



## **CITY OF WARMAN**

### **BYLAW NO. 2015 – 16**

#### **A BYLAW TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE WARMAN CEMETERIES**

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

#### **1.0 SHORT TITLE**

- 1.1 This Bylaw may be cited as The Warman Cemeteries Bylaw.

#### **2.0 DEFINITIONS**

2.1 In this Bylaw:

- (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 *Cemeteries Act, 1999*.
- (b) **"Cemeteries"** means both the Warman Memorial Gardens and The Warman Cemetery.
- (c) **"City"** means the City of Warman.
- (d) **"Columbarium"** means a building designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
- (e) **"Council"** means the Council of the City of Warman.
- (f) **"Cremains"** means the ashes of a cremated human body.
- (g) **"Director"** means the person appointed by Council to be in charge of Cemeteries.
- (h) **"Grave Lot"** means a parcel of land in Cemeteries to be utilized solely for the interment of human remains or ashes.
- (i) **"Interment"** means the burial of human remains or cremated remains in a Cemeteries.
- (j) **"Licensee"** means a person or persons who purchase a grave lot or lots in Cemeteries.
- (k) **"Lot"** means a parcel of land in Cemeteries which comprises of two or more plots and is to be utilized solely for the interment of human remains or ashes.
- (l) **"Marker"** means a memorial made of granite, marble or bronze that is flush with the ground.
- (m) **"Memorial Gardens"** means land set apart for or used by the City of Warman as a place for the interment of the dead or which human bodies have been buried, known as the Warman Memorial Gardens. It is the portion of land legally described as Parcel Q; Plan No. 10258725.
- (n) **"Monument"** means any upright tombstone or other structure erected or constructed above the ground on any lot or lots in Cemeteries for memorial purposes.
- (o) **"Perpetual Care"** means the basic maintenance of all graves and shall include the leveling of the ground and the seeding, cutting and watering of grass, as required. It shall not include the maintenance, repair or replacement of monuments or markers.



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- (p) **“Plot”** means a subdivision of land in Cemeteries for the purpose of a single burial of human remains and/or the burial of cremated remains.
- (q) **“Resident”** Any person(s) residing in the corporate boundaries of Warman, however, at time of death did not reside in Warman due to having to leave the community to receive health care not available in the community.
- (r) **“Warman Cemetery”** means the land set apart for or used by the City of Warman as a place for the interment of the dead or which human bodies have been buried known as the Warman Cemetery. It means the portion of land legally described as Parcel F; Plan No. 77S40223 and Parcel X; Plan No. 101617545 which are comprised of three (3) acres more or less.

#### 3.0 LICENSES

- 3.1 The City may grant a license to any person for the exclusive use of any grave lot or lots as provided for in this Bylaw. The said license shall be issued subject to all provisions of this Bylaw and any amendments thereto passed from time to time by Council.
- 3.2 The fees and all charges for work done or services rendered at the Cemeteries shall be in accordance with the Cemeteries Fee Schedule, attached hereto and identified as Schedule “A” and forming a part of this bylaw
- 3.3 Grave lots or plots shall not be resold or transferred by the licensee. Licensee may only transfer a lot or plot to an immediate family member (ie: father, mother, child, grandchild or grandparent). A licensee may surrender his license to the City for any unused plot by completing a Buyback Request/Transfer Form. The City will refund to the original licensee or next of kin the original purchase price of the license less a fee of one-half of the original purchase price.
- 3.4 An adjoining reserve grave plot may be purchased after there has been a death in the family by the spouse or a member of the immediate family of the deceased person. The reserved plot must be paid for in full at the time that it is reserved. The purchase price for the grave lot shall be the current purchase price as shown in Schedule “A” of this bylaw.



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**4.0 INTERMENTS AND DISINTERMENTS**

- 4.1 No person shall bury any human body or cremated remains in Cemeteries unless and until the person has complied with the provisions of:
- (a) *The Public Health Act* and regulations there under;
  - (b) *The Vital Statistics Act* and regulations there under; and
  - (c) The provisions of this bylaw.
- 4.2 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, except in the case of parent and child concurrently. 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.
- 4.3 Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
- 4.4 For all casket interments, a minimum Fiberglass Dome Grave Liner is required.
- 4.5 Before any interment the City must receive an interment order and an interment right authorization in the form as provided by the City, duly signed by the lot owner or his/her legal representative.

Reasonable notice of burial is required. Normally notice will be:

- a) Before a burial is to take place:
    - a. From April 1<sup>st</sup> to October 31<sup>st</sup>, 24 hours' notice of which 8 hours should be regular working hours;
    - b. From November 1<sup>st</sup> to March 31<sup>st</sup>, 48 hours' notice of which 16 hours between should be regular working hours.
  - b) Before a disinterment is to take place 5 regular working days' notice.
- 4.6 No interments shall be permitted in Cemeteries unless a proper burial permit is produced by the party applying for the burial.
- 4.7 Whenever the remains of a grave plot(s) are removed; the grave space(s) so vacated shall revert to the City.



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- 4.8 No disinterment shall be made without written authority from the Licensee of the grave lot in question or his heirs, executor or assigns. No disinterment shall be made until a permit has been obtained from the Minister of Public Health of the Province of Saskatchewan.
- 4.9 Interments shall be made only between the hours of 8:30 a.m. and 5:00 p.m. Monday to Friday. Burials after 5:00 p.m. shall be subject to an additional fee as per Schedule "A".
- 4.10 Weekend or holiday burial fees shall be charged an additional fee as per Schedule "A".

#### **5.0 MONUMENTS AND MARKERS**

- 5.1 All monuments, markers shall be installed entirely within the plot for which it was intended. The initial monument or marker for each lot must be placed at the head of the grave.
- 5.2 All monuments shall be manufactured of granite, marble, bronze or other material approved by the Director.
- 5.3 Flat markers must be used in the designated cremation areas. Upright monuments or markers are not permitted in cremation areas.
- 5.4 For the Warman Memorial Gardens each monument or marker shall be placed at the head of a traditional grave on the concrete ribbon provided in the Warman Memorial Gardens.
- 5.5 In the Warman Cemetery each monument or marker must be placed at the head of a traditional grave on a concrete foundation of a minimum thickness of 4". The upper surface of each foundation shall be to ground level and in each case the foundation shall project 4" on all sides of the base of the monument or marker erection thereon.
- 5.6 In the Warman Cemetery each monument or marker placed at the head of the grave will not require a foundation if they have a minimum thickness of 3". If a minimum thickness is less than 3", all markers must be either imbedded in concrete with a minimum thickness of 4" or be placed on a foundation with a minimum of 4". Flat markers with a minimum thickness of 4", placed on a plot do not require a foundation.
- 5.7 A concrete marker or slab of concrete that were placed on lots/plots before the passing of this said Bylaw will be allowed to remain.



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- 5.8 No lot/plot or cremated remains lot/plot in the Cemeteries may be covered by any loose materials or a concrete marker or slab of concrete or granite or any other material over the length of the grave.
- 5.9 No person may erect or maintain borders, fences, railing, copings, wall, cubs, enclosures or hedges in or around any lot/plot or cremated remains lot/plot.
- 5.10 Monuments must be placed on the foundation with a minimum thickness of 4".
- 5.11 There shall not be more than one monument on each lot except where cremated remains are to be buried in an occupied grave with an existing monument or marker. In such cases, additional flat markers would be allowed providing the monuments or markers together do not exceed the specifications for a single or double monument.
- 5.12 Crosses of any kind are not allowed unless they are an integral part of the monument and made of approved materials.
- 5.13 UPRIGHT MONUMENTS
- 5.14 A monument must be centered at the head of the lot/plot; or centered in a side by side reserved plot for couples.

The dimensions must be:

**Depth:**

A minimum of 3 inches (7.62 cm) to a maximum of 18 inches (45.72 cm) excluding the base.

**Width:**

A maximum width including the base of 6 inches (15.24 cm) less than the width of the lot or plot and where there are 2 or more lots or plots to a maximum of 90 inches (228.60 cm).

**Height:**

The maximum height including the base shall not exceed 24" (60.96 cm).

- 5.15 All monuments must be secured to the concrete ribbon provided by a memorial approved setting compound, extending equal distance into the monument and base and placed at equal distances from the sides of the monument.



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##### **5.16 FLAT MARKER MEMORIALS**

##### **5:17 FLAT MARKER DIMENSIONS:**

Single Marker for Cremains sections

|             |         |                      |
|-------------|---------|----------------------|
| Dimensions: | Width:  | 35 inches (88.90 cm) |
|             | Height: | 10 inches (25.40 cm) |
|             | Depth:  | 4 inches (10.16 cm)  |

##### **6.0 MONUMENTS AND MARKERS IN DESREPAIR**

- 6.1 The Director may declare any monument, marker or other structure (i.e., marker or slab of concrete) in Cemeteries to be in a state of disrepair or of unacceptable quality and may order the Licensee to repair the same via written notice.
- 6.2 If the Licensee of the monument or marker neglects to make the required repairs or alternations within the said period of thirty (30) days, the Director may have the monument, marker or other structures removed from Cemeteries and disposed of, or at the Licensee's request, the Director may make the repairs to the monument, marker or other structures and charge the cost thereof to the Licensee, which may be removed as debt by the Licensee to the City. Sinking monuments or markers that need to be raised are the responsibility of the Licensee or family.

##### **7.0 FLORAL ARRANGEMENTS & DECORATIONS**

- 7.1 The planting of flowers shall be allowed only in receptacles which are affixed to the monument 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 ten (10) days after which the flowers, wreaths and other items will be removed and disposed of.
- 7.2 All vases must be affixed to the marker or monument and must be constructed of granite, marble, or bronze or other permanent materials which have been approved by the City.
- 7.3 The City will remove or prevent the placing of a stand, holder, vase, or other receptacle for flowers or plants which are deemed to be unsuitable for such purpose and are unsightly, or made of materials that are not approved by the City, or not physically attached to the monument, base or marker.



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- 7.4 The City will remove at any time plastic or silk flowers that are not placed in an affixed vase. No plastic or silk flowers, no glass/plastic or any other standing vase will be allowed to be placed on any lot/plot/grave in the Cemeteries. The City will remove any such material placed on any grave at any time.
- 7.5 Only fresh flowers will be allowed to be placed on the plot. The flowers will be removed by the City when the said flowers become wilted, or after a period of ten (10) days.
- 7.6 The Cemeteries or City employees will remove from any grave any funeral design or floral piece which has become wilted, or after a period of ten (10) days, which is sooner, or any other article or thing which is, in his/her opinion, unsightly.
- 7.7 No grave or plot shall be decorated by its owner/owners or others interested therein with any trees, shrubs, or plants. The City will remove these items without notification to the next of kin. This shall not be deemed to prohibit the placing of cut flowers upon graves as per Section 7.5 above.
- 7.8 One solar light per plot will be accepted if the light is affixed to the monument or marker. Multiple lights or lights that are placed near or surrounding the monument or marker will be removed by the City at any time.
- 7.9 Only fresh flowers are allowed to be placed on or near the Columbarium. No silk flowers, solar lights or personal items are allowed. The City will remove any items that are in violation of the said bylaw without notification.
- 7.10 All allowed items placed at the grave, plot or columbarium shall be removed no later than September 30<sup>th</sup> of each year and can be placed the following spring after May 20<sup>th</sup>. Any items left after the September 30<sup>th</sup> date will be removed by the City and placed in the bin for a period of 2 weeks at which point they will be disposed of. Any fresh arrangements or bouquets are allowed to be placed year round. The City will remove after a period of (10) days or when said flowers become wilted.
- 7.9 All items placed in the Cemeteries by the public shall be at their own risk. The City of Warman will not accept responsibility for damaged or missing items.



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##### **8.0 BURIAL OF INDIGENT POOR**

- 8.1 The City of Warman, at the direction of Social Services, shall furnish graves in the Cemeteries, free of charge, for the dead of indigent poor of any denomination.

##### **9.0 MAPS, PLANS AND RECORDS**

- 9.1 The maps, plans and records for the Cemeteries showing the subdivision of land made available to the City for Cemeteries purposes shall be open for inspection free of charge at the Warman City Office during regular business hours.
- 9.2 Such maps and records are to show the grave plots that are occupied and the grave plots that are reserved.

##### **10.0 GENERAL REGULATIONS**

- 10.1 All persons, while in the Cemeteries, shall conduct themselves in a quiet and orderly manner.
- 10.2 Persons within the Cemeteries shall use only the avenues, roads, walks and alleys and no one is permitted to walk upon or across graves.
- 10.3 Persons visiting the Cemeteries or attending funerals are strictly prohibited from picking wild or cultivated flowers, trees, shrubs or plants.
- 10.4 No one shall write upon, desecrate or injure any memorial, fence or other structure within the Cemeteries grounds.
- 10.5 Motor vehicles in the Cemeteries shall travel on the roadways provided for that purpose and shall not exceed twenty (20) kilometers per hour, except for maintenance vehicles.
- 10.6 No children under the age of twelve (12) years shall be admitted to the grounds of the Cemeteries unless accompanied by an adult.
- 10.7 No pets shall be allowed in the Cemeteries.



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##### **11.0 CEMETERY OPERATIONS AND MAINTENANCE**

- 11.1 Except with the prior written consent of the City, all work within the Cemeteries shall be performed only by the City.
- 11.2 The City shall have the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, alter in shape or size, or otherwise to all or any part of the cemetery, subject to the approval of any regulatory authority.
- 11.3 The City retains the right of passage over every lot so that cemetery operations may be performed effectively.
- 11.4 Any article on or near any lot or other feature in the Cemeteries which in the opinion of the City is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design on the cemetery, may be removed by the City. The City is not obliged to give notice of removal or disposition.
- 11.5 To reduce the risk of fire, open flame candles are not permitted on any grave, niche or marker. Battery operated candles are not to be left on graves after a memorial service, if left the City will remove the candles.
- 11.6 No lot or grave shall be defined or enclosed by a fence, railing, coping, grave cover or by any other marking.
- 11.7 The donation and dedication of trees, memorial benches and other selected features must be of a type approved by the City and will conform to the designated landscape plan of the cemetery under the direction of the City, and as outlined in Policy P05-2009 Living Legacy Program Policy.
- 11.8 The placement of dedicated items does not entitle the donor to any privileges to the land upon which the items are situated.

##### **12.0 INFRACTIONS OF THE BYLAW**

- 12.1 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 \$100.00 not more than \$2500.00.



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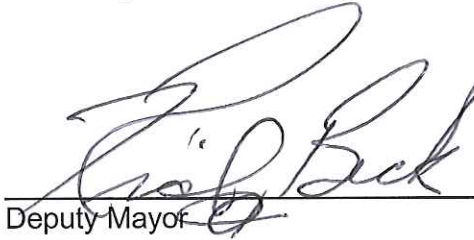
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**13.0 INDEMNITY**

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

**14.0 COMING INTO FORCE**

- 14.1 This bylaw shall come into force on the final passing thereof.  
14.2 Bylaw 2014-18 and 2012-13 is hereby repealed

  
Deputy Mayor

  
City Clerk



Read a third time and adopted this 8<sup>th</sup> day September of, 2015.



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**CEMETERIES FEES**

**Schedule “A” to Bylaw 2015-04**

**BURIAL FEES:**

|                 |          |
|-----------------|----------|
| Cemeteries Plot | \$900.00 |
| Cremation Plot  | \$500.00 |
| Child Plot      | \$250.00 |
| Infant Plot     | \$100.00 |

**Prices above add a \$300.00 Perpetual Care fee.**

Price for opening/closing of all graves, including interment of cremated remains in an owned existing plot, shall be \$100.00 plus the contractor's cost to the City of Warman.

|                          |               |            |
|--------------------------|---------------|------------|
| <b>COLUMBARIUM FEES:</b> | Top 2 Rows    | \$1,620.00 |
|                          | Bottom 2 Rows | \$1,377.00 |

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

**WEEKEND/HOLIDAY BURIAL FEES: (Additional)**

|                         |                         |          |
|-------------------------|-------------------------|----------|
|                         | Regular Cemeteries Plot | \$100.00 |
|                         | Child/Infant Plot       | \$100.00 |
|                         | Cremation Plot          | \$50.00  |
| Burials after 5:00 p.m. | Monday to Friday        | \$ 75.00 |

All fees are subject to G.S.T.