

TOWN OF MAIDSTONE

BYLAW 2019 – 02

A BYLAW OF THE TOWN OF MAIDSTONE, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF THE MAIDSTONE CEMETERY (TO BE KNOWN AS THE CEMETERY BYLAW)

1. DEFINITIONS

- a. **“Cemetery”** Shall mean land owned by the Town of Maidstone set apart for or used as a place for the interment of the dead or in which human bodies have been buried, located part of the SE 47-474-23-W3.
- b. **“Perpetual Care”** Shall mean the basic maintenance of all lots and shall include leveling of the ground and seeding and cutting of grass as required. It shall not include the maintenance repair or replacement of monuments or markers.
- c. **“Block”** A division of land in a cemetery which is subdivided into plots
- d. **“Lot”** Shall mean a parcel of land in the cemetery which is comprised of two or more plots and is to be utilized solely for the interment of human remains or ashes.
- e. **“Plots”** A sub-division of land for the purpose of a single burial in the cemetery as shown on the municipal plan thereof
- f. **“Town”** Shall mean the Town of Maidstone.
- g. **“Council”** Shall mean the Council of the Town of Maidstone.
- h. **“Administrator”** Shall mean the Administrator of the Town of Maidstone who is also in charge of the cemetery.
- i. **“Marker”** Shall mean a memorial that is installed with the top (upper surface) flush or level with the ground.
- j. **“Base”** Shall mean the bottom part or lower portion of a monument.
- k. **“Monument”** Shall mean a memorial or tombstone which shall extend above the surface of the ground.
- l. **“Licensee”** Shall mean a person or persons who purchase a lot or plot in the cemetery.
- m. **“Caretaker”** Shall mean the person or persons responsible for the care and maintenance of the cemetery.
- n. **“Reserved”** Shall mean reserved in the name of the person or persons who purchased a license.
- o. **“Resident”** Shall mean a person who is a resident of the Town of Maidstone or RM of Eldon.
- p. **“Non-Resident”** Shall mean a person who does not reside in the Town of Maidstone or RM of Eldon.
- q. **“Cremated Remains”** Shall mean the ashes of a cremated human body.
- r. **“Caretaker”** Shall mean the person or persons responsible for the care and maintenance of the cemetery.

2. GENERAL RULES

- a. Employees of the cemetery are not permitted to do any work for plot owners except upon order from the Administrator, but are required to be civil and courteous to all visitors.
- b. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
- c. No person shall turn loose or allow to go at large, or feed; any cattle, swine, horses, dogs, or any other animal in the cemetery.
- e. Persons visiting the cemetery shall use only the avenues, roads, walks, and alleys, and no one is permitted to walk upon or cross lots or plots unless it is necessary to do so to gain access to one's own lot or plot. The cemetery expressly disclaims liability for any or all injuries sustained by anyone violating this rule.
- f. Persons visiting the cemetery or attending a funeral are strictly prohibited from picking flowers, wild flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or otherwise damaging any monument or marker fence or other structure within the cemetery grounds.
- g. Motor cars and vehicles in the cemetery shall travel only on the roadways provided for the purpose and shall not travel at a rate of speed greater than 20 kilometers per hour, except those vehicles for maintenance.
- h. Children under the age of 15 years of age are not permitted within the cemetery or its buildings unless accompanied by proper persons to take care of them.
- i. Receptacles for waste material are located at convenient places, hence, the throwing of rubbish on the driveways and paths or on any grounds or in the buildings is prohibited.
- j. After passing of this bylaw, any fences, borders, railing, curbing, coping, hedges, trellis or grave coverings of any kind erected previous to the passing of this bylaw may be removed by the Town if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refuses to repair or remove same within 30 days after a notice has been forwarded to him/her at the last known address.
- k. The cemetery hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentences in these rules and regulations at any time without notice.
- l. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance from the location for the funeral service.

3. LOTS AND PLOT OWNERS

- a. The Town of Maidstone shall make all sales of lots and plots in the cemetery and receive all monies resulting from the sale of lots and plots, and for all interments made in the cemetery.
- b. The Town of Maidstone shall keep a correct account of all moneys received there from and of all expenditures made in connection with the cemetery, with the name and description of each lot in the cemetery, with the name and description of the Licensee thereof and of every transfer and all other books necessary to keep a complete record of all business transactions by him/her in connection with the cemetery.
- c. The municipality may grant a license to any person for the exclusive use by him, his heir, his executors, or Administrator of any lot or plot, said Licensee to be subject to all provisions of this bylaw and any amendments thereto, or any regulations passed from time to time by the Council.

- d. The fee for the said license and all charges for work done at the cemetery shall be in accordance with the rates set out in Schedule “A” to this bylaw or as the schedule may be amended from time to time by resolution of Council.
- e. Upon purchase & completion of Schedule “B” attached, and forming part of this Bylaw, the plot will be reserved for a period of 20 years, after the date of purchase. At the expiration of 20 years the municipality shall contact the licensee at their last known address to determine if they desire to renew the reservation at no extra charge. If the municipality fails to make contact and the licensee fails to make contact then the reservation will be cancelled and made available for resale.
- f. Lots/Plots will be sold in consecutive order in the new portion of the cemetery.
- g. No refund will be given to lots or plots that have been reserved.
- h. A License for the use of a lot/plot issued hereunder may be transferred between immediate family members only.
- h. Lots or plots shall be used solely for the interment of human remains or ashes.
- i. The Town of Maidstone shall take reasonable precautions to protect Licensees and the property rights of Licensees within the cemetery from loss or damage; but the Council or its employees distinctly disclaim all responsibility for loss or damage from a cause beyond its reasonable control, and especially from damages caused by the elements, an act of God, common enemies, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, or order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.
- j. It is the duty of the Licensee to notify the Town of any changes in his or hers Post Office address.

4. INTERMENTS AND DISINTERMENTS

- a. No interment shall be made in the cemetery until the provisions of the Public Health Act and Vital Statistics Act of the Province of Saskatchewan have been complied with, and with any regulations issued there under and also, shall have complied with the provisions of the Bylaw. No interment shall be permitted in the cemetery unless a proper burial certificate is produced by the party applying for the burial.
- b. Before an interment is made in any grave, an application in writing shall be made to the Town of Maidstone and all fees for services as set forth in Schedule “A” shall be paid by the applicant.
- c. Payment of any and all indebtedness due to the cemetery must be made before any interment is made.
- d. The cremated ashes of 4 bodies shall be allowed in standard size plots providing all 4 markers are flush with the ground.
- e. The cremated ashes of 2 bodies shall be allowed in cremation size plots providing all 2 markers are flush with the ground.
- f. Subject to subsection (d) hereof, a maximum of two urns of ashes may be interred in any standard size plot with an existing full sized burial.
- g. Cremated remains may be interred in a lot after receiving authorization from the Town and upon payment of the fees set out in Schedule “A” attached.
- h. It shall be the duty of the Town to stake a lot before digging.

- i. No grave shall be less than 2 meters in depth from the surface of the ground in the case of an adult, and in the case of a child, a depth sufficient to give a covering of at least one meter over the casket.
- j. No person other than a funeral director shall have charge of the interment of any human body.
- k. Notice that an interment is to take place shall be given to the Town at least 36 hours before the interment is to take place during the period from November 1st to April 30th, and at least 24 hours before an interment is to take place during the period from May 1st to October 31st. This shall not apply in the case of a person who dies of a communicable disease.
- l. No person shall disinter or remove a body from any grave without first producing a written order from the Licensee of such grave and a permit for such disinterment or removal, from the Provincial Health Officer.
- m. Interment shall be made only between the hours of 7:00 am and 5:00 pm on the days other than Sundays or Statutory Holidays (except in exceptional circumstances). In case of extreme necessity or danger of contagion or infection, a physician's certificate or by the Medical Health Officer will be required where interment is necessary on a Sunday or Statutory Holiday.
- n. Whenever outer case (rough boxes) for coffins or caskets are used for burial, such outer cases shall be at the cemetery at least 4 hours before the time set for interment so as to give a correct idea of the size of the grave required. The cases shall be at the cemetery before noon of the day proceeding each Sunday or holiday.
- o. Graves shall be dug and interment made only by persons employed by the Council and no person or persons not under the control or employment of the caretaker shall open any grave for the purpose of interring or removing a body.

5. **BURIAL OF DESTITUTE PERSONS OR UNCLAIMED BODIES**

At the request of the Minister of Social Services or the Minister of Public Health, the Town of Maidstone shall furnish graves in the cemetery without charge for the dead of indigent poor of any denomination. The burial shall take place in single graves as designated by the Administrator and there shall be no choice as to the location of the grave plot.

6. **CORRECTION OF ERRORS**

- a. The Town or any Official thereof shall not be responsible for any mistakes resulting from the lack of precise or proper instructions regarding the grave space on a plot where an interment is to be or has been made.

7. **CARE FOR LOTS AND PLOTS**

- a. To obtain the best landscape effect, it is essential that the Council shall assume general care of the cemetery. The Licensee of graves shall observe all rules and regulations passed from time to time by the Council for keeping the graves in order.
- b. All grave surfaces are to be under the supervision of the Town of Maidstone.
- c. A Licensee desiring additional care of their lot or plot may arrange for such care by contacting the Administrator who will obtain an estimate of the cost of the work desired.
- d. No person shall be permitted to do any work on any grave except with the consent of the Town.

- e. The Caretaker shall, from time to time, report to Council and Licensee on the condition of any monument or marker which is in disrepair and it shall be the duty of the owner of such monument or marker to repair the same, without delay to the satisfaction of the Caretaker.
- f. Whenever any owner of a monument or marker or cover neglect to make repairs or alterations, after being given due notice by the Administrator, the Administrator shall allow a period of 30 days to elapse after which time, he/she shall have the power to remove such monument or marker from the cemetery, or to repair such monument or marker and charge the cost thereof to the Licensee.
- g. No person shall remove the sod from a grave or plot, or from any portion of a grave or plot in the cemetery without first obtaining written consent from the Town.
- h. Borders, fences, rocks, planters, or planting flowers, shrubs or trees are not permitted.
- i. Any Fence, Border, Railing, Wall, Curbing, Hedge, Posts, Trellis, or Grave Coverings of any kind erected previous to the passing of this Bylaw may be removed by the Town, if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refused to repair same within 30 days after notice has been forwarded to him at his last known address.
- j. The Town shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as, in the judgement of the Town, they become unsightly, dangerous, detrimental or diseased.
- k. The Town is responsible for the general care of the entire cemetery.
- l. No person shall give money or other reward to any employee of the Town working in connection with the cemetery, for cemetery services or attention.
- m. Relatives are responsible for the upkeep and repair of headstones.
- n. Flowers and decorations are only to be placed on the concrete base of the headstone.

8. ENFORCEMENT OF RULES

- a. The Administrator is hereby empowered to enforce all rules and regulations and to exclude from the cemetery, any person violating same. The Town shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, and grave owners at all times.

9. PLANTS AND SHRUBS

- a. The Town of Maidstone will undertake to maintain as may be practical, the planting of trees and shrubs to preserve and maintain landscape features, but will not undertake to maintain individual planting or urns of plants.
- b. The Town of Maidstone shall not be responsible for frozen plants or herbage of any kind or for planting damaged by the elements, thieves, vandals or other cause beyond their control.
- c. If any trees, shrubs or plants situated on any plot or part thereof shall become in the opinion of the Town by means of its roots or branches in any way detrimental to any adjacent lot or plot, path, or driveway, or to the general appearance of the cemetery or dangerous or inconvenient to the public, the Town shall have the power to remove any such trees, shrubs, or plants or part thereof.
- d. No trees or shrubs located on any grave or lot shall be cut down or trimmed except by permission of the Town.

10. MONUMENTS, MARKERS, OR CORNERS

- a. All Monuments and Markers shall be manufactured of Granite, Marble, Bronze, Field Stone or Composition Granite or Marble which is acceptable to the Council. Markers made of cement, wood, tin, or iron will not be permitted. However, temporary Markers may be placed by the Town.
- b. No Monument or Marker will be erected, altered or removed, inscription added, resulting, or repaired until all pertinent information required is supplied, all charges in connection therewith are established as set out in Schedule "A" attached are paid and the required permit is approved by the Town.
- c. A Marker may be installed without foundation providing it is set so that the top is level (flush) with the ground surface.
- d. All Monuments must be set at the head of the Lot or head centre of a plot and shall be in line designated by the Town.
- e. The upper surface of each foundation shall be constructed to the surface level and in each case, the foundation shall project 16 centimeters on all sides of the base of the monument, to be erected thereon.
- f. All foundations must be at least eight (8) centimeters from the rear line of the Lot or Plot.
- g. Each monument shall be set on a concrete foundation constructed under the direction of the Town, and all specifications for the foundation shall be furnished by the said Administrator for approval by him/her.
- h. For the protection of Lot and Plot Owners, any person erecting, cleaning, repairing or removing monuments or markers shall furnish the Town of Maidstone with all the necessary information required by him and shall obtain a permit as set out in Schedule "C" or "D" and after paying the fees set out in Schedule "A", attached, and forming part of this Bylaw.
- i. The length of the base of a monument shall not exceed 75% of the width of the lot or plot.
- j. No grave covers shall be constructed, only headstones or markers shall be erected as set out in this Bylaw.
- k. All workmen employed on any work in the cemetery shall comply with all orders from the Administrator
- l. In the erection of the monument, the Administrator shall in all cases, designate the place where the material to be used for the erection of such monument is to be stored during the course of the erection or excavating and all workmen moving any heavy material over any path, plot or lot shall move same on a plank or otherwise protect such path or lot from injury or damage.
- m. Heavy loads will not be allowed to enter the cemetery when the roads are in an unfit condition.
- n. No monument or marker shall be erected on a Sunday or Statutory Holiday and no work shall be permitted with the erection, repairing or cleaning of a monument or marker before sunrise or after sunset.

11. CLEN UP & DECORATION DAY

1. General clean-up day will be the 1st weekend in June.
2. Decoration Day will be the 2nd Sunday in August.

12. REPEAL AND EFFECTIVE DATE

- a. Bylaw 2016-07 is hereby repealed.

SEAL

MAYOR

ADMINISTRATOR

Read a third time and adopted
This 15th day
of January, 2019

SCHDEULE "A"
TO BYLAW 2019-02
SCHEDULE OF RATES & FEES

COST OF PLOTS: ** NO GST TO PURCHASE**

RESIDENT FEES

\$600.00 Standard Plot 5ft x 10ft

\$300.00 Cremation Plot 4ft x 3ft

NON RESIDENT FEES

\$1000.00 Standard Plot 5ft x 10ft

\$500.00 Cremation Plot

COST FOR OPENING AND CLOSING A PLOT: ** PLUS GST**

SUMMER (May 1st to October 31st)

\$500.00 Standard Plot

\$250.00 Cremation Plot

WINTER (November 1st to April 30th)

\$600.00 Standard Plot

\$250.00 Cremation Plot

****ADDED RATES OPENING AND CLOSING ON WEEKENDS OR STAT. HOLIDAYS****

\$100.00 flat rate

**** PERMIT FEE FOR INSTALLING MARKER AND MONUMENTS ****

\$20.00 Permit for Installing Marker

\$20.00 Permit for Installing Monument

\$20.00 Permit for Improvement – Remove Monument & Replace

EXHUMATION:

\$1000.00 Casket

\$500.00 Cremation

**SCHEDULE "B"
TO BYLAW 2019-02
PLOT RESERVATION FORM**

DATE: _____

PLOT PURCHASER

FULL NAME: _____

CIVIC ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

NEXT OF KIN

FULL NAME	MAILING ADDRESS	PHONE NUMBER

PLOTS BEING RESERVED FOR:

FULL NAME	MAILING ADDRESS	PHONE NUMBER

BLOCK	LOT	PLOT

SIGNATURE: _____ PRINT NAME: _____

OFFICE USE

EXPIRY DATE OF PLOT PURCHASE: _____

RECEIPT #: _____ AMOUNT: \$ _____

No GST on Purchase of Plots.

Extra Information:

<u>Map</u>	<u>Excel Block</u>	<u>Excel A-Z</u>	<u>Book</u>	<u>Munisoft</u>
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A COPY OF DRIVER'S LICENSE OR OTHER FORM OF GOVERNMENT ID REQUIRED

SCHEDULE "C"
TO BYLAW 2019-02
PERMIT TO INSTALL A MONUMENT OR MARKER

Permit No: _____ Date: _____

Name of Monument Company: _____

Phone #: _____ Fax #: _____

Email : _____

Name of Purchaser: _____

Name of Deceased: _____

Address of Purchaser: _____

Phone No. of Purchaser: _____

Location of Grave: Block # _____ Lot # _____ Plot # _____

Type of Monument	Material Used
Flat	Granite
Pillow	Marble
Upright	Bronze
Other, please Specify	Fieldstone
	Composite Granite or Marble
	Other, please Specify

Size of Monument:

Length: _____ Width: _____ Height: _____

* The length of the base shall not exceed 75% of the width of the lot. A concrete foundation is required. The upper surface of the foundation shall be constructed to surface level and shall project 16 centimeters on all sides of the base of the monument being erected. A Marker may be installed without a foundation providing it is set so that the top is flush with the ground surface.

* Description of the monument (give names, color, dates, etc.)

* Provide a sketch

Front View

Side View

Application completed by: _____

Signature of Applicant: _____

FOR OFFICE USE ONLY

Monument approved for placement by: _____

Signature of Approver: _____

Date of Approval: _____

Permit Fee: \$20.00 Receipt #: _____

Additional Comments: _____

SCHEDULE "D"

TO BYLAW 2019-02

PERMIT TO CLEAN, REPAIR, OR REMOVE A MONUMENT OR MARKER

Permit No: _____ Date: _____

Name of person/Company doing the work: _____

Telephone #: _____ Email: _____

Name of Purchaser: _____

Name of Deceased: _____

Address of Purchaser: _____

Phone No. of Purchaser: _____

Location of Grave: Block # _____ Lot # _____ Plot # _____

Purpose of permit: _____

Application completed by: _____

Signature of applicant: _____

FOR OFFICE USE ONLY

Permit approved by: _____

Signature of Approver: _____

Date of Approval: _____

Permit Fee: \$20.00 Receipt #: _____

Additional Comments: _____

