

CITY OF MELVILLE
BYLAW NO. 07/18

**A BYLAW TO PROVIDE FOR THE MANAGEMENT AND CONTROL
OF THE MELVILLE MUNICIPAL CEMETERY**

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

1. SHORT TITLE

- (a) This bylaw may be cited as The Cemeteries Bylaw.

2. DEFINITIONS

- (a) Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning as those words as defined in *The Cemeteries Act, 1999*.
- (b) **Authorized Decision Maker**- means a person designated as an authorized decision-maker pursuant to The Funeral and Cremation Services Act and if no one can be located using reasonable efforts, or no one is willing to act or the identity of the deceased is not known, the Director may make any decision required to be made by an authorized decision-maker pursuant to this Bylaw.
- (c) **Baby/Child** – means any child under 10 years of age.
- (d) **City** - means the Clerk of the City of Melville.
- (e) **Columbarium** – means a building designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
- (f) **Cremaains** – means the ashes of cremated human body.
- (g) **Director of Public Works and Planning Services** - means the person in charge of the Public Works Department or their designate.
- (h) **Grave** - means a single grave or lot
- (i) **Interment** - means the burial of human remains or cremated human remains in a cemetery or columbarium.

- (j) **Licensee** – means a person or persons who purchase a grave lot or lots in Melville Cemetery.
- (k) **Lot** - means a subdivision of plot for the purpose of individual's burial.
- (l) **Melville Cemetery** - means that portion of land which is comprised of twenty-eight (28) acres more or less in the South-East corner of the South-East Quarter of Section Twenty-nine (29) in Township Twenty-two (22) and Range Six (6) West of the Second Meridian.
- (m) **Monument** - means any structure erected for memorial purposes (includes a headstone and headstone base).
- (n) **Perpetual Care** - means the leveling of the ground of each lot, seeding, watering 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 for by this bylaw.
- (o) **Plan** - means the plan describing locations of graves and plots.
- (p) **Plot** - means a parcel of land used or intended to be used for burials within the cemetery.
- (q) **Record** - means the record of all burials
- (r) **Runner** - a concrete base that the monument and monument base rest on. Runners can be double wide or single wide.
- (s) **Runner** - a concrete base that the monument and monument base rest on. Runners can be double wide or single wide.

3. **DUTIES OF COUNCIL AND CITY MANAGER**

- (a) All charges in connection with the sale, use and care of graves, and/or other facilities which are or may in the future be offered in connection with the Cemetery operation shall be in accordance with Schedule "A" as determined by resolution of City Council, attached to and forming part of this Bylaw.
- (b) Any request for transfer or refund of ownership of a grave(s) shall be made to the Director of Public Works and Planning Services and must be

accompanied by the original or a copy of the original receipt before request is accepted. A refund for a grave will be issued on the basis of 100% of the original fees paid for the grave and perpetual care.

- (c) Any relative, undertaker or person having an interest in a burial may apply for a grave or plot. The application shall be accompanied by the full purchase price of the grave or plot. A Veteran has the right to reserve a plot in the Veterans section of the Cemetery free of charge with all requests for inclusion being verified by Robert V. Combe Branch, Royal Canadian Legion #61.
- (d) The spouse of a Veteran, who is not a Veteran, who applies for a plot in the Veterans section of the Cemetery must pay the full purchase price of the plot upon application and can reserve only a plot that adjoins his or her spouse who is a Veteran. Only a Veteran and the spouse of a Veteran have the right to be buried in the Veterans section of the cemetery. In the event that a Veteran passes on and the spouse of that Veteran decides to be buried in an alternate location, the plot automatically reverts back to the City.
- (e) No interment shall take place until the full amount for such grave or plot has been paid to the City.
- (f) All transfers of title or conveyances of graves or plots must be registered with the City.
- (g) The City shall maintain a record of all burials containing all the information as required by *The Public Health Act* and *The Cities Act*. The person applying for burial space in the cemetery shall furnish to the City Manager all information necessary under such legislation.
- (h) When a plot is owned jointly by two or more people, an application for interment will be accepted by the City Manager from any one of the owners or their heirs.

4. DUTIES OF THE DIRECTOR OF PUBLIC WORKS & PLANNING SERVICES

- (a) The Director of Public Works and Planning Services shall maintain a plan showing the location of all existing graves and plots and of all sites now available for graves or plots in the future. The plan shall be available for inspection by the public at City Hall during ordinary business hours.
- (b) The Director of Public Works and Planning Services shall cause weeds and grass to be cut and generally keep the grounds in good order and have all unsightly trees and shrubs removed from graves or plots.

- (c) The Director of Public Works and Planning Services shall ensure that all requirements with regard to the placing of stones and monuments are complied with and particularly ensure that no enclosure of any kind shall be placed on a grave or plot.
- (d) The Director of Public Works and Planning Services shall report to the owner or family member the presence of any damaged monument or marker. The Director of Public Works and Planning Services shall ask the owner of the grave or plot to repair the damaged monument. If the owner fails to repair or remove the damaged monument within a reasonable time the Director of Public Works and Planning Services shall remove such monument, the cost to be borne by the owner of such grave or plot. Prior to removal, as per above, the owner shall be given notice of such removal by registered letter forwarded to his last known address. The area shall then be seeded to grass.
- (e) Permission must be received from the Director of Public Works and Planning Services prior to repair of existing curbs or covers.

5. **INTERMENTS AND DISINTERMENTS**

- (a) No person shall bury any human body or cremated remains in the Cemetery unless and until the person has complied with the provisions of:
 - (i) *The Vital Statistics Act, 2009* and regulations thereunder;
 - (ii) *The Public Health Act, 1994* and regulations thereunder; and
 - (iii) The provisions of this bylaw.
- (b) No traditional interment shall be less than six feet in depth from the surface of the ground surrounding the grave, and no more than one body per grave shall be allowed. A maximum of three (3) ash remains may also be interred with said regular burial. A traditional plot may be purchased solely for the interment of cremains and shall preferably be made in the center of the grave lot, interred at the head, middle and foot, unless recorded otherwise.
- (c) Spousal cremains may be interred within the plot of a veteran in the Veterans section of the cemetery.
- (d) Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
- (e) Before any interment the City must receive an interment order and an interment right authorization from the City of Melville in the form found in Schedule "B" of this Bylaw, duly signed by the lot owner or his/her legal representative.

- (f) No interments shall be permitted in the municipal cemetery unless a proper burial permit or cremation permit is produced by the party applying for the burial.
- (g) No grave, or columbarium shall be opened for interment or disinterment by any person not in the employ or under hire to the City.
- (h) During a burial service all work in the vicinity of such service shall be discontinued.
- (i) When the owner of a single grave containing remains purchases a lot and removes said remains from the single grave to the new lot for reburial the old single grave shall revert to the City.
- (j) Reasonable notice of burial is required. Normally notice will be:
 - (i) Before a burial is to take place:
 - (ii) From April 1st to October 31st, 3 days' notice of which 2 days should be regular business hours;
 - (iii) From November 1st to March 31st, 4 days' notice of which 2 days between should be regular Business days.
- (k) No disinterment shall be made without written authorization from the Licensee of the grave lot in question or his heirs, executor or assigns. No disinterment for a body shall be made until a permit has been obtained from the Minister of Public Health of the Province of Saskatchewan.
- (l) Interments shall be made only between the hours of 8:00 a.m. and 4:00 p.m. Monday to Friday. Burials after 4:00 p.m. shall be subject to an additional fee as per Schedule "A".
- (m) Weekend or holiday burial fees shall be charged an additional fee as per Schedule "A".
- (n) Any request for disinterment from a columbarium must be made in writing to the City of Melville by an authorized decision-maker.
- (o) For each ash remains to be buried in a single plot, the burial fee will be applied to each.

6. **MONUMENTS, MARKERS AND DECORATIONS**

- (a) All monuments shall be of granite, marble, bronze or other material approved by the Director of Public Works and Planning Services. They shall be centered on the concrete base supplied. Where there are two plots adjoining one concrete base, monuments shall be centered on one half the width of the foundation supplied. Additional flat markers made of bronze or marble may be attached to the base of an existing monument providing that it does not exceed or extend past the area of the runner.
- (b) The grave of only a veteran shall bear a monument which conforms to the standard monument issued to all Veterans. The grave of a spouse of a Veteran who is buried in the Veterans section of the cemetery, who is not a Veteran, shall not bear a monument of any kind, with the exception of a flat marker made of bronze or marble which may be attached to the base of the Veterans monument.
- (c) Single runners are 700 mm or 2.50 feet wide and 12,000 mm or 4.00 feet long concrete poured base for monument. Each single runner has an area equivalent to ten monument/grave spaces. Each grave is allotted an area on the runner, 700 mm or 2.50 feet deep and 1200 mm or 4.00 feet long. The monument and monument base must be centered in this area.
- (d) Double runners are 1200 mm or 4.00 feet wide and 12,000 mm or 39.50 feet long concrete poured base for monuments. Each double runner has an area equivalent to twenty monument spaces with ten on each side. Each grave is allotted an area on the runner 600 mm or 2.00 feet deep and 1200 mm or 4.00 feet long. The monument and monument base must be centered in this area.
- (e) A standard monument shall be no more than three hundred (300) mm or 1 foot in width, nine hundred (900) mm or 3.00 feet in length and seven hundred and fifty (750) mm or 2.50 feet in height. A standard double monument shall be no more than fifteen hundred (1500) mm or 5.00 feet.
- (f) Covers, curbs, foot markers and cornerstones shall not be permitted on graves or plots.
- (g) Unsightly flowers, receptacles or urns shall be removed. Urns and receptacles will be returned to the owner on request, however, the City shall not be responsible and liable for any damages for loss or damage with regard to these receptacles.
- (h) Any Columbarium plaques purchased from and approved by the City of

Melville's Director of Public Works and Planning Services shall be placed by any person in the employe or under hire to the City.

- (i) To maintain the columbarium in a uniform manner, the City of Melville shall arrange for the engraving of the niche plaque and Memory Wall Plaques.
- (j) Any Memory Wall plaques purchased from and approved by the City of Melville's Director of Public Works and Planning Services shall be placed by any person in the employe or under hire to the City.

7. **BURIAL OF INDIGENT POOR**

The City of Melville, at the direction of Social Services, shall furnish graves in the Cemetery, free of charge, for the dead of indigent poor.

8. **GENERAL REGULATIONS**

- (a) It shall be an offence under this Bylaw to:
 - (i) plant trees or shrubs on any grave or plot.
 - (ii) pick wild or cultivated flowers, trees, shrubs or plants
 - (iii) remove or disturb in any way any bodies or remains.
 - (iv) write upon, desecrate or injure any memorial, fence or other structure within the Cemetery grounds.
 - (v) bring any animal into the cemetery grounds, except for animals designated as service animals.
 - (vi) no one shall discharge firearms except at a military funeral.
- (b) Visitors must:
 - (i) conduct themselves in a quiet and orderly manner.
 - (ii) use only the avenues, roads, walks and alleys and no one is permitted to walk upon or across graves.
 - (iii) travel on the roadways provided for that purpose and shall not exceed twenty (20) kilometers per hour, except for maintenance vehicles.
 - (iv) be of the age, of 15 and over to access the cemetery grounds. All children under the age of fourteen (14) years of age must be accompanied by an adult.

9. INFRACTIONS OF THE BYLAW

A person who contravenes any of the provisions of this bylaw or fails to comply therewith, or with any notice given thereunder shall commit an offence and be liable to the penalty as herein provided.

A person or persons found guilty of an infraction of any provision of this bylaw shall be liable upon summary conviction to a fine of not less than \$500.00 not more than \$3000.00.

10. REPEALED

(a) Bylaw No. 01/13, passed on the 2nd Day of July 2013, is hereby repealed.

11. COMING INTO FORCE

(a) This bylaw shall come into force on the final passing thereof.

INTRODUCED and READ A FIRST TIME this 22nd Day of May, 2018.

READ A SECOND time this 22nd Day of May, 2018.

READ A THIRD TIME AND PASSED by consent of members present this 22nd Day of May, 2018.

Mayor

City Manager

**CITY OF MELVILLE
SCHEDULE "A"
CEMETERY FEE SCHEDULE**

FEES:

BURIAL FEES			
	2018	2019	2020
Cemetery Plot	\$700.00	\$725.00	\$750.00
Veteran Plot	No Fee	No Fee	No Fee
Baby/Child Plot	\$350.00	\$350.00	\$375.00
Perpetual Care Fee	\$250.00	\$350.00	\$450.00
Grave Opening & Closing Fee: Summer (Apr 1 – Oct 31)	\$650.00	\$700.00	\$750.00
Grave Opening & Closing Fee: Winter (Nov 1 – Mar 31)	\$700.00	\$750.00	\$800.00
Cremation Opening & Closing Fee Summer(Apr 1 –Oct 31)	\$310.00	\$320.00	\$330.00
Cremation Opening & Closing Fee: Winter (Nov 1 –Mar 31)	\$330.00	\$350.00	\$370.00
Extra Charge (Saturday, Holidays or after 4:00 p.m. Monday to Friday)	\$250.00	\$275.00	\$300.00
EXHUMATIONS			
Adult	Cost Incurred	Cost Incurred	Cost Incurred
Baby/Child	Cost Incurred	Cost Incurred	Cost Incurred

**CITY OF MELVILLE
SCHEDULE "A"
CEMETERY FEE SCHEDULE**

COLUMBARIUM FEES			
	2018	2019	2020
Top Row	\$1700.00	\$1725.00	\$1750.00
2nd Row	\$1600.00	\$1625.00	\$1650.00
3rd Row	\$1500.00	\$1525.00	\$1550.00
Bottom Row	\$1400.00	\$1425.00	\$1450.00
Memory Wall	\$200.00	\$225.00	\$250.00
Bronze Plaque (11x7) – Memory Wall	Actual Cost + 15% Administrative Fee	Actual Cost + 15% Administrative Fee	Actual Cost + 15% Administrative Fee
Columbarium Opening/Closing	\$75.00	\$75.00	\$75.00
Memory Plaque – 4x6 Plaque (includes taxes, freight & install)	Actual cost + 15% Administrative Fee	Actual Cost + 15% Administrative Fee	Actual Cost + 15% Administrative Fee

All columbarium niches may have up to two (2) urns interred. It is the licensee's sole responsibility to confirm the secure fit. First interment and a memorial plaque are included with the price of the niche. A second interment is subject to a \$75.00 opening and closing fee. Bronze memorial plaques are arranged and ordered strictly by the Director of Public Works and Planning Services at the City of Melville.

Niches and Plots may be purchased at City of Melville Administration Office.

All fees are subject to G.S.T.

SCHEDULE "B"

CEMETERY PLOT OPENING

Name:

Date:

Funeral Home:

GRAVE OPENING

Location:

Plot:

Lot:

Rough Box: YES / NO

CREMATION OPENING

Location:

Plot:

Lot:

Headstone

1

2

3

4

Faxed to Public Works _____ Date Faxed: _____