

BYLAW NO. 2018-10

A BYLAW OF THE TOWN OF LEMBERG TO MAINTAIN AND CONTROL THE MUNICIPAL CEMETERY IN THE TOWN OF LEMBERG

COUNCIL of the **Town of Lemberg**, in the Province of Saskatchewan, enacts as follows:

- 1) This bylaw shall be referred to as the "Cemetery Bylaw".
- 2) In this bylaw:
 - (a) "Administrator" shall mean the Administrator of the Town of Lemberg;
 - (b) "Council" shall mean the Council of the Town of Lemberg;
 - (c) "Licensee" shall mean the purchaser of a plot in the Town of Lemberg;
 - (d) "Municipality" shall mean the Town of Lemberg; and
 - (e) "Perpetual Care" means the basic maintenance of all graves and shall include levelling 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.
 - (f) "Plot" shall mean an area for one grave which is 1.22 m (4 feet) wide by 2.44 m (8 feet) long.
- 3) The following land is hereby declared to be a cemetery and known hereafter as Lemberg Cemetery, namely: Lot 9 Block 45 Plan 90R57562, in the Province of Saskatchewan, described on Title No. 108132757.

PLOTS

- 4) The fee for each plot shall be fixed annually by resolution of Council.
- 5) The purchaser of a plot shall be given a receipt in the form provided by the Town of Lemberg as proof of purchase.
- 6) Cemetery plots are sold on the 'next available' basis and may not be reserved.
- 7) Transfers of plots from one individual to another shall not be allowed unless a written and signed agreement between the owner of the plot and purchaser is provided to the municipality's office.
- 8) The Town of Lemberg may buy back a burial plot on the basis of seventy-five percent (75%) of the original fee paid for the plot fee paid provided the original receipt is provided at time of request.

INTERMENTS/BURIALS

- 9) No person other than a Licensed Funeral Director shall have charge of the interment or disinterment of a body.

- 10) No burial shall be made in the cemetery without first providing a Burial Permit or Cremation Certificate obtained through a certified funeral home/funeral director and paying the appropriate fees.
- 11) No interment of more than two bodies shall be made in one grave except where in the case of a mother or father and a child or two infants buried in one casket. Up to one cremation and one casket are permitted in one plot.
- 12) The opening/closing a grave shall be arranged by the Funeral Director or family of the interment.
- 13) The fee for Perpetual Care shall be fixed annually by resolution of Council.
- 14) No grave shall be less than 1.83 m (six feet) in depth from the surface of the ground. No cremated remains shall be less than 0.61 m. (two feet) in depth from the surface of the ground.
- 15) No grave shall be used for any purpose other than for the burial of the human dead.
- 16) Whenever the remains are removed from a grave plot, the space or spaces shall revert to the municipality.
- 17) No person shall define any grave or plot by a fence, railing, coping, edge, corner stone, or any other marking.
- 18) It shall be unlawful to cover gravesites with any other substance other than grass. New grave covers of any type, description or material shall not be permitted. Existing covers in a state of disrepair shall be removed permanently.
- 19) If a plot or grave is held jointly by two or more parties, authority for interment will be accepted by the Town of Lemberg from any one of the said parties or their executors or agents.

MONUMENTS

- 20) The fee for each Monument permit shall be fixed annually by resolution of Council.
- 21) No monument, footstone or grave marker shall be erected in the cemetery without first obtaining the approval obtained from the Town of Lemberg and the appropriate fees have been paid.
- 22) All monuments shall be of granite, marble or bronze.
- 23) Only one monument per grave shall be permitted.
- 24) All monuments shall be placed at the head of the grave in alignment with adjacent monuments.
- 25) Footstones or plot markers must be approved by the Administrator prior to placement.

- 26) Should any monument or other structure placed or arranged in the cemetery be in a state of disrepair the municipality may have the said monument or structure repaired or removed from the cemetery.
- 27) Ornaments, including flower holders or vases, crosses and statues, may be permitted on a burial plot as long as they:
- a. Are permanently secured to the base of the monument.
 - b. Are unbreakable.
 - c. Do not exceed 14" in height.
 - d. Do not project beyond a plumb line from the outside dimensions of the monument base.
- 28) Any monument company providing services of placement of monuments must be registered for a Town business license before proceeding with work.
- 29) Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery will advise the Town upon 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 Town will not be held responsible for any monument damages or repairs required due to improper installation.

AVAILABILITY OF GRAVES

- 30) Permits for graves shall be allocated and sold to members of the general public on a "first-come, first-serve" basis, provided that the purchaser agrees to adhere to all relevant bylaws and these Regulations.
- 31) The Administrator may consider requests for specific graves or graves in specific locations by persons provided that: (a) the request does not disrupt the Cemetery's maintenance and operating plans; and in case of dispute, the Council's decision shall be final.

MAINTENANCE

- 32) The cemetery grounds shall be maintained by the municipality. Council may, at its discretion and if so needed, hire a caretaker for the cemetery whose duties and remuneration will be set out in the terms of the contract to be negotiated with the caretaker.
- 33) All general maintenance expenses for the cemetery such as grass cutting, spraying weeds, etc. be paid out of the General Account.
- 34) The Town's maintenance of Monuments shall be limited to keeping the ground in such condition that the Monuments remain level and straight.
- 35) The Town shall have the authority to remove all floral designs, flowers, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the Town, they become unsightly, dangerous, detrimental, or diseased.

36) The Town shall take all reasonable precautions to protect the property rights of owners within the Cemetery, including plots and monuments, from loss or damage, but the Town distinctly disclaims all 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. The Town accepts no responsibility for degrading of the Monuments or markers due to normal wear or deterioration. Minor chipping of the base portion of the Monuments as a result of the turf mowing operation is considered normal wear.

MONUMENTS IN DISREPAIR

37) The Town does not provide maintenance for private memorials or the memorialization on the memorials and will not be responsible for the cost of any repair resulting from damage to any tombstone or monument however caused, nor shall the Town be responsible for the upkeep of any tombstone or monument.

38) Should any tombstone, monument or other structure placed or arranged in the cemetery be in a state of disrepair, the Town may have said tombstone, monument or other structure removed from the Cemetery if the owner does not have the same repaired in accordance with the said notice.

39) The Public Works personnel shall, from time to time, report to the Administrator and to the owners on the condition of any monument which is out of repair and it shall be the duty of the owner of such monument to repair same, without delay, to the satisfaction of the Town.

40) Whenever any owner of a tombstone, monument or other structure neglects to make the required repairs or alterations after being given due notice by the Town to do so, they shall be allowed a period of six (6) months to elapse after the giving of the said notice and shall then have power to remove such tombstone, monument or other structure from the cemetery or to repair it and charge the cost thereof to the owner and the cost may be recovered as a debt due by the owner to the Town.

41) All notices required to be given to Licensees of grave lots or owners of monument or other parties by this Bylaw may be delivered in writing by the Town or mailed postage paid to the last known address of such Licensee or owner or other party. Proof of such notice having been delivered or properly addressed and prepaid shall be sufficient proof that such notice has been given.

42) All items placed in the cemetery by the public will be at their own risk.

43) The Town of Lemberg accepts no responsibility for any damaged or missing items.

RECORD KEEPING

44) The Administrator shall keep an accurate record setting forth the name, location and date of burial of the deceased person.

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

GENERAL REGULATIONS

46) After the passing of this Bylaw, no border consisting of but limited to, fences, railing, trellises, copying hedges, concrete or stone comers or iron posts shall be constructed in or around any lot or plot.

47) Borders of any material, fences, railings, trellises, copying or hedges in existence before the passing of this Bylaw will be removed free of charge by the Town upon request in writing.

48) Any border, fence, railing, copying hedge or any other bounding or enclosing material installed before the passing of this Bylaw may be removed by the Town, or by reason of neglect or age it becomes in a state of disrepair and the owner neglects or refuses to repair or remove the same within thirty (30) days after a notice in writing has been forwarded to him at his last known address.

49) The cemetery shall be open for the purpose of accommodating visitors from six o'clock in the forenoon (6:00 am) until ten o'clock in the evening (10:00) each and every day of the year. All persons are prohibited from picking flowers, either wild or cultivated or breaking any trees or shrubs on the cemetery grounds.

50) All trees and shrubs in the cemetery shall be the property of the municipality.

51) No person shall place arbors, trellises, trees, shrubs, artificial flower boxes, decorative rocks, or other objects in any place or part of the cemetery.

52) The Town will direct its employees to remove anything that is not part of the headstone in September during fall cleaning and in April during spring cleaning.

53) No person shall write upon, deface or injure in any way, any monument or other structure in or belonging to the cemetery.

54) Permanent vases attached to monuments are allowed.

55) No work shall be done in the Cemetery without a permit issued by the Administrator.

56) Floral arrangements (including bouquets, casket sprays, etc.) whether live or artificial, shall be removed by the family of the deceased in a timely manner. All artificial flowers must be picked up and removed from the Town Cemetery on or before September 30 of each year or they will be disposed of by cemetery staff. Should the family not comply; the municipality will direct its employees to remove these arrangements at their discretion and during fall and spring clean up.

57) All vehicles shall keep to the roadways provided in the cemetery (municipal vehicles and equipment excluded) and shall not exceed fifteen (15) kilometres per hour.

- 58) No motorcycles, snowmobiles of any kind, or sports activities of any kind, will be allowed in the cemetery.
- 59) All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
- 60) Persons within the cemetery shall use the avenues, roads and walks provided and no one is permitted to walk upon or across graves.
- 61) Children under the age of fourteen (14) years of age shall not be allowed on the cemetery grounds, unless accompanied by their parents or by a person having them in their care or charge.
- 62) No person having alcohol shall be permitted within the cemetery grounds.
- 63) Dogs shall be leashed when within the cemetery boundaries.

DONATIONS

- 64) All funds received from donations to the cemetery will be receipted and kept in a public register.

INDEMNITY

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

INFRACTIONS

- 66) Any person found guilty of an infraction of the provisions of this bylaw shall be liable to a penalty imposed in the General Penalty Bylaw of the municipality.

COMING INTO FORCE

- 67) This bylaw shall come into force and take effect on the date of its final passing.

[SEAL]

_____ Mayor

_____ Administrator

First Reading: _____
 Second Reading: _____
 Third and Final Reading: _____

Certified a True Copy of Bylaw 2018-10
 adopted by Resolution of the Council
 of the Town of Lemberg, in the

seal

Administrator

Lemberg Rates

Current Cemetery rates

Grave – casket per plot ----- \$300.00 each
each cremated in same plot (up to 2) ----- \$100.00 each

Opening and closing – to be arranged by family
Burial permits and Cremation certificates to be provided to Town office,
purchased from Funeral home or SaskHealth

Proposed Cemetery Rates effective January 1, 2019

Grave – per plot ----- \$300.00 each
each person in same plot (up to 3) ----- \$100.00 each
Perpetual Fee per burial or cremation ----- \$100.00 each
Monument Permit Fee (to be marked by Public Works Staff) ----- \$ 25.00 each
Snow Clearing for winter interment ----- \$125.00 each

Opening and closing – to be arranged by family
Burial permits and Cremation certificates to be provided to Town office,
purchased from Funeral home or SaskHealth

Melville 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