

CITY OF MARTENSVILLE
CEMETERY OPERATIONS
BYLAW NO. 21-2011

A BYLAW OF THE CITY OF MARTENSVILLE RESPECTING CEMETERY OPERATIONS.

THE COUNCIL OF THE CITY OF MARTENSVILLE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1.0 SHORT TITLE

1.1 This Bylaw may be cited as “The 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 the Cemeteries Act, R.S.S. 1999c.C-4, as amended.
- (b) “Cemetery” means land set apart for or used by the City of Martensville as a place for the interment of the dead or which human bodies have been buried and includes any land that is set apart and is used as a site for a columbarium known as the Martensville & District Cemetery.
- (c) “City” means the City of Martensville.
- (d) “City Cemetery” refers to the cemetery located at Parcel A SW 23-38-5-W3.
- (e) “Columbarium or Columbaria” means a structure(s) or building(s) designed for the purpose of storing or interring cremated human remains in sealed compartments or niches.
- (f) “Manager” mean the City Manager of the City of Martensville.
- (g) “Council” means the Council of the City of Martensville.
- (h) “Cremated Remains” or “Cremains” means human bone fragments that remain after cremation.
- (i) “Director” means the person appointed by Council as the Director of Recreation and Community Services for the City or any person appointed to act in his/her place.

- (j) “Human Remains” means a dead human body but does not include cremated human remains.
- (k) “Interment” means the burial of human remains or cremated human remains or the inurnment of cremated human remains in a columbarium.
- (l) “License” means a permit provided by the City to an individual indicating purchase and the right to use a lot for the purpose of a single burial or the burial of cremains as provided for therein.
- (m) “Lot” means a space of land in the Cemetery to be utilized solely for the interment of human remains or cremated human remains and includes a niche or compartment in a columbarium.
- (n) “Memorial” means a marker, headstone, tombstone, monument, plaque or inscription that is used to identify a lot or memorialize a deceased person.
- (o) “Parks Foreman” means the person appointed by the Director to act in the Capacity of Supervisor of Cemeteries.
- (p) “Resident” means any person or persons who have resided or presently reside in the City of Martinsville.
- (p) “Regular Hours” means regular working hours for the City of Martinsville employees 8:00 am to 12:00 pm and 12:30 pm to 5:00 pm weekdays as specified in the attached regulations.
- (r) “Special Sections” refers to sections set aside for special populations (ie: Veterans, Catholic, Protestant, Mennonite, etc.), which Council may approve at its discretion.

3. LICENCES

- (a) The City may grant a license to any person for use of a 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.
- (b) The license fee and all charges for work done or services rendered at the Cemetery shall be in accordance with the Cemetery Fee Schedule, attached hereto and identified as Schedule “A” and forming part of the Bylaw.
- (c) Grave lots and 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 lot or plot. The City will refund to the original licensee the original purchase price of the license less a fee of one-half of the original purchase price.
- (d) An adjoining reserve grave lot 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 lot 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.

4. INTERMENTS AND DISINTERMENTS

- (a) No person shall bury any dead human body or cremated remains in the City Cemetery unless and until the person has complied with the provisions of:
 - i. The Public Health Act and regulations there under;
 - ii. The Vital Statistics Act and regulations there under; and
 - iii. The provisions of this Bylaw.
- (b) Lots for ground burial shall comply with the following regulations;
 - i. No interment of more than four (4) cremated bodies shall be made in one (1) grave lot or no more than four (4) cremated bodies with one (1) human remains being in one (1) grave lot with the human remains being the first burial in the grave-lot. In all cases, the interments of cremated remains shall be made in the center of the grave lot with the first cremation to be placed sixty-one (61) centimetres from the space required for a marker or monument. The remaining cremations shall be spaced sixty-one (61) centimetres apart.

- ii. standard cremation lots shall be 1.0 metre by 1.0 metre and may accept up to one (1) cremated remains: and
 - iii. premium cremation lots shall be 1.0 metre by 1.6 metre and may accept up to two (2) cremated remains.
- (c) No grave lot shall be dug less than two (2) metres in depth from the surface of the ground surrounding the grave. This does not apply to:
 - i. the interment of cremated remains where “adequate” coverage only is required;
 - ii. or to the interment of infants where depth is dependent upon having a minimum of one (1) metre covering over the infants coffin;
 - iii. all burial depths will comply with regulations set out in Cemeteries Act;
 - iv. all graves shall have a minimum of sixty-one (61) centimetres of topsoil on top of the casket or cremation urn.
- (d) For all casket interments, a Fibreglass Encasement/Vault is required.
- (e) In the section of the cemetery set aside for cremated remains a maximum of two (2) urns per niche are permitted and a maximum of four (4) cremated remains per family estate niche.
- (f) No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the party applying for the burial.
- (g) Whenever the remains of a grave lot(s) are removed, the grave space(s) so vacated shall revert back to the City.
- (h) No disinterment shall be made without the written authority from the
 - i. licensee of the grave lot in question or his heirs, executor or assignee.
 - ii. No disinterment shall be made until a permit has been obtained from the Minister of Public Health of the Province of Saskatchewan.
- (i) Interments shall be made only between the hours of 8:00 am and 5:00 pm Monday through Friday. Burials after 5:00 pm on week-days, or on week-ends and holidays shall be subject to an additional fee as shown in Schedule “A” of this bylaw and scheduled at the discretion of the Director.
- (j) Weekend or holiday burial fees shall be charged an additional fee as shown in “Schedule A” of this bylaw and scheduled at the direction of the Director.

5. BURIAL OF DESTITUTE PERSONS OR UNCLAIMED BODIES

- (a) The City of Martensville shall provide grave lot(s) in the Cemetery, without charge, for the dead of destitute people regardless of denomination who were residents in the City of Martensville at the time of death.

6. MONUMENTS, MARKERS & COLUMBARIUMS

- (a) All monuments, markers and foundations shall be installed entirely within the lot for which it was intended.
- (b) No monument or marker shall be erected in the cemetery until the design and description thereof has been approved by the Director and a written permit issued for the installation of such monument or marker in Form "B", as attached hereto and forming part of this Bylaw.
- (c) All monuments or markers shall be manufactured of granite, bronze or other material approved by the Director.
- (d) The initial monument or marker for each lot must be placed at the head of grave and shall be in a location designated or approved by the Director. Each monument placed at the head of the grave shall be set on a concrete foundation of a minimum thickness of ten (10) centimetres. The upper surface of each foundation shall be to ground level and in each case the foundation shall project ten (10) centimetres on all sides of the base of the monument erected thereon.
- (e) Each marker placed at the head of the grave will not require a foundation if they have a minimum thickness of eight (8) centimetres. If a minimum thickness is less than eight (8) centimetres, all markers must be either embedded in concrete with a minimum thickness of ten (10) centimetres or be placed on a foundation of concrete or granite with a minimum thickness of ten (10) centimetres.
- (f) Flat markers with a minimum thickness of eight (8) centimetres, placed on a plot, do not require a foundation. All other markers must be embedded into concrete or placed on a concrete or granite foundation with a minimum thickness of ten (10) centimetres.
- (g) There shall not be more than one (1) monument and one (1) marker permitted on each lot except where cremated remains are to be buried in the occupied grave with an existing monument or marker. In such cases, additional monuments or markers set at the head of the grave would be allowed.
- (h) Grave covers of any type or description of any material shall not be allowed.

- (i) Columbaria's will be placed and erected in the area(s) as designated by the Director.

7. MONUMENTS, MARKERS & COLUMBARIUMS IN DISREPAIR

- (a) The Director may declare any monument, marker or other structure in the cemetery to be in the state of disrepair or of unacceptable quality and may order the Licensee to repair the same within thirty (30) days of notice.
- (b) If the Licensee of the monument, marker or other structure neglects to make the repair required or alterations within the said period of thirty (30) days, the Director may have the monument, marker, or structures removed from the cemetery 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 costs thereof to the Licensee.
- (c) The City of Martinsville will not be responsible for any damage or cost to repair any damage to monuments, markers, columbaria or other structures that occur as a result of vandalism or improper installation.

8. FLORAL ARRANGEMENTS

- (a) The placing of flowers and wreaths shall be allowed only in receptacles which are affixed to the monument, marker, columbarium or other structures as approved by the Director. The exception being 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.
- (b) The Director shall have removed or prevent the placing of a stand, holder, vase, or other receptacle for flowers, wreaths, or other items which are deemed to be unsuitable for such purpose and are unsightly or not physically attached to the monument, marker, columbarium or other structure.
- (c) The Director shall have removed from any grave or columbarium any funeral design or floral piece which has become wilted, or after a period of ten (10) days, whichever is sooner, or any other article or thing which is, in the Director's opinion, unsightly.
- (d) No grave, plot or columbarium shall be decorated by its owner(s) or others with any trees, shrubs or plants without written permission of the Director. This shall not be deemed to prohibit the placing of cut flowers as per Section 10(a) above.
- (e) All flower arrangements as described in Sections 10(a), 710(b) or 10(c) above shall be removed no later than October 15th of each year.
- (f) All items placed in the cemetery by the public shall be at their own risk.

9. MAPS, PLANS AND RECORDS

- (a) The maps, plans and records for the Martensville & District Cemetery showing the subdivision of the land made available to the City for cemetery development shall be open for inspection free of charge at the City Office during regular business hours.
- (b) Such maps, plans and records are to show the grave lots and niches that are occupied, reserved and still available.
- (c) The City employees shall provide pins throughout the cemetery in a regular pattern so as to facilitate the determination of the location of grave lots.

10. GENERAL REGULATIONS

- (a) Subject to the provisions and requirements of the Cemeteries Act, any matters concerning burials or cremations not otherwise dealt with in this Bylaw shall be dealt with by the Director in the manner that he/she deems most appropriate, in consideration of the long term functional and aesthetic qualities of the City Cemetery and the scope of this Bylaw.
- (b) All persons, while in the cemetery shall conduct themselves in a quiet and orderly manner.
- (c) Motor vehicles in the cemetery shall travel on the roadways provided and shall not exceed ten (10) kilometers per hour.
- (d) No pets shall be allowed in the cemetery.

11. INFRACTIONS OF THE BYLAW

- (a) Any person(s) found guilty of an infraction of any provision of this Bylaw shall be liable upon summary conviction to a fine not less than \$100.00 and not more than \$1,000.00.

12. COMING INTO FORCE

- (a) This Bylaw shall come into force and take effect on the date of the final passing thereof.

Read for the first time this 17th day of May, A.D., 2011

Read for the second time this 17th day of May, A.D., 2011

Read for the third time this 17th day of May. A.D., 2011

Mayor

City Manager

SCHEDULE "A" BYLAW AMENDMENT NO. 19-2014

**LICENSE AND FEES
(Does Not Include Tax)**

1. CEMETERY LOTS	Resident	Non-Resident	Destitute
Adult	\$1,200	\$1,600	n/c
Child (1-18 years of age)	\$ 500	\$ 900	n/c
Infant (under the age of 1)	\$ 250	\$ 650	n/c
CREMATION LOTS			
Standard Lot	\$ 800	\$1,200	n/c
Premium Lot	\$1,000	\$1,400	n/c
COLUMBARIUM NICHE	\$2,000	\$2,400	n/c

NOTE: 30% of rate/fee charge will be put into perpetual care fund

2. INTERMENT SERVICES ÷ (Services for preparing the grave/columbarium for interment include excavation, installing burial vaults, closing of grave or columbarium after the service and seeding the interment site).

CASKET (price does not include vault, headstone or markers)	Summer (Mar-Oct)	Winter (Nov-Feb)
Adult	\$ 1,800	\$2,100
Child (up to 4 foot casket)	\$ 1,200	\$1,500
Infant (up to 30 days)	\$ 700	\$1,000

NOTE: Additional fee of \$600.00 will be charged for evening, week-end and holidays.

CREMATED REMAINS

First Interment	\$ 600	\$ 800
Second, Third & Fourth Interment-	\$ 500	\$ 700

-NOTE: Additional fee of \$300.00 will be charged for evening, week-end and holidays.

3. DISINTERMENT (not allowable during winter months – Nov-Feb)

Casket		
Adult	\$1,500	
Child	\$ 800	
Infant	\$ 400	
Cremated Remains	\$ 500	

4. MONUMENT, MARKER & PLAQUE APPLICATION FEE: \$75.00

NOTE: GST NOT INCLUDED

INSCRIPTION ON HEADSTONES/MARKERS/COLUMBARIUM NOT INCLUDED

**BYLAW NO.
FORM "B"
MONUMENT-MARKER-PLAQUE APPLICATION FORM**

I, We _____, hereby apply for permission to construct a:

<input type="checkbox"/> Marker	<input type="checkbox"/> Cremation Plaque
<input type="checkbox"/> Monument	<input type="checkbox"/> Other _____

I, We hereby agree to the following conditions and have enclosed a detailed design and description of our proposed construction report.

I, We hereby agree to complete our request within three (3) months of approval of our application.

CONDITIONS

1. All monuments and markers shall be of granite or bronze, unless an alternate material has been approved in writing by the Director. All cremation plaques shall be of bronze or granite.
2. All monuments and markers shall be set at the head of the grave lot as described in Section 8(d) of this Bylaw.
3. No granite or marble monument or marker shall be erected except on a concrete foundation of a minimum thickness of ten to fifteen (10-15) centimeters. The foundation shall be reinforced with steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of dimension at least fifteen (15) centimeters longer than the base of the monument.
4. No plaque shall be erected except on a concrete or granite foundation of a thickness of ten to fifteen (10-15) centimeters. Concrete foundations shall be reinforced with steel mesh. Foundations shall be level with the ground surrounding the grave lot. The said foundation shall be a dimension at least five (5) centimeters wider and 5 centimeters longer than the base of the plaque.
5. Grave covers of any type or description and of any material shall not be permitted.
6. No monument, marker or plaque shall be erected within the cemetery until the design and description thereof has been approved by the Director of Recreation and Community Services and written permission issued for the erection of such monument, marker or plaque.

DATE

APPLICANT(S) SIGNATURE

DATE OF APPROVAL

CITY OF MARTENSVILLE