

BYLAW 1128

"A Bylaw of the Town of Oxbow to Provide for the Maintenance and Control of The Oxbow Cemetery"

Short Title

This Bylaw may be cited as the "Cemetery Bylaw".

WHEREAS it is desirable to provide for and maintain a cemetery within the Town of Oxbow; and

WHEREAS Bylaw 13/72 known as the Cemetery Bylaw no longer meets the Town of Oxbow requirements; now

THEREFORE the Council of the Town of Oxbow in the Province of Saskatchewan hereby enacts as follows;

1. DEFINITIONS

- (a) "**Administrator**" shall mean the Chief Administrative Officer of the Town of Oxbow.
- (b) "**Base**" shall mean the bottom part or lower portion of a monument.
- (c) "**Block**" shall mean a subdivision of land which is subdivided into plots.
- (d) "**Cemetery**" shall mean the area of land owned by the Town of Oxbow known as the Oxbow Cemetery located on SW26-03-02-2; SE26-03-02-2 ; NW23-03-02-2, NE23-03-02-2; NW24-03-02-2.
- (e) "**Columbarium**" shall mean a room, building or structure with niches for funeral urns to be stored.
- (f) "**Garden**" shall mean a major subdivision of land in the portion of the cemetery owned under title.
- (g) "**Licensee**" shall mean a person who purchases a plot in the cemetery.
- (h) "**Marker**" shall mean a memorial that is installed with its upper surface flush or level with the ground.
- (i) "**Monument**" shall mean a memorial or tombstone which shall extend above the surface of the ground.
- (m) "**Perpetual Care**" shall mean the basic maintenance of all lots and shall include leveling of ground, seeding, and cutting grass as required, but shall not include the maintenance, repair or replacement of monuments and markers.
- (n) "**Plot**" shall mean a subdivision of a plot in the cemetery measuring 1.2 meters x 2.5 meters (4' x 8') which shall contain one regular grave or two cremation graves.
- (o) "**Town**" shall mean the Town of Oxbow.
- (p) "**Urn**" shall mean a receptacle used for the encasement of human cremated remains.

2. GENERAL REGULATIONS

- (a) Fences, borders, railings, curbs, headers, trellises, walls, hedges, or grave coverings of any kind in/or around a plot are prohibited.
- (b) The Administrator may order the removal of any such structure erected before the passing of the bylaw if by any reason of neglect or age it becomes in a state of disrepair and the licensee, or family thereof, neglects or refuses to repair or remove same after a notice has been forwarded to him or her at their last known address.
- (c) The hours of burial in the Cemetery shall be from 9:00 am until 4:00 pm daily.

- (d) The Cemetery will be closed to the public at sunset and before sunrise of each day.
- (e) During a burial service, all work in the Cemetery shall be discontinued.
- (f) No grave for the burial of an adult shall be less than eight (8) feet in depth from the surface of the ground surrounding the site. No more than one interment per grave shall be allowed, except however, a maximum of two cremated remains in appropriate urns may also be interred. Cremation remains will be buried under the monument if the interment of the remains is to take place first.
- (g) No Interment of remains or cremains is permitted except with the plot acquired by the licensee.
- (h) Cremains shall be buried no less than two (2) feet in depth from the surface of the surrounding ground.
- (i) No interment of two or more bodies shall be made in one grave except in the case of a parent or child concurrently or two infants buried concurrently in one casket, subject to applicable legislation. No interment of more than two cremains shall be made in one grave.
- (j) The Town of Oxbow or any official thereof shall not be held responsible for any mistakes resulting from lack of precise instructions regarding the grave space where an interment is to be or has been made.
- (k) Forty-Eight (48) hour notice, including at least one business day exclusive of Saturday or Sunday and public or statutory holidays, must be given to the Town before an interment or disinterment takes place. No application or notice shall be received on a Saturday or Sunday or public or statutory holiday except upon production of a medical certificate requiring an early interment that is deemed necessary.
- (l) Funeral directors must have all documents for interments signed and proof of payment, prior to any work being undertaken in the Cemetery.
- (m) Employees working at the Cemetery are not permitted to do any work on a plot for the owner except upon order of the Administrator.
- (n) All persons while in the Cemetery shall conduct themselves in a quiet and orderly manner.
- (o) All persons entering the Cemetery do so at their own risk and are responsible for any injury or loss, whether to person or property. The Town of Oxbow and its employees and agents shall not be held responsible for any such loss or injury, including loss or damage of monuments or markers when damage is done by a third party.
- (p) All persons are prohibited from removing flowers, wild or cultivated; breaking or injuring trees, shrubs or plants; writing upon or defacing any property, monument or marker within the Cemetery grounds.
- (q) Vehicles in the Cemetery shall travel only on roadways provided for that purpose and shall not travel at a speed greater than 15 kilometers per hour (15 km/h.)
- (r) Permanent structures of any kind other than monuments within the limits of the Cemetery are strictly prohibited.
- (s) No A.T.V.'s or Snowmobiles shall be allowed within the limits of the Cemetery, violators will be subject to fines.

3. **PLOT PURCHASE**

- (a) The purchaser of a plot shall have the right to use the grave for no other reason than for the interment of human remains in accordance with the provisions of this bylaw and any amendments or regulations passed from time to time and shall acquire no other rights whatsoever.

- (b) The fee for the said plots shall be as set out in "Schedule A" hereto attached.
- (c) Cemetery plots shall not be resold or transferred by the licensee and if not required the license shall be transferred back to the Town of Oxbow.
- (d) The Town of Oxbow will take reasonable precautions to protect the licensee and the property rights of the licensee within the Cemetery from loss or damage, but the Town of Oxbow distinctly disclaims all responsibility for loss or damages caused beyond reasonable control, including but not restricted to damage caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority whether the damage is direct or indirect other than that as herein provided.
- (e) It is the duty of the licensee to notify the Town of Oxbow of any change in his/her postal address.

4. **INTERMENT AND DISINTERMENT**

- (a) No interment shall be made in the Cemetery until the provisions of the Public Cemeteries Act and the Vital Statistics Act of the Province of Saskatchewan, and this bylaw have been complied with.
- (b) Before an interment is made in any grave or columbarium niche, an application shall be made to the Administrator to purchase said plot.
- (c) No person shall be buried in any plot or placed in a Columbarium niche unless such person is the owner of the burial rights of the lot or has received consent from the owner or agent of the owner.
- (d) Subject to Subsection 2(i);
 - (i) No interment of two or more bodies shall be made in one plot except in the case of a parent and child or two infants buried concurrently in one casket or two cremation urns.
 - (ii) Cremated remains may be interred in the same plot with another body or other cremated remains after receiving authorization from the Administrator.
 - (iii) The Administrator shall, prior to issuing authorization under Subsection 2(1), obtain the consent of the licensee or the agent of the licensee.
- (e) No more than two sets of remains shall be permitted in a niche of the columbarium.
- (f) Subject to Subsection 2, no person other than a Provincially licensed funeral director shall have charge of the interment of any licensee.
- (g) Cremated remains may be interred by persons other than licensed funeral directors. Persons digging or preparing a grave for the interment of cremated remains shall use a tarp to place dirt or material thereon and any surplus dirt shall be placed in a designated area.
- (h) Notice that an interment is to take place shall be given to the Town at least 48 hours before the interment is to take place.
- (i) No person shall disinter or remove a body from any plot or remains from a columbarium niche without first producing a written order from the licensee of such lot, his or her heirs, executors or assigns and a permit has been obtained from the Minister of Public Health for the Province of Saskatchewan.
- (j) Disinterment shall take place only under the direction of a funeral director after receiving authorization from the Administrator.

5. **CARE OF GRAVES**

- (a) The Council shall assume the general care of the entire Cemetery.
- (b) The Caretaker shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as in the judgement of the Administrator, they become unsightly, dangerous, detrimental or diseased.
- (c) No person may plant any tree, shrub, or flower in any place or part of the Cemetery other than the designated garden without first having been given authorization by the Administrator.
- (d) The licensee of the graves shall observe all rules and regulations passed from time to time by council for keeping the graves in order.
- (e) No permanent structure or material shall be constructed, placed, or planted in any or around any plot other than for the purpose of operating the Cemetery as authorized by the Administrator.
- (f) The Town of Oxbow shall remove any permanent structure or material erected before the amending of this bylaw, when it reaches a state of disrepair as determined by the Administrator. An attempt to notify the licensee will be issued before such items are removed.
- (g) The Cemetery employees shall have the authority to remove all floral designs, weeds, trees, shrubs or plants of any kind from the Cemetery as soon as, in the judgement of the Administrator, they become unsightly, dangerous, detrimental or diseased.

6. **MONUMENTS AND MARKERS**

- (a) Each monument shall lay on a concrete foundation and must be at least 8 centimeters from the edge of the plot.
- (b) The base shall not exceed more than 100 centimeters in length and 45 centimeters in width.
- (c) Where cremated remains have been interred in a plot already containing one grave, no further monuments may be erected.
- (d) Notwithstanding Subsection 1, a marker may be installed on a lot where the cremated remains are installed.
- (e) The dimensions of a marker shall not exceed 45 cm x 60 cm.
- (f) Marker may be installed with or without a foundation, however, they are not to project more than 2 cm above the surface of the ground.
- (d) The Administrator shall from time-to-time report to the Council and the 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 Council.
- (e) If a second interment is placed within an existing plot, the marker must be of a type that is installed level with surface of the grave site. A second monument shall not be approved.
- (f) Whenever any owner of a monument or marker neglects to make the required repairs or alterations, after being given the notice by the Administrator, if by all reasonable means of contacting the owner have been unsuccessful, the Administrator should allow a period of 30 days to elapse after which time, they shall have the power to remove such monument or marker and charge the cost thereof to the licensee which may be recovered as a debt by the licensee to the Town of Oxbow.
- (g) External workers or contractors installing monuments or markers shall leave the Cemetery in a neat and tidy condition, removing all excess dirt and material.

7. **FLORAL ARRANGEMENTS/STATUES/GIFTS/BENCHES**

- (a) Cut flowers, including artificial flowers, and/or fraternal emblems shall be permitted, provided the flower container and/or emblem is permanently secured to the base or marker.
- (b) Fresh cut flowers may be placed at the base of the columbarium, wilted arrangements will be removed by the caretaker or after a period of ten (10) days, whichever is sooner. Other articles may not be placed at the base of the columbarium and will be removed by the caretaker.
- (c) Cemetery employees will remove or prevent the placing of any stand, holder, vase or other receptacle for flowers or plants which is deemed unsuitable for such purpose, unsightly, or is not physically attached to the monument, base, or marker.
- (d) No grave or plot shall be decorated by its owner or owners, or others interested therein with any trees, shrubs, or plants. This shall not be deemed to prohibit the placing of cut flowers upon grave, as per section 1 above.
- (e) Caretaker shall remove from any grave any funeral design or floral piece which becomes wilted or after a period of ten (10) days, whichever is sooner, or any other article or thing which is, in the opinion of the Administrator, unsightly.
- (f) All flower arrangements as described as above in sections 1, 2 and 3 shall be removed no later than October 31 of each year.
- (g) Gifts, statues, and pictures are only permitted if they are attached to the marker or monument. Gifts, statues, and pictures left unattached will be removed by the caretaker.
- (h) The placement of benches on the cemetery property is strictly prohibited. The manager will attempt to contact the person or persons the bench belongs to before the removal from the Cemetery.

8. **BORDERS, FENCES AND HEDGES**

- (a) Any border, fence, railing, trellis, hedge or any other object or structure that is in violation of the amended bylaw will be removed when it reaches a state of disrepair. All reasonable attempts to contact the licensee will be made before such item is removed.
- (b) Trees, shrubs, and hedges may only be planted in designated areas and what type of planting can take place is at the discretion of the Administrator and the Town of Oxbow Legacy Program.

9. **COLUMBARIUM**

- (a) The fee for said Niches in columbarium shall be as a set out in Schedule "A" hereto attached.

10. **INTERMENTS**

- (a) All placement of cremated remains shall be performed by a licensed Funeral Director.
- (b) All documents for interments must be signed and proof of payment provided prior to placement.
- (c) No more than two (2) urns will be allowed in one niche space. The columbarium space is 12"x12"x13". Consideration in urn selection must be given to allow for the placement of both urns.

- (d) Urns must be of an approved permanent material (e.g., Copper, Steel, Bronze, Metal, Marble, Plastic or Glass).
- (e) Urns made from wood are not permitted in the columbarium.

11. Bylaw Number 13-72 is hereby repealed.

12. This bylaw shall come into force and take effect upon the third and final reading.

First Reading: January 10, 2022

Second Reading: January 10, 2022

Third Reading: January 10, 2022

Mayor

Administrator

SCHEDULE "A"
FEES

Plots \$900 each (\$700 to perpetual care)

Columbarium, bronze plaque included
(1 niche = maximum 2 urns)

- 4th (top) row \$2,100 each (\$1,500 to perpetual care)
- 3rd row \$1,900 each (\$1,400 to perpetual care)
- 2nd row \$1,700 each (\$1,000 to perpetual care)
- 1st row (bottom) \$1,600 each (\$800 to perpetual care)