VILLAGE OF FROBISHER

BYLAW NO. 3-2023

A BYLAW TO MAINTAIN, REGULATE, AND CONTROL FROBISHER RESTHAVEN MUNICIPAL CEMETERY

The Council of the Village of Frobisher in the Province of Saskatchewan enacts as follows:

1) SHORT TITLE

This Bylaw may be cited as "The Cemetery Bylaw."

2) AUTHORITY

The authority for this Bylaw is Section 54 of *The Cemeteries Act, 1999.*

3) DEFINITIONS

In this Bylaw:

a) **"Act"** means *The Cemeteries Act, 1999* and its successors Acts;

b) **"Administrator"** means the person appointed as administrator pursuant to section 110 of *The Municipalities Act*;

c) **"Authorized Decision-Maker"** means an authorized decision-maker within the meaning of *The Funeral and Cremation Services Act*;

d) **"Block"** means a division of land within the cemetery that is further divided into lots and plots;

e) **"Burial"** means the interment of remains or cremains in a grave;

f) **"Caretaker"** means the person appointed by the Administrator to oversee the day-to-day operations of the Cemetery;

g) **"Cemetery"** means Frobisher Resthaven Municipal Cemetery located at Blk 10 Plan 00SE33565 Ext 1 on the SW-24-03-04-W2 and any buildings that are incidental or ancillary to the aforementioned land;

h) **"Council"** means the mayor and councillors of the Village of Frobisher elected pursuant to the provisions of *The Local Government Election Act, 2015* and its successors Acts;

i) **"Cremains"** means human bone fragments that remain after cremation;

j) **"Cremation"** means the technical process of using heat to reduce human remains to bone fragments;

k) **"Disinterment"** means the removal and relocation of remains or cremains;

l) **"Grave"** means a plot of land in the Cemetery to be utilized solely for the interment of remains or cremains as shown on the Village Cemetery plans;

m) **"Infant"** Means an individual no more than two (2) years of age;

n) **"Interment"** means the burial of remains or cremains within the Cemetery;

o) **"Interment Rights"** means the right to use a plot for the purpose of the interment of remains or cremains;

p) **"Licensed Funeral Director"** means a person who supervises or con

preparation of the dead for burial and directs or arranges funerals;

q) **"Lot"** means an area of land designated by a certain number, usually large enough for 8 plots, except in special circumstances, as shown on the Village Cemetery map;

r) **"Marker"** means a memorial structure set flush to the ground in memory of the interment of remains or cremains;

s) **"Monument"** means a memorial structure set upon a concrete footing or foundation, which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration of the interment of remains or cremains;

t) **"Nuisance"** means the condition of a grave that adversely affects or may adversely affect:
   i) the safety, health, or welfare of people in the Cemetery;
   ii) people's use and enjoyment of the Cemetery; and
   iii) an item in unsightly, ruinous, dangerous, dilapidated, dangerous, or diseased state of repair;

u) **"Owner"** means a person or persons who purchase a lot in the Cemetery;

v) **"Perpetual Care"** means the basic maintenance of all graves;

w) **"Plot"** means a subdivision of a lot and is a space four (4) feet in width by eight (8) feet in length to be used as a grave;

x) **"Remains"** means a dead human body, but does not include cremains;

y) **"Regulations"** means *The Cemeteries Regulations, 2001* and its successors Regulations;

z) **"Village"** means the Village of Frobisher;

aa) **"Winter"** means November 1 to April 30 of each calendar year.

4) ADMINISTRATION

a) Interment Rights
The Administrator shall keep records stating the name and address of every purchaser of interment rights in the Cemetery and a record of every transfer of interment rights.

b) Registration of Interments
The Administrator shall keep an accurate record setting forth the name, location of interment, date of interment, date of death, and gender of the deceased. If available, the following information shall also be recorded: the funeral home who provided the service, the deceased's date of birth, location of birth, location of death, cause of death, and next of kin.

c) All records, maps, registers, etc. necessary in the administration of the Cemetery shall be maintained in the Village Office and shall be open to public inspection during regular office hours.

5) CEMETERY PLOTS

a) Cemetery plots may be chosen from any available plot on the cemetery map. The price of each plot shall be fixed by Council as per Schedule "A" of this Bylaw.

b) A maximum of four plots may be purchased at any one time under one reservation. All plots must have names assigned at time of purchase.

c) Administration will ensure a receipt is provided for the purchase of a plot. The receipt shall act as a purchase contract and will contain the following information: purchaser name, the location of the plot(s), date of purchase, and purchase price.

d) Only plots fully paid for will be reserved. Receipts for plot purchases will be deposited as per Schedule "A".

e) Transfer of Plots
   i) Transfer of plots may occur from one owner to another, or back to the Village. Transfer of plots between owners must be approved by the Village. In both cases, the owner must complete Schedule "B" and is subject to an Administration charge as per Schedule "A".
   ii) If the plot was purchased after the date of the passing of this bylaw and a transfer back to the Village is requested, the plot price will be refunded to the owner less the Administration charge for transfer as per Schedule "A".

f) Recovery of unused burial plots will be done as directed by a resolution of Council and will follow the process as written in *The Act*.

6) INTERMENTS

a) No person shall bury any human remains or cremains in the Cemetery until such person has complied with the provisions of *The Public Health Act* and *The Vital Statistics Act* of the Province of Saskatchewan, and any regulations issued thereunder, and the provisions of this Bylaw.

b) No interments shall be permitted in the Cemetery unless a proper burial permit or cremation certificate is produced by the Licensed Funeral Director or Authorized Decision-Maker applying for the burial, in accordance with this Bylaw.

c) Only a Licensed Funeral Director shall have charge of the interment of human remains. Interment of cremains may be completed by the Authorized Decision-Maker or their designate.

d) No interment shall be allowed until an application has been made to the Administrator and the appropriate fees for the lot(s) and other cemetery services have been received or arrangements for the payment of such fees have been made with the Administrator.

e) Notice
   The Administrator must be provided with a minimum of three (3) business days' notice prior to an interment. This provision shall not apply where burial is ordered immediately according to Provincial or Federal regulations.

f) Maximum Number of Occupants of One Single Plot
   i) One (1) full casket burial with up to four (4) urns with cremains, provided the casket burial is first; or
   ii) Four (4) urns containing cremains.
   Placement of all cremains shall be placed as per the image in schedule 'C'.

g) Opening & Closing of Graves
   i) All opening and closing of graves, whether full burial or cremation, shall be completed by a Village-approved third party.
   ii) Following the opening and closing of a burial plot, all surrounding plots must be returned to the condition they were in prior to the burial. This will include clean-up of topsoil, clay, removal of rocks, and raking of grass around the burial site and surrounding plots.
   iii) Grave sites shall be backfilled immediately following interment.

h) Depth
   i) All remains shall be interred no less than six (6) feet from the surface of the ground.
   ii) All cremains must be interred so that the top of the outer burial container is at least 30 cm (12") from the surface of the ground.

i) Burial of Two Bodies in One Casket
   No funeral director or other person shall inter or cause to be interred more than one body in a casket unless one of the following circumstances applies:
   i) Interring an infant child with their father or mother; or
   ii) Interring two (2) infant children of the same parentage.

j) No grave shall be used for any purpose other than for the burial of the human dead.

k) Winter Burials
   i) Winter burials will be at the discretion of the Caretaker and Administrator.
   ii) Snow removal which is required for a winter burial will be completed by the Village of Frobisher or an approved contractor.

l) Fees and Surcharges
   i) All costs pertaining to the interment, whether human remains or cremains, shall be as per Schedule "A" of this Bylaw.
   ii) All fees and charges, which have not been pre-paid by the Owner, will be billed directly to the funeral home hired to complete the funeral arrangements.

7) INDIGENT BURIALS

a) At the request of those listed in *The Regulations*, the Village shall provide graves in the Cemetery without charge for the interment of an unclaimed body or for deceased indigent persons.

b) The interment of indigent persons shall take place in single graves and location shall be chosen by the Administrator.

8) DISINTERMENTS

a) Disinterment of human remains shall occur only in accordance with *The Public Health Act, 1994* or *The Coroners Act, 1999* and regulations pursuant to those Acts.

b) Disinterment of cremains shall only take place with the permission of the Village and with the approval of the Authorized Decision-Maker or in accordance with *The Public Health Act, 1994* or *The Coroners Act, 1999* and regulations pursuant to those Acts.

c) Whenever the remains or cremains of a single grave are removed from the Cemetery the plot so vacated shall revert to the Village with no refund to the original purchaser of the interment rights. The exception being that the remains or cremains will be reinterned in the same location.

d) A person making an application to disinter human remains must pay the fee as listed in Schedule "A" and shall ensure that a Licensed Funeral Director is present during the disinterment for the handling and transportation of the human remains.

e) Disinterment shall not take place during the Winter unless authorized by the Chief Coroner of the Province of Saskatchewan.

f) Disinterment excavation shall be completed by a Village-approved third party.

9) CARE AND IMPROVEMENT OF GRAVES AND PLOTS

a) Cemetery maintenance shall be completed by the Caretaker or, upon resolution of Village Council, a third-party.

b) All trees and shrubs in the Cemetery shall be property of the Village.

c) No person shall define any grave or plot by a border, fence, railing, trellis, coping, edge, curbing, or any other marking.
   i) Any such borders in place at the passing of this Bylaw will be removed if deemed a nuisance of the Caretaker.
   ii) Any such borders put in place after the passing of this bylaw will be removed immediately.

d) No person shall place arbours, trellises, trees, shrubs, artificial flower boxes, decorative rocks, or other object in any place or part of the Cemetery.
   i) Any such items in place at the passing of this Bylaw will be removed if deemed a nuisance by the Caretaker.
   ii) Any such items put in place after the passing of this bylaw will be removed immediately.

e) Ornaments, including flower holders or vases, crosses, and statues, may be permitted on a burial plot as long as they:
   i) Are permanently secured to the base of the monument;
   ii) Are unbreakable;
   iii) Do not exceed 35.5 cm (14") in height; and
   iv) Do not project beyond a plumb line from the outside dimensions of the monument base.
   The Caretaker may remove any items that do not meet the above conditions from the cemetery plot. These items, if considered to be valuable, will be stored for thirty (30) days and if not claimed by the deceased's family will be disposed of.

f) Live flowers will be removed, at the Caretaker's discretion, after a period of ten (10) days or when the flowers have become wilted and unsightly, whichever happens firsts.

g) The Village shall have the authority to remove all floral designs, flowers, trees, shrub, plants, or herbage of any kind from the Cemetery as soon as, in the judgement of the Caretaker, they become a nuisance.

h) The Village shall take all reasonable precautions to protect the property rights of the Owners within the Cemetery, including plots and monuments, from loss or damage. However, the Village takes no responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, acts of God, thieves, vandals, and accidents.

10) PERPETUAL CARE RESERVE FUND

a) The Village shall maintain a designated Perpetual Care Reserve Fund account where the Administrator will transfer a percentage of all interment fees collected throughout the year, as per Schedule "A";

b) The funds within the Perpetual Care Reserve Fund are to be designated for:
   i) capital projects;
   ii) minor repairs, such as, headstone cleaning, crack sealing, and levelling;
   iii) mowing; and
   iv) back filling and grass seeding on new or sunken plots.

c) The funds are not to be used for the following maintenance costs:
   i) replacement or major repair of headstones;
   ii) capital costs associated with erection of monuments and digging of plot sites; or
   iii) capital costs of purchasing monuments for replacement.

11) MONUMENTS & MARKERS

a) Placement
   i) No monuments for the purpose of designating graves shall be installed in the until the Caretaker has marked the centre of each grave location where the r is to be installed.

ii) Only one monument per plot shall be placed at the head of the plot (facing east) in alignment with adjacent monuments.
iii) Monuments shall not be placed in front of existing monuments. If a second memorial is required on a grave, only flat markers will be permitted directly in front of the existing monument.
iv) Any monument company, its employees or other authorized individuals carrying out any monument work in the Cemetery shall advise the Village upon their arrival at the cemetery and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The Village will not be held responsible for any monument damages or repairs required due to improper installation.

b) Monument and Marker Construction
i) All monuments and markers shall be of granite or marble. The only exception to this is the temporary markers supplied by a funeral home. Temporary markers may be removed by order of the Administrator after a period of six (6) months has lapsed.

c) Grave Covers
i) Grave cover slabs are not allowed to be placed on any grave within the confines of the Cemetery.
ii) Any grave cover in place prior to the passing of this bylaw, which have fallen into a state of disrepair shall be removed by the Caretaker. At the passing of this Bylaw, the Village may, at the discretion of the Caretaker, remove newly placed grave covers.
iii) It shall be unlawful to cover gravesites with any substance other than grass.

d) Monument and Marker Foundations and Dimensions
i) No monument shall be erected except on a concrete or granite foundation with a minimum thickness of four (4) inches. The top of the foundation shall be level with the ground. The said foundation shall be at least eight (8) inches longer and eight (8) inches wider than the base of the monument. If the monument is installed directly on the foundation, the same dimensions apply.
ii) Monuments are restricted to the boundaries of the plot. Aside from this, there are no size and shape requirements for monuments.
iii) Markers shall be restricted to a size of 30 x 30 cm (12" x 12").

e) Removal of Monuments
i) Monuments which are incorrectly or improperly placed will be removed and the cost of such charged to those responsible for the erroneous placement.
ii) The Village reserves the right to temporarily remove any monument or marker for the purpose of performing necessary maintenance work and is not responsible for any damages this temporary removal may cause.

12) GENERAL RULES

a) Interments in Cemetery Only
No person shall inter any remains in any land situated within the limits of the Village other than the Cemetery, or such lands as may hereafter be appropriated of by the Village and used as a Cemetery.

b) Travel within Cemetery
All persons within the cemetery shall use only the roads and walkways. No one person is permitted to walk upon or across graves, except the Caretaker in the course of their duties. The Village expressly disclaims liability for any injuries sustained by anyone violating this rule.

c) Disturbances
No person shall disturb the quiet and good order of the Cemetery by noise or a

improper conduct. Nor shall any person willfully or unlawfully disturb persons assembled for the purpose of interring remains or cremains in the Cemetery.

d) Gatherings
No parties or gatherings are permitted in the Cemetery. The only exception being a funeral or a ceremony held in observance or remembrance.

e) Pets
No pets or animals shall be allowed in the Cemetery unless such animal is on a leash and in the care of an adult person. Pet owners must promptly clean-up after their pets, in all areas of the Cemetery.

f) Willful Damage
No person shall commit any willful damage to the Cemetery's landscape or any monument, building, or other structure in the Cemetery or any fence, railing, or approved decoration or ornament of the Cemetery. No person shall willfully destroy, cut, break, or injure any tree, shrub, flowers, or plant in the Cemetery.

g) Sports Prohibited
No sport of any kind will be allowed in the Cemetery.

h) Operation of Motor Vehicles
   i) No person shall operate a motor vehicle in the Cemetery except on the roadways designed for such a purpose.
   ii) No person shall operate a motor vehicle in the Cemetery in a manner so as to emit a loud, unnecessary, or unusual noise that annoys or disturbs persons gathered in the Cemetery.
   iii) Motorbikes, quads, and other off-road vehicles are not allowed in the Cemetery at any time, with the exception of Village-owned or appointed maintenance vehicles.
   iv) No person shall ride or drive any motor vehicle in, upon, or through the Cemetery at an unreasonable rate of speed (in excess of 15 km/hour) to inconvenience, interfere, or endanger any other person within the Cemetery.
   v) No person shall drive or ride in the Cemetery when the ground is unfit for driving and riding.

i) Garbage or Littering
No person shall carry into, deposit, or leave upon the Cemetery any paper, sticks, refuse, carcass, filth, dirt, or any offensive matter or substance.

j) Fireworks & Firearms
Unless authorized by the Administrator, no person shall discharge any fireworks, firearms or any weapon to injure, maim, or kill any bird or animal in the Cemetery.

k) Conduct of Business Prohibited
No person shall use the Cemetery for business purposes and no business of any kind shall be carried on therein without the permission of the Administrator.

l) Advertising Prohibited
No person shall display any bill, placard, or advertising matter whatsoever within the Cemetery.

m) Fires Prohibited
No person shall build or have any type of fire in any part of the Cemetery including, but not limited to, appliances such as portable grills and barbecues.

n) Camping
No camping shall be allowed in the Cemetery at any time. Camping may involve the use of a tent, caravan, motorhome, a primitive structure, or no shelter at all.

13) SEVERABILITY

A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect to this Bylaw.

14) REPEAL OF BYLAWS

Bylaw 7/97 is hereby repealed.

Read a third time and adopted this 18th day of July, 2023.

[SEAL]



Certified a true copy of
Bylaw No. 3-2023 adopted by
resolution of Council on the
18th day of July, 2023.

SCHEDULE "A"
TO BYLAW 3-2023

VILLAGE OF FROBISHER
CEMETERY FEES

Plot Purchase/Interment Rights, includes: plot and staking.	$250 20% transferred to perpetual care fund at time of purchase.
Transfer of Interment Rights Administration Fee	$50
Opening/Closing of Plot	The Village does not provide this service. Opening/closing of a plot is organized by funeral home or family of the deceased, in partnership with the Village.
Disinterment Administration Fee	$100
Snow Removal	As per the Village of Frobisher *Custom Work Policy*

SCHEDULE "B"
TO BYLAW 3-2023

VILLAGE OF FROBISHER
PLOT TRANSFER

Date of Request: _____

Applicant: _____

Address: _____

Phone Number: _____ Email: _____

Signature of Applicant: _____

PLOT INFORMATION

Block: _____ Lot: _____ Plot: _____

Date of Purchase: _____ Original Purchaser: _____

Receipt Number (if known): _____

TRANSFER

Date of Transfer: _____

Transfer to: (*Choose One)*

☐ Village of Frobisher, PO Box 190, Bienfait SK S0C 0M0

☐ Other Party: (*complete fields below)*

Name: _____

Address: _____

Phone Number: _____

For Office Use Only:

☐ Update records on cemetery map and cemetery software. Date: _____

☐ Original Purchase Amount: _____

☐ Administration Fee Withheld: _____

☐ Refund Price (if applicable): _____

☐ Payment No.: _____ _____

Administration Si

SCHEDULE "C"
TO BYLAW 3-2023

VILLAGE OF FROBISHER
DIAGRAM FOR PLACEMENT OF CREMATION HOLES

