

TOWN OF REGINA BEACH

BYLAW NO. 7/2006

CEMETERY BYLAW

A BYLAW OF THE TOWN OF REGINA BEACH TO PROVIDE REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF REGINA BEACH CEMETERY

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

PART 1 - SCOPE

1. This Bylaw shall be cited as the "CEMETERY BYLAW".
2. This Bylaw shall apply only to the burial of dead human remains in Regina Beach Cemetery, the location and plan of which is attached hereto as "APPENDIX A" of this Bylaw, and the regulations pertaining to the operation of the Cemetery and the enforcement of regulations as set out in this Bylaw and attached appendices.

PART 2 - DEFINITIONS

1. For the purpose of this Bylaw, the following definitions shall apply:
 - (a) **ADMINISTRATOR** - shall mean the Town Administrator appointed by the Town Council and, for the purposes of this Bylaw, shall include any person appointed by the Administrator from time to time, to act on his/her behalf in the administration of this Bylaw.
 - (b) **ALLEY** - an area, 2.44 metres (8 feet) in width running north and south to provide vehicular access to lots.
 - (c) **BURIAL VAULT** - a strength tested vault or cover of fibreglass, wood or steel that will withstand the weight of 4535.97 kg (10,000 lb), with or without a floor, placed over a casket interred in a grave for burial.
 - (d) **CEMETERIES ACT** – means the Cemeteries Act of the Province of Saskatchewan, 1999.
 - (e) **CEMETERY** - means Regina Beach Cemetery as defined in Appendix A of this Bylaw.
 - (f) **COMMITTEE** - means the Regina Beach Cemetery Committee appointed by the Council of the Town of Regina Beach.
 - (g) **COLUMBARIUM** - means a structure designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
 - (h) **COUNCIL** - means the Council of the Town of Regina Beach.
 - (i) **CREMAINS** - means the remains of a body that has been cremated.
 - (j) **GRAVE, STANDARD DEPTH** - means a grave approximately 2 metres (79 inches in depth).
 - (k) **GRAVE COVER** - means a cover of fiberglass, plastic, marble, granite or concrete placed over the interred remains.
 - (l) **GRAVE MARKER** - means a flat or upright marker bearing the name of the interred deceased person for memorial purposes.

- (m) GRAVE STONE - means an upright marble, granite, stone or concrete monument erected on any lot or plot for memorial purposes.
- (n) LICENSEE - shall mean a person or persons who purchase a plot or plots in the Regina Beach Cemetery
- (o) LOT - means a subdivision of land for the purpose of a single burial as shown in Appendix A.
- (p) NICHE – means each individual compartment to be used for the interment of cremated remains in a columbarium.
- (q) PLOT - means a subdivision of a section containing two or more lots.
- (r) SECTION - means a subdivision of land containing more than one plot.
- (s) TOWN - means the Town of Regina Beach, Saskatchewan.
- (t) WALKWAY - means an area of 1.52 metres (5 feet) in width running east and west between plots.

PART 3 - BURIAL SECTION

Sections of the Cemetery shall be set out for burials as follows:

1. Sections 1, 2, 3, 4, A, and B shall be cited as the OLD SECTION.
2. Sections 5 and 6 shall be cited as the NEW SECTION.

PART 4 - GRAVES, BURIALS AND RESERVATIONS

1. A licensee may reserve a lot or lots by paying in full at the Town Office, the purchase price as set out in "APPENDIX B", the schedule of fees for land and services, attached to and forming part of this Bylaw. The lot or lots shall be reserved for the use of the licensee who has paid the purchase price, a member of the licensee's family, or for a burial upon his/her instructions of an heir.
2. A grave may be used for the burial of one body, or two children under 5 years of age.
3. Cremains may be interred in an individual lot of the cemetery or in an occupied grave at a minimum depth of .6 metres (2 feet).
4. A licensee of a lot or lots desiring to transfer ownership rights to another licensee, must make written application for approval to the Town before transfer will be validated.
5. A licensee wishing to transfer ownership rights back to the Town of Regina Beach may do so by making written application to the Town of Regina Beach. In exchange for the ownership rights, the original licensee shall receive a payment not to exceed the original purchase price.

PART 5 - TRAFFIC

1. Vehicles being operated within the confines of the Cemetery shall not travel at a speed greater than ten (10) kilometers per hour, except those required for maintenance.
2. No person, except those employed by the Town in the performance of their duties, shall drive a vehicle on any part of the Cemetery other than a roadway provided for that purpose.

3. No one is permitted to walk upon or across graves excepting Town employees in the course of their duties. The Town of Regina Beach expressly disclaims liability for any injuries sustained by anyone violating this rule.

PART 6 - GRAVE MARKERS AND GRAVE COVERS

1. Grave covers will not be permitted in any section of the Cemetery from date of this Bylaw excepting those already in place.
2. In the OLD SECTION, flat and upright grave markers of granite, marble, or any durable, non-corrosive material may be installed, the base of which may not exceed 43cm x 76 cm (17" x 30").
3. In the NEW SECTION, only flat grave markers of granite, marble, or any durable, non-corrosive material may be installed, the base of which may not exceed 43 cm x 76 cm (17" x 30").
4. Grave markers shall be placed at the head of the grave, on an approved base in a straight, continuous row. Flat grave markers shall be installed on an approved base such that the highest point of the marker shall be no higher than the surface of the ground. The Town reserves the right to adjust any grave marker that is installed improperly and forward any charges to the registered installer of the marker.
5. Any group, individual or company wishing to install a marker must first acquire permission for installation from the Town of Regina Beach.
6. The Town of Regina Beach reserves the right to remove any grave cover or other structure erected previous to the passing of this bylaw that:
 - a) is deemed unsightly;
 - b) is at least 10 years old and is damaged;
 - c) or upon written request by the licensee or family thereof.

and shall only do so after no less than 60 days written notice to a known family member. The grave cover shall be treated as a disposable item and shall be disposed of in a manner consistent with the common disposing practices of the Town of Regina Beach.

7. The Town of Regina Beach shall not be liable for the loss of or damage to any monument, marker or any part thereof or of any memorial tribute located in the Cemetery
8. The Town of Regina Beach is authorized to recover unused graves in accordance with the provisions of the Cemeteries Act, Province of Saskatchewan.

PART 7 - INTERMENT

1. No interment shall be made in the Cemetery until compliance with the provisions of this bylaw, of the Public Health Act and of the Vital Statistics Act of the Province of Saskatchewan.
2. The funeral home or family desiring to have a grave dug shall notify the Administrator and make arrangements for the purchase of a lot (unless a lot has already been purchased) and pay for the opening and closing of the said grave. This notice shall be given no less than 24 hours in advance of the interment. In the case of graves being required for a Sunday or Monday burial, notification shall be provided no later than 2:00 p.m. on the preceding Friday.

3. This provision, as to notice, shall not apply in the case of the issuance of a certificate from the office of Public Health of danger of contagion.
4. Interment may take place between the hours of 8:00 o'clock in the morning and 4:00 o'clock in the afternoon on any day except Saturday, Sunday and Statutory Holidays. Special arrangements for burials after 4:00 o'clock or on Saturdays, Sundays or holidays must be made at the Town Office.
5. The Town shall, on request by the Minister of Community Resources or the Minister of Public Health, provide a lot without charge for the interment of indigent persons.
6. Graves shall be opened and closed, and the required excavation for urns, shall be made only by persons employed by the Town of Regina Beach. The Town foreman shall supervise such to assure other lots are not disturbed.
 - a) A maximum of one body and three (3) urns of ashes, or four (4) urns of ashes shall be interred in any one grave.
 - b) One marker per grave shall be allowed regardless of the number of interments.

PART 8 - GENERAL REGULATIONS

1. No person shall disinter human remains except in accordance with the regulations as described in the Cemeteries Act and with authorization of the Town Administrator.
2. Whenever a body is permanently disinterred from a grave and the grave is vacated, ownership rights of the lot so vacated shall revert to the Town of Regina Beach.
3. No fences, borders, railings, curbs, trees, shrubs, perennials, annuals, or boundary markers around or on a grave or graves shall be permitted from the date of this Bylaw, excepting those already in place.
4. All persons employed in the construction and/or installation of burial vaults, grave markers or in doing any other work on lots or graves in the Cemetery, shall be subject to the direction and control of the Administrator, and in the case of any such person or persons refusing to obey the directions or orders of the Administrator, the Administrator shall be empowered to remove such person or persons from the Cemetery.
5. The Town shall have the right to remove all flowers and wreaths, natural or artificial from any grave, thirty days after their placement thereon.
6. The Administrator may remove or prevent the placing of any stand, holder, base or other receptacle for flowers or plants, deemed to be unsuitable and a hindrance to the maintenance of the Cemetery.
7. The Town shall have the right to remove from any lot - weeds, grass or any article which is deemed unsightly, improper or injurious to the appearance of the Cemetery.
8. The Administrator, or any Town employee in his/her charge, shall be empowered to remove from the Cemetery, any person or persons disturbing the quiet and good order of the Cemetery by noisy or improper conduct or language.
9. All work in the immediate vicinity that may disrupt the quiet and good order of the Cemetery shall cease while mourners are present at a burial service being conducted at the Cemetery.

- 10. No person shall write upon, mark, scratch, deface or injure any lot, grave marker, fence, building or any structure in or around the Cemetery. Any person found guilty of such damage shall be responsible for the cost of repairing the damage and be subject to the penalty imposed in Part 9 of this Bylaw.
- 11. All notices and communications required to be given to licensees of a lot or lots, or their heirs, may be delivered either in writing by registered mail to their last known address or given verbally by the Administrator in the presence of another person and shall be considered sufficient evidence that such notices have been given. It is the duty of the licensee to notify the Town of any change in his/her postal address.
- 12. Council may, by resolution, appoint a committee to oversee (the management) the Cemetery of Regina Beach and set out the regulations under which this committee will operate.
- 13. All funds received by any committee appointed by the Council to manage the Cemetery shall be used solely for purchasing, laying out, fencing, ornamenting and keeping in repair the Cemetery and roads and accesses thereto, and in defraying all necessary expenses.

PART 9 - PENALTY

Any person found guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction, to the penalties prescribed by the General Penalties Bylaw of the Town of Regina Beach.

PART 10 - REPEAL

Bylaw No. 3/2003 is hereby repealed.

MAYOR

ADMINISTRATOR

Read a third time this _____
day of _____ 2006.

Fees amended with Bylaw 9/2009

APPENDIX "B"

Bylaw No. 9/2009

SCHEDULE OF FEES

1.	i) Fee for single standard lot	\$350.00
	ii) Fee for single urn sized lot	\$175.00
2.	Fee for opening and closing a standard grave on weekdays:	
	Summer rate - May 1 to October 31	\$300.00
	Winter rate - November 1 to April 30	\$450.00
3.	Fee for opening and closing a standard grave on Saturdays, Sundays or Statutory Holidays or after hours on weekdays:	
	Summer rate - May 1 to October 31	\$350.00
	Winter rate - November 1 to April 30	\$500.00
4.	Fee for burial of cremation urns	
	Summer rate - May 1 to October 31	\$75.00
	Winter rate - November 1 to April 30	\$100.00
5.	Disinterment	Actual hourly rate for men and machinery