

**TOWN OF MAIDSTONE**

**BYLAW NO. 06-2023**

**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. **“Administrator”** Shall mean the Administrator of the Town of Maidstone.
- b. **“Base”** Shall mean the bottom part or lower portion of a monument.
- c. **“Block”** A division of land in a cemetery which is subdivided into plots.
- d. **“Caretaker”** Shall mean the person or persons responsible for the care and maintenance of the cemetery.
- e. **“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 28-47-23-W3.
- f. **“Council”** Shall mean the Council of the Town of Maidstone.
- g. **“Cremated Remains”** Shall mean the ashes of a cremated human body.
- h. **“Lot”** Shall mean a space in the cemetery used or intended to be used for the interment of human remains or cremated human remains and includes a tomb, crypt, compartment, or vault in a mausoleum and a niche or compartment in a columbarium.
- i. **“Marker”** Shall mean a memorial that is installed with the top (upper surface) flush or level with the ground.
- j. **“Monument”** Shall mean a memorial or tombstone which shall extend above the surface of the ground.
- k. **“Non-Resident”** Shall mean a person who does not reside in the Town of Maidstone or RM of Eldon.
- l. **“Owner”** Shall mean the holder of interment rights.
- m. **“Perpetual Care”** Shall mean the basic maintenance of all lots and shall include the 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.
- n. **“Plot”** A division of land in the cemetery which is subdivided into lots.



- o. **“Resident”** Shall mean a person who is a resident of the Town of Maidstone or RM of Eldon.
- p. **“Town”** Shall mean the Town of Maidstone.

## 2. GENERAL RULES

- a. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
- b. 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 are encouraged to use the avenues, roads, walks, and alleys. The cemetery expressly disclaims liability for any or all injuries sustained when persons leave these walkways.
- 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 12 are not permitted within the cemetery unsupervised.
- i. The throwing of rubbish on the driveways and paths or on any grounds or in the buildings is prohibited.
- j. 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.
- k. 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. LOT OWNERS

- a. The Town of Maidstone may sell interment rights to any person for their exclusive use of any available lot. Interment rights shall be conferred upon completion of Schedule “B” attached and forming part of this Bylaw. Owners shall be subject to all provisions of this Bylaw and any amendments thereto, or any regulations passed from time to time by the Council.



- b. The Town of Maidstone shall make all sales of lots in the cemetery and receive all monies resulting from the sale of lots, and for all interments made in the cemetery.
- c. The Town of Maidstone shall keep a correct account of all monies 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 Owner 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.
- d. All fees and 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. The Town of Maidstone shall take reasonable precautions to protect Owners and the property rights of Owners within the cemetery from loss or damage; but the Council or its employees distinctly disclaim all responsibility for loss or damage beyond reasonable control; including damages caused by the elements, acts of God, common enemies, thieves, vandals, strikes, explosions, accidents, invasions, riots, or order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.
- f. It is the duty of the Owner 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 legislated requirements 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 lots providing all 4 markers are flush with the ground.
- e. The cremated ashes of 2 bodies shall be allowed in cremation size lots providing all 2 markers are flush with the ground.

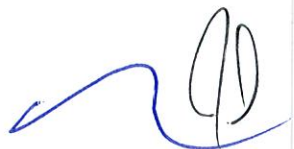




- f. Subject to subsection (d) hereof, a maximum of two urns of ashes may be interred in any standard size lot with an existing full-sized burial.
- g. Cremated remains may be interred in a lot after receiving authorization from the Town and upon payment of the fees set out in Schedule "A" attached.
- h. It shall be the duty of the Town to stake a lot before digging. 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.
- i. No person other than a funeral director shall have charge of the interment of any human body.
- j. Notice of interment 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.
- k. No disinterment shall occur without first producing a written order from the Owner of such lot, and a permit for such disinterment or removal from the Provincial Health Officer.
- l. 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.
- m. 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.
- n. Grave-digging, interments, and disinterments shall be made only by persons employed or contracted by the Town.

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

- a. When instructed by a person described in the regulations, the Town of Maidstone shall furnish graves in the cemetery without charge for an unclaimed body or deceased indigent person.



## **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 concerning lots where an interment is to be or has been made.

## **7. CARE OF THE CEMETERY**

- a. The Town is responsible for the general care of the entire cemetery. Owners 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. Owners desiring additional care for their lot may obtain an estimate of the cost of the work desired from the Town. The Town may provide estimates from independent contractors if the municipality is unable to perform the work.
- 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 the Owner on the condition of any monument, marker, or grave cover which is in disrepair and it shall be the duty of the Owner to repair the same, without delay to the satisfaction of the Caretaker.
- f. Whenever any Owner neglects to make repairs or alterations required under subsection 7.e., after being given due notice by the Administrator, the Administrator shall allow a period of 30 days to elapse, after which time, the monument, marker, or grave cover may be removed from the cemetery, or to repair such monument or marker and charge the cost thereof to the Owner.
- g. No person shall remove the sod from a grave 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 Owner neglects or refuses to repair same within 30 days after notice has been forwarded in accordance with subsection 7.f.
- 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 if, in the judgement of the Town, they become unsightly, dangerous, detrimental or diseased.





- k. 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.
- l. Relatives are responsible for the upkeep and repair of markers and monuments.
- m. Flowers and decorations are only to be placed on the concrete base of the headstone.

#### **8. ENFORCEMENT OF RULES**

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. 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. For the protection of Lot and Plot Owners, any person erecting, cleaning, repairing or removing monuments or markers shall furnish the Town 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.
- h. The length of the base of a monument shall not exceed 75% of the width of the lot or plot.
- i. No grave covers shall be constructed, only monuments or markers shall be erected as set out in this Bylaw.
- j. All workmen employed on any work in the cemetery shall comply with all orders from the Administrator.
- k. 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.
- l. Heavy loads will not be allowed to enter the cemetery when the roads are in an unfit condition.
- m. 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. CLEAN UP & DECORATION DAY**

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



**12. REPEAL AND EFFECTIVE DATE**

- a. Bylaw No. 05-2023 is hereby repealed.
- b. This bylaw shall come into force on November 7, 2023.



A blue ink signature, consisting of a series of loops and a long horizontal stroke, is written above a solid horizontal line.

Mayor

A black ink signature, appearing to be "J. L. O.", is written above a solid horizontal line.

Administrator

Read a third time and adopted  
this 7<sup>th</sup> day of November, 2023 A.D.

A black ink signature, appearing to be "J. L. O.", is written above a solid horizontal line.

Administrator

A handwritten mark in the bottom right corner of the page, consisting of a vertical line and a curved stroke, resembling a stylized "9" or "11".



**SCHEDULE "A"**  
**TO BYLAW NO. 06-2023**  
**SCHEDULE OF RATES & FEES**

**INTERMENT RIGHTS<sup>1</sup>**

**RESIDENT FEES**

\$600                  Standard Lot 5ft x 10ft

\$300                  Cremation Lot 4ft x 3ft

**NON RESIDENT FEES**

\$1,000                Standard Lot 5ft x 10ft

\$500                  Cremation Lot 4ft x 3ft

**INTERMENTS**

**SUMMER**        (May 1<sup>st</sup> to October 31<sup>st</sup>)

\$650                  Full Burial

\$250                  Cremation Burial

**WINTER**        (November 1<sup>st</sup> to April 30<sup>th</sup>)

\$750                  Full Burial

\$300                  Cremation Burial

Interments occurring on weekends of statutory holidays

\$150                  Additional Fee

**PERMITS**

\$20                    Install Memorial

\$20                    Clean, Repair, Remove

**EXHUMATION:**

\$1,000                Casket

\$500                  Cremation

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<sup>1</sup> Purchase exempt from GST

A handwritten signature in blue ink, followed by the initials 'JD' also in blue ink.

**SCHEDULE "B"**  
**TO BYLAW NO. 06-2023**

**CONTRACT FOR INTERMENT RIGHTS**

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

EMAIL: \_\_\_\_\_

LEGAL REPRESENTATIVE: \_\_\_\_\_

NEXT OF KIN: \_\_\_\_\_

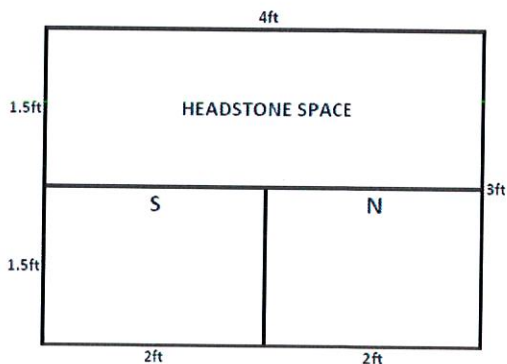
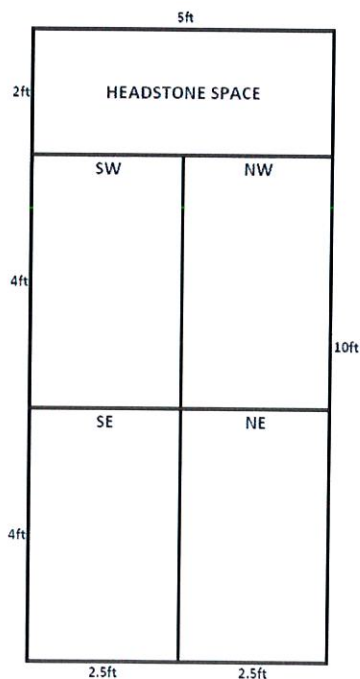
**INTERMENT RESERVATION**

Buyer may designate individuals they wish to be interred in the lot at time of purchase. Buyer does not have the right to cancel this Contract or receive a refund. However, Buyer retains the right to make changes to reservations or sell their interment rights at any time.

STANDARD LOT 5' x 10'		CREMATION LOT 4' x 3'	
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FULL NAME	MAILING ADDRESS	PHONE NUMBER

BLOCK	PLOT	LOT



### INSTALLATION OF MEMORIAL

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.

PRINT NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_ AMOUNT: \$ \_\_\_\_\_

*No GST on Purchase of Plots.*

<u>Map</u>	<u>Excel Block</u>	<u>Excel A-Z</u>	<u>Book</u>	<u>Munisoft</u>
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**Maidstone Cemetery may make application to the registrar for a declaration of abandonment of these rights in accordance with *The Cemeteries Act, 1999***





**SCHEDULE "C"**  
**TO BYLAW NO. 06-2023**  
**TO INSTALL MEMORIAL**

Permit No: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Purchaser: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Name of Deceased: \_\_\_\_\_

Location of Grave: Block # \_\_\_\_\_ Plot # \_\_\_\_\_ Lot # \_\_\_\_\_

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

Monument:	Length: _____	Width: _____	Height: _____
Base:	Length: _____	Width: _____	Height: _____
Foundation:	Length: _____	Width: _____	Height: _____
Other improvement:	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.

*On an additional attached page, include a rendering of the proposed installation.*

Application completed by: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Signature of Approver: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

Permit Fee: \$20      Receipt #: \_\_\_\_\_

Additional Comments: \_\_\_\_\_



**SCHEDULE "D"**  
**TO BYLAW NO. 06-2023**  
**PERMIT TO CLEAN, REPAIR, OR REMOVE**

Permit No: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Purchaser: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Name of Deceased: \_\_\_\_\_

Location of Grave: Block # \_\_\_\_\_ Plot # \_\_\_\_\_ Lot # \_\_\_\_\_

Purpose of permit: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Application completed by: \_\_\_\_\_

Signature of applicant: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Signature of Approver: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

Permit Fee: \$20      Receipt #: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

