a single traditional interment in a Plot as provided for herein or for the burial of not more than two Cremains in a Plot as provided for herein.
 - h) "Licensee" shall mean the holder, the heir, executor, administrator, or transferee of the License.
 - i) "Monument" shall mean a tombstone or other structure in the Cemetery erected or constructed on any Plot for memorial purposes.
 - j) "Perpetual Care" shall mean perpetual care as defined by the Cemeteries Act.
 - k) "Traditional Interment" shall mean the interment of the non-cremated remains of the deceased in the ground.

All other terms shall have the meaning as defined in "The Cemeteries Act".

3. **Graves and Lots**

- a) The City may grant a License to any person for the exclusive use of a Grave or Graves. The 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 License fee and all charges for work done or services rendered at Hillcrest Cemetery shall be in accordance with the fees, rates, and charges as set forth in Schedule "A" annexed hereto and forming part of this Bylaw or as the Schedule "A" may be amended from time to time by Council.
- c) All Licenses shall be subject to Perpetual Care by the City, and the fee for said License shall be deemed to include a fee for Perpetual Care.
- d) All unused Graves in the "old section" shall be included in the Perpetual

Care program and payment of the fee as established in Schedule "A" shall be paid at the time of use and shall be in addition to any other fees payable.

- e) All Lots for Traditional Interments shall be five (5) feet wide by ten (10) feet long.
- f) Lots for cremation and stillbirth interments shall be thirty (30) inches long by forty (40) inches wide.
- g) It shall be the responsibility of the Licensee to maintain a current address for service in the office of the Administrator.

4. **Surrender of License**

- a) Every transfer of any License for a Cemetery Lot subsequent to the original sale thereof shall be made by the Licensee thereof giving to the Administrator a written notice containing a description of the Lot, the date of the sale, and the name and address of the transferee. Upon receipt of such notice and payment of a fee of ten dollars (\$10.00), the Administrator shall forthwith enter in the register the date of the transfer and the name and address of the transferee.
- b) Whenever human remains in a Lot are removed from the Cemetery, the License to the Lot so vacated may be sold back to the City, and the City shall refund to the Licensee the amount paid for the License less ten dollars (\$10.00) per Lot. However, if human remains are transferred from one Lot to another Lot within the Cemetery the original price paid for the License may be applied toward the cost of the purchase of a License for the new Lot or the cost of the disinterment as set out in Schedule "A" of this Bylaw.
- c) The City will buy back any License in the Cemetery subject to the approval of the Administrator and any such License shall be bought at the original price paid for the License less ten dollars (\$10.00) per Lot except that Lots in the "Old Section" shall be exempt from the administrative charge.

5. **Interment and Disinterment**

- a) All fees for opening and closing in accordance with Schedule "A", payable to the City by the Licensee of the Grave or the legal representative of the Licensee, are due at the time of opening and closing and shall be deemed to be in arrears thirty (30) days after that date.
- b) At least forty-eight (48) hours notice shall be given to the Administrator before the proposed time of interment. This provision as to notice shall not apply in the case of interment of a person who has died from a communicable disease.
- c) Graves for Traditional Interments shall be at least two (2) metres in depth from the surface of the ground surrounding the Grave except in the case of stillbirth interments which shall be of sufficient depth to allow at least one (1) metre of cover over the coffin or receptacle.
- d) Outer shells of fiberglass, steel, or concrete must be utilized for all traditional interments.
- e) Graves for cremated remains shall be at least seventy (70) centimeters in depth from the surface of the ground surrounding the Grave.
- f) Disinterment shall only be permitted upon the production of the written permission of the Minister of Public Health issued pursuant to an application under the Public Health Act, and upon the payment of the appropriate fee as set out in Schedule "A".
- g) No disinterment shall be carried out between November 1 and May 31 unless authorized by the Attorney General of the Province of Saskatchewan.

The proposed time of disinterment shall, subject to the provisions of any order of the Minister of Public Health or the Attorney General of the Province, be subject to the consent of the Administrator.

- h) Prior to any interment, any person arranging for the interment in any Grave in the Cemetery shall provide the following to the City:
 - i) A Burial Permit issued by the properly authorized officer of the Provincial Government;
 - ii) In the case of Cremains, a copy of the cremation certificate issued by the crematorium; and
 - iii) An application for a License completed with the necessary information and signed by the Licensee of the Grave or the legal representative of the Licensee.
- i) Saturday interments are subject to a supplemental charge as set out in Schedule "A" in addition to any other fees.
- j) The City may postpone any interment in the event of severe weather which makes the Cemetery impassable and ties up City equipment.
- k) Cremated remains of a family member may be interred in the same grave where a traditional interment has taken place subject to the following:
 - i) a new license must be purchased for the cremains and all fees paid as set out in Schedule "A".
 - l) Opening and closing of graves shall be carried out only by City staff using City owned equipment with the exception of cremation burials conducted during normal off duty hours in which case two pails of dirt may be left for the funeral director or family to backfill.
 - i) the foregoing shall not prevent the City from hiring an outside contractor in the event City personnel and equipment are not available.

6. **Indigent Burials**

- a) At the request of the Minister of Social Services or the Minister of Public Health, the City shall provide Graves without charge for the interment of indigent persons.

7) **Care and Improvement of Graves**

- a) No person shall place any trees, flowers, shrubs, or similar plant material intended for growth on any Grave in the Cemetery and any such trees, flowers, or similar plant material situated on or adjacent to any Lot or part thereof that are, in the opinion of the Administrator, detrimental to any adjacent Grave, path or roadway or to the general appearance of the Cemetery or become dangerous or inconvenient to the public, or hinder the normal maintenance of the Cemetery, the Administrator may order the removal of such tree, shrub, or plants thereof.
- b) No person shall construct any fence, railing, trellis, curbing, grave covers or coping on any grave in the Cemetery.

- c) Should any fence, railing, trellis, curbing, grave covers, coping, border, tree, shrub, or hedge erected before passing of this Bylaw be in a state of disrepair or become offensive or is encroaching on adjacent graves, roadway, or walkway, or hinder the routine maintenance of the Cemetery, the Administrator may order the removal of same. The Administrator shall give notice in writing to the Licensee at his last known address for service. If the Licensee is unable to be notified at the last known address or where no address is available, the Administrator may proceed with the removal without further notice.
- d) Natural or artificial flowers shall be permitted in holders, vases, or other unbreakable receptacles provided they are permanently secured to the base of the monument.
- e) No person shall place or maintain on any grave any glass encased designs, stands, holders, vases, or other objects made of glass.
- f) In order to preserve the proper appearance of the grounds, the Administrator shall have the authority to remove any article placed on any Grave when the article is objectionable or its removal is deemed necessary by the Administrator. When the Administrator considers the removed article to be of value, the Administrator shall forward a written notice to the Licensee at his last known address, notifying him of the removal of the article and that such article may be claimed within thirty (30) days of the date of the notice. Where no claim is made to the Administrator after the expiry of thirty (30) days or where no notice can be given, the Administrator shall dispose of the article.
- g) Loose flowers, natural or artificial, placed on a grave at the time of burial will be removed after fourteen (14) days to allow for maintenance of the grave.
- h) Notwithstanding the foregoing, the Administrator may allow the planting of annual flowers on a new grave during the first year after interment to allow the family to beautify the plot prior to seeding grass.

8. **Monuments and Markers**

No Monument, marker, or object of any kind shall be placed on any grave in the Cemetery except as provided for in this Section.

- a) All Monuments or markers shall be of granite, bronze, marble, or stone. The front, top and back of each Monument shall be axed, honed, or polished.
- b) An installation fee as set out in Schedule "A" shall be paid at the time of installation of a monument or marker and monuments and markers shall be delivered to the Cemetery complete with a precast concrete base which is four (4) inches thick, two (2) feet wide, and sufficient length for the monument, and the concrete base shall extend four (4) inches beyond the markers on all sides. The concrete base is not required for markers placed on concrete runners.
- c) All Monuments and markers erected in Sections 'A' through 'M' of the Cemetery shall be at ground level or pillow style monuments.
- d) No Monument shall be removed from the Cemetery without first notifying the Administrator, in writing, stating the reason for the removal.
- e) Foot markers, corner markers and other such markers shall not be installed in any part of the Cemetery.
- f) No Licensee of a Grave shall erect a Monument or make any alteration on any structure on any Grave on which Perpetual Care charges or any other fee is due and payable to the City.

- g) All markers shall be placed in a single row at the head of the graves in section A, B, C, D, E, H, and J. Markers shall be placed in a single row, along the two (2) foot walkway at the head or foot of the grave, in Sections E, K, L, M, N, O, P, Q, R, and S.

9. **Veterans Section**

The City shall set aside and maintain portions of the Cemetery as Veteran's Sections for the interment of service and ex-service personnel of Her Majesty's Armed Forces and the spouses thereof.

10. **General**

- a) Sections of the Cemetery may be subdivided into small graves for the interment of children under ten (10) years of age. These graves shall be five (5) feet wide by five (5) feet long.
- b) The City shall set aside a portion of the Cemetery for the interment of cremated remains.
- c) Children under the age of fourteen (14) shall not be permitted in the Cemetery unless accompanied by an adult who will be responsible for their proper conduct.
- d) No dogs or other pets shall be allowed in the Cemetery.
- e) Sports activities of any kind and the equipment used for sporting activities will not be allowed in the Cemetery.
- f) Notice given to any person pursuant to this Bylaw shall be deemed sufficient if in writing and mailed postpaid to the last known address of the Licensee as entered in the Cemetery Records.
- g) The gates to the Cemetery may be closed at the discretion of the Administrator to prevent damage to roads and grounds during times when there is deep snow or the ground is wet and soft.

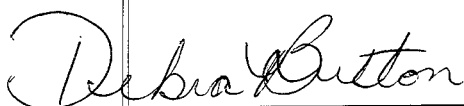
11. **Infractions of the Bylaw**

Any person who contravenes the provisions of this Bylaw or fails to comply herewith, or with any notice given hereunder, is guilty of an offence and liable to a penalty of:

- a) not less than \$100 and not more than \$2,000 in the case of an individual; and
- b) not less than \$200 and not more than \$5,000 in the case of a corporation.

12. **Coming Into Force**

This Bylaw shall come into force and take effect as of January 1, 2013.



 MAYOR



 CITY CLERK

READ a first time this 10th day of December, A.D., 2012.

READ a second time this 10th day of December, A.D., 2012.

READ a third time this 10th day of December, A.D., 2012, and passed.

HILLCREST CEMETERY PRICE SCHEDULE

MONUMENTS AND MARKER

Flat rate installation fee

\$50

NOTES:

- 1) Monuments shall only be installed by the City.
- 2) Maximum sizes are:
 - Single Marker - 16" x 24"
 - Double Marker - 16" x 48"
 - Cremation Garden - 12" x 36"
- 3) All markers shall be placed in the 2' strip allowed for memorial or on the concrete runner.
- 4) Flat markers and monuments ONLY allowed in the New Sections. Upright monuments allowed in the Old Section. Pillow markers allowed in Sections 'N' to 'T'.
- 5) Markers are to be supplied with a pre-cast concrete base. The base shall be two (2) feet wide and the length shall extend four (4) inches beyond the edges of the marker.
- 6) Markers for the Scattering Gardens and the Baby Monument shall be 4" x 6".

Price Schedule

Item	2012	2013	2014	2015
Regular License	575	600	625	650
Child License	325	350	375	400
Cremation or Stillbirth	250	265	280	295
Scattering Gardens	150	160	170	180
Open and Close	450	465	480	495
Child Open and Close	250	265	280	295
Cremation or Stillbirth	250	265	280	295
Columbarium	115	130	145	160
Perpetual Care in Old Section	235	250	265	280
Weekend, Holiday, After Hours Charge	180	250	275	300
Traditional Burial Winter Charge	n/a	100	100	100
Cremation Winter Charge	n/a	50	50	50
Exhumation	1,200	1,200	1,200	1,200
Cremation Exhumation	n/a	300	300	300

ADDITIONAL SERVICES AND MEMORIALS

The following services are allowed at the discretion of the Administrator of Hillcrest Cemetery and shall be charged at cost:

- 1) **Memorial Benches**
Benches are to be built by the City to Cemetery specifications. The donor will be charged \$1,500.00 which includes the bench, base, and memorial plaque. The plaque is to be supplied by the donor and installed by the City.
- 2) **Memorial Trees**
Planting of memorial trees in the Cemetery may be allowed in accordance with the following:
 - all trees are to be supplied and planted by the City and the donor shall be invoiced for the actual cost. Trees shall be chosen based on the types assigned to each section of the Cemetery in accordance with the long term plans for the cemetery.

NOTES:

- 1) Ashes and Stillbirth container maximum size - 12" x 24"
- 2) Perpetual Care in the Old Section must be paid on all reserved plots prior to interment and on all used plots when ashes are interred on top of an existing interment.
- 3) Cremation License Fee allows for two urns to be interred in the one plot.

ADMINISTRATIVE NOTES

- 1) Plot license fees include \$75 to cover the installation of concrete runners and sidewalks for monument placement.
- 2) 50% of marker installation fees to be transferred to the Perpetual Care Fund.
- 3) 50% of plot license fees to be transferred to the Perpetual Care Fund.