CITY OF MOOSE JAW

THE CEMETERY BYLAW

Bylaw No. 5611

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BYLAW NO. 5611

THE CEMETERY BYLAW

A BYLAW OF THE CITY OF MOOSE JAW TO PROVIDE FOR THE CONTROL AND REGULATION OF MUNICIPAL CEMETERIES IN THE CITY OF MOOSE JAW

NOW THEREFORE THE COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS

TITLE

1. This Bylaw may be cited as "The Cemetery Bylaw".

DEFINITIONS

2. (1) Except where otherwise defined herein, the words used in this Bylaw are deemed to have the same meaning as those words are defined in The Cemeteries Act, R.S.S. 1999 cap. C-4 as amended.

(2) In this Bylaw:

(a) **"Authorized Decision-Maker"** means a person designated as an Authorized Decision-Maker pursuant to The Funeral and Cremation Services Act, SS 1999 cF-23.3 as amended and if no one can be located using reasonable efforts, or no one is willing to act or the identity of the deceased is not known, the Director may make any decision required to be made by an Authorized Decision-Maker pursuant to this Bylaw;

(b) **"business day"** means a day other than Saturday, Sunday or statutory or generally followed holiday in Moose Jaw, Saskatchewan;

(c) **"Cemetery (ies)"** means Moose Jaw New Cemetery, Moose Jaw Old Cemetery and the Rosedale Cemetery;

(d) **"Cemeteries Act"** means The Cemeteries Act, R.S.S. 1999 cap. C-4 and any Regulations thereto, as amended;

(e) **"Cemetery Rates"** the rates and fees associated with internment rights and cemetery services, which are established by City Council from time to time and are subject to change;

(f) **"Cemetery Supervisor"** means the person designated by the Director to oversee the operations of the Cemetery;

(g) **"City"** means the City of Moose Jaw;

(h) **"columbarium"** means a structure or building designed and used for the interment of cremated human remains;

(i) **"community grave"** means a grave containing the remains of eight (8) stillborn or small children. Community graves were discontinued in 1999.

No Interment Rights Certificates were issued for these graves and ownership is retained by the City.

(j) **"Council"** means the Council of the City of Moose Jaw;

(k) **"cremation section"** graves located in areas of the Cemeteries that are designated for the sole purpose of interment of cremated remains;

(l) **"Department"** means the Parks and Recreation Department of the City of Moose Jaw;

(m) **"Director"** means the Director of Parks and Recreation of the City and shall include any person authorized by the Director to carry out his or her duties;

(n) **"disinterment"** means the removal of human remains or cremated human remains from a grave or columbarium;

(o) **"grave"** means an area of the cemetery used or intended to be used for the interment of human remains or cremated human remains;

(p) **"holiday(s)"** means New Years' Day, Family Day (the third Monday in February), Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, ½ day Christmas Eve, Christmas Day, Boxing Day, ½ day New Years Eve and any day proclaimed by His Worship, the Mayor, as a Civic Holiday;

(q) **"interment"** includes:

i. the burial of human remains, or cremated human remains in a grave; and
ii. the placement of cremated human remains in a columbarium niche;

(r) **"interment rights"** means a license granted by the City to a person to allow an interment in a designated grave or niche in accordance with this Bylaw and the Cemeteries Act;

(s) **"Interment Rights Certificate"** (previously "Cemetery Certificate") means a certificate provided upon payment of license fees to the City by an individual with respect to a grave/niche for the purpose of a single burial or the burial of cremated remains, or a niche in the columbarium as provided for herein;

(t) **"license"** means the interment rights for a grave or niche within a Cemetery;

(u) **"Licensee"** means a person to whom a license has been issued pursuant to this Bylaw. If the Licensee is deceased, their Authorized Decision-Maker becomes the Licensee;

(v) **"memorialization"** includes any inscription or lettering on a memorial and any ornamentation that is permanently affixed to a memorial used to identify a lot or niche or memorialize a deceased person or persons;

(w) **"monument"** means a memorial structure with inscribed or attached lettering or artwork as a means of commemoration;

(x) **"Moose Jaw Cemetery (Old and New)"** means the Cemeteries located at 1005 Caribou Street East in Moose Jaw and legally described as NW Sec 34 Twp 16 Rge 26 W2;

(y) **"mortuary vault"** means a cold storage area for human remains, which are being stored for interment;

(z) **"niche"** means each individual compartment to be used for the interment of cremated remains in a columbarium;

(aa) **"perpetual care"** means the basic maintenance of all graves and niches in perpetuity and shall include leveling of the ground and the seeding, cutting and watering of grass as required. It shall not include the maintenance, repair or replacement of monuments, bases, footstones, grave covers, cribbing or foundations. The only exception to the above will be that the City will maintain foundations in blocks 36 to 40;

(bb) **"person"** means an individual, partnership, association or corporation;

(cc) **"Rosedale Cemetery"** means the cemetery located at 1804 Caribou Street West in Moose Jaw, legally described as Blk/Par B, Plan 61MJ06005 Ext 0 and Blk/Par X, Plan O1014 Ext 0;

(dd) **"social services interment"** (referred to as "indigent interment" in The Cemeteries Act) means someone whose estate cannot cover funeral and burial costs and whose burial arrangements are covered by the Ministry of Social Services. The City provides a grave for social services interments while the Ministry of Social Services covers the cost of opening and closing for the burial.

(ee) **"supplementary"** means any additional burial in an existing grave after the first; and

(ff) **"veteran"** means any former member of the Canadian Armed Forces who successfully underwent basic training and is honourably discharged.

GENERAL ADMINISTRATION

3. (1) The Cemeteries, subject to any exemption permitted per this Bylaw, shall only be open to the public during the Cemeteries' "normal business hours", which are 6:00 am to 9:00 pm daily.

(2) No person shall enter a Cemetery or operate a vehicle in a Cemetery outside of normal Cemetery business hours, unless granted an exemption per this Bylaw.

(3) The plans of the Cemeteries showing the subdivision of land made available to the City for cemetery purposes, together with all the subsequent plans approved by the Director shall be open for inspection free of charge at the office of the Director during Department office hours prescribed by Council from time to time.

(4) All interments shall be made, and records kept in accordance with such plans described in subsection 3 and with the Cemeteries Act.

(5) In the event of the consecration of the City Cemeteries or any part thereof such act of consecration shall not be held to invest that religious body, ethnic group or organization with any exclusive rights and powers of jurisdiction either spiritual or temporal.

(6) The Director is hereby authorized and empowered to set aside and maintain portions of Rosedale Cemetery for the burial of the military, the members of such religious or ethnic groups as may have requested same, children, and cremated remains. The size and location of any such area shall be as determined by the Director.

(7) The City shall not be responsible for any injury resulting to any person who enters the Cemeteries or any damage to any grave, monument or memorial tribute located within the Cemeteries, unless such injury or damage is shown to be caused by negligence of the City or its employees.

(8) Permission to hold an event in the Cemetery may be granted by the Director on receipt of a written application made ten (10) business days before the time of the event.

(9) The Director may in his or her discretion, prohibit vehicular traffic within a Cemetery based on the condition of the roads and/or as the weather conditions so warrant.

FEES AND CHARGES

4. (1) All charges in connection with the sale of interment rights and Cemetery services shall be in accordance with the Cemetery Rates.

(2) Burial charges are to be paid in full to the Cemetery office prior to a burial taking place.

(3) Payment plans are not permitted for purchase of interment rights or any Cemetery services.

SALE OF INTERMENT RIGHTS

5. (1) Upon payment by the Licensee of the full price for any grave (which includes perpetual care) set forth in the Cemetery Rates, the City shall provide a receipt for the sum paid and issue an Interment Rights Certificate for the use of such grave(s) for the purpose of the interment of human remains only.

(2) Interment rights for a grave or niche cannot be sold by a Licensee.

(3) All fees collected for perpetual care shall be held by the City in a separate fund called the "Perpetual Care Fund" and shall be invested in accordance with the provisions of The Cemeteries Act.

(4) Licensees may prepay the cost of opening and closing fees on reserved graves subject to paying the difference between the prepaid price and the price in effect at the time of their use. Licensees (plot owners) who prepaid the cost of opening and closing fees prior to November 15, 1978 do not have to pay any opening and closing difference at the time of use.

(5) Nothing in this section shall be construed as requiring the City to provide the purchaser of any grave or plot in the Cemeteries with a registerable Land Titles Act transfer for such grave or plot, and the fee simple and title to such grave or plot shall at all times remain in the name of the City.

(6) It shall be the responsibility of the Licensee or their Authorized Decision-Maker to maintain a current address on the Department records.

(7) No person or organization may purchase more than eight (8) graves without the written approval of the Director.

(8) Licenses for graves shall be allocated and sold to members of the general public on a "first-come, first-served" basis, provided that the purchaser agrees to adhere to all relevant bylaws.

SALE OF NICHE INTERMENT RIGHTS

6. (1) A person may purchase the interment rights for a niche from the City by payment of the purchase price as set forth in the Cemetery Rates.

(2) A niche shall only be used for the storage of human cremains, which must be contained in an urn. The niche shall hold a maximum of two (2) urns (remains of two (2) people) in one (1) niche.

(3) Inscriptions may be made only on the exterior granite of the niche and arrangements for the engravings must be made with the Cemetery Office at City Hall as per the Monument Regulations.

(4) Inscriptions may only be sold at the time of an interment. No pre-need inscriptions will be permitted.

(5) Licenses for niches shall be allocated and sold to members of the general public on a "first-come, first-served" basis, provided that the purchaser agrees to adhere to all relevant bylaws.

PERPETUAL CARE OF GRAVES

7. (1) The City shall provide perpetual care of Cemeteries.

(2) All persons applying to purchase interment rights in a grave or niche shall pay a license fee which includes perpetual care as outlined in the Cemetery Rates.

(3) Licensees or their Authorized Decision-Maker who purchased graves prior to January 1, 1966, and who have not paid the perpetual care for any or all of the used or unused graves, shall pay the perpetual care fee at the current rate for the graves prior to any interment taking place in any grave.

(4) Licensees or their Authorized Decision-Maker who refuse to pay perpetual care for the graves, shall forfeit the right to use any reserved graves.

(5) Forfeited graves under subsection 4 of this section shall revert to the City.

TRANSFER OF A GRAVE OR NICHE

8. (1) Licensees or their Authorized Decision-Maker shall not obtain any transferable or alienable interest in any grave and no person shall sell or attempt to sell, convey or attempt to convey any right, title, equity or interest in any plot to any other person.

(2) Licensees of a grave or niche may request approval from the City to transfer their ownership of a grave or niche. A request for such transfer must be made in writing to the City and must include the complete name, address and telephone number of both the intended transferrer and the intended transferee and must be signed by both parties.

(3) The transfer of any grave or niche in a City Cemetery shall be subject to the condition that the Licensee or their Authorized Decision-Maker shall pay the perpetual care costs prescribed in the current Cemetery Rates prior to the transfer being completed.

EXCHANGE OF A GRAVE OR NICHE

9. (1) Licensees or their Authorized Decision-Maker may exchange a grave or niche for a grave or niche of similar type. A new Interment Rights Certificate will be issued upon completion of the exchange.

REFUND OF INTERMENT RIGHTS

10. (1) A license to use a grave or niche may be cancelled, and a refund issued provided that:

(a) the request is made in writing from the original Licensee or the original Licensee's Executor or Authorized Decision-Maker;

(b) the grave or niche does not contain an interment;

(c) any markers or monuments on the grave are removed; and

(d) the niche is not engraved.

(2) The amount of the refund will be as follows:

(a) 100% of any opening and closing fees paid;

(b) 85% of the original grave or niche licence fee paid (15% withheld as an administration fee); and

(c) if original proof of purchase price cannot be located or otherwise determined, a refund of $100.00 will be provided.

(3) The Director may withhold approval of a refund of fees paid for any grave or niche if the Director deems it to be unmarketable.

INTERMENTS

11. (1) The hours for interments to take place in the Cemeteries shall be between 9:00 am and 3:00 pm on regular business days except for cremation interments taking place with the funeral home or family closing the grave.

(2) Interments outside normal Cemetery business hours shall be permitted only as authorized by the Director and upon payment of the after hours' surcharge fees set out in the current Cemetery Rates. Interment's outside of normal Cemetery business hours are dependent on staff availability, unless directed by a Medical Health Officer.

(3) When contacting the cemetery office to arrange a burial, funeral homes will be required to provide the time of the service as well as the anticipated time of arrival of the funeral at the Cemetery. An after hours' surcharge fee, as set forth in the current Cemetery Rates, will be charged to any funeral beginning past 3:00 pm at the cemetery. The after hours' surcharge fee will not be charged if the funeral arrives within half an hour of the scheduled arrival time.

(4) All burials and disinterment's shall be carried out in accordance with the Cemetery Bylaw then in effect and shall be subject to the supervision and direction of the Cemetery Supervisor.

(5) All applications for burials must be made at least 48 hours before the interment is to take place. If this 48-hour application period falls on a Saturday, Sunday or holiday, the application must be made on the prior business day. The notice requirements shall not apply if the Chief Medical Health Officer issues a directive regarding a case of an epidemic or other exceptional circumstance.

(6) Prior to any interment, the Authorized Decision-Maker arranging for the burial in any grave in a City Cemetery, shall provide the following to the City:

(a) permission from the Licensee of the grave or niche;

(b) a burial application signed by the Executor or Authorized Decision-Maker of the deceased's estate;

(c) a burial permit issued by the properly authorized officer of the provincial government (casket burials);

(d) a cremation certificate (cremation burials);
(e) a grave license application completed with the necessary information and signed by the Licensee (new grave purchase); and

(f) all applicable burial fees, as per the current Cemetery Rates, paid in full prior to interment.

(7) The City accepts no responsibility for any error or misunderstanding that may arise from interment or other arrangements made by telephone.

(8) The City or any official thereof shall not be liable for any errors or mistakes resulting from lack of precise or proper instructions regarding the grave space where an interment is to be or has been made.

(9) All work related to an interment or a disinterment shall be done only by personnel authorized by the Director.

(10) During a burial service, all work in the Cemeteries shall be discontinued in the immediate vicinity of the burial service.

(11) A grave or a niche shall be used for the interment of human remains or cremains only.

(12) The City reserves the right to limit the number of burial services in any given morning or afternoon, so that the number of interments does not impact the City's commitment to fulfill the obligations of any interment.

(13) The Licensee or the Authorized Decision-Maker is responsible for the removal of covering or cribbing of any type from the grave before any interments can take place within the grave.

(14) No person shall dispose of human remains in any place in Saskatchewan other than:

(a) in a Cemetery;

(b) by cremation in accordance with the Funeral and Cremation Services Act, SS 1999 cF-23.3 as amended; or

(c) in accordance with this Bylaw and the Regulations thereto.

(15) If a member of any religious, ethnic, or other group wishes to perform an

internment or burial service in a matter that would contravene these Bylaws, the normal policies and practices of the City, and/or the health and safety policies and procedures of the City, they must apply in writing to the Director for specific approval or exemptions, as required.

CASKET INTERMENTS

12. (1) Each adult traditional (casket) sized grave can be used for a maximum of seven (7) interments, as follows:

(a) one (1) casket interment and up to six (6) cremated remain interments; or

(b) up to six (6) cremated remain interments; or

(c) in the case of a grave that already has two (2) casket interments (double depth), only five (5) supplementary cremation interments will be permitted within the grave.

(2) A supplementary burial fee will be charged for any additional burials in an existing grave after the first burial.

(3) If a casket burial is not the first interment into the grave, a disinterment fee will apply for cremations removed to perform the supplemental casket burial.

(4) Outer containers shall be delivered to the Cemetery at least six (6) hours prior to the time set for the interment.

(5) All graves shall be dug to such depth that a distance of at least one (1) meter shall intervene between the top of the casket and the ground surface level.

CREMATED REMAIN INTERMENTS (IN-GROUND)

13. (1) Graves in a cremation section may be used for not more than two (2) ash remains.

(2) Cremation graves purchased in the cremation section prior to July 1, 1998 will not be subject to a supplementary cremation fee for the interment of the second urn in the grave.

(3) Each adult casket sized grave outside of a cremation section can be used for up to six (6) cremated remain interments. A supplementary burial fee will be charged for any additional burial in an existing grave after the first.

(4) In the case of a grave that already has two casket interments (double depth), only five (5) supplementary cremation interments will be permitted within the grave. A supplementary burial fee will be charged for any additional burial in an existing grave after the first.

(5) Cremated remains can be interred inside a casket subject to a supplementary fee set forth in the current Cemetery Rates.

CREMATED REMAIN INTERMENTS (URN INSIDE MONUMENT)

14. (1) Cremated remains in an urn can be interred inside of a monument into a base or sub-base however is limited to only one (1) urn allowed in a headstone area.

(2) This interment would be subject to a supplementary fee set forth in the current Cemetery Rates.

(3) The monument would need to comply with the current City of Moose Jaw Monument Regulations.

(4) A monument permit and all applicable burial documentation would need to be completed, submitted and approved prior to installation.

(5) This interment is considered as one of the six (6) "levels" for cremation burials permitted into the grave per sections 12 and 13 of these Bylaws.

COLUMBARIUM INTERMENTS

15. (1) Each outdoor columbarium niche is for the sole purpose of the interment of cremated remains in an urn and may be used for not more than two (2) ash remains.

(2) A supplementary fee will not apply for second urn being placed in the niche.

(3) When a niche is used for two (2) urns, an opening and closing fee is charged for each interment unless the urns are interred at the same time.

(4) Interments on Saturdays, Sundays, or holidays require City staff to attend and is dependent on availability of staff. The after hours' surcharge fee, as per the current Cemetery Rates, will be charged in addition to the opening and closing Fee and any other applicable fees.

(5) A disinterment fee, as per the current Cemetery Rates, will apply if an urn is removed.

(6) Memorialization is permitted on the front of the niche. The cost of memorialization is in addition to the purchase of the interment rights as per the current Cemetery Rates. Memorialization arrangements are to be made with the Cemetery Office at City Hall.

(7) A columbarium niche cannot be returned to the City if engraved.

SCATTERING GARDEN

16. (1) Scatterings shall only be done in the designated scattering garden of the Rosedale Cemetery and are subject to the fees set forth in the current Cemetery Rates.

(2) The scattering garden is located between the outdoor columbaria and

replaces the previous scattering location.

(3) Scatterings must be arranged with the Cemetery Office at City Hall with all applicable documentation being provided.

(4) Scattering memorialization is permitted by way of plaque installed on the ends of the North and South outdoor columbaria facing the scattering garden and will be standardized. The cost of the scattering garden plaque is in addition to the scattering fee as per the current Cemetery Rates and any other applicable fees. Memorialization arrangements are to be made by contacting the Cemetery Office at City Hall.

SOCIAL SERVICES INTERMENTS

17. (1) The City shall provide social services interments pursuant to the provisions of The Cemeteries Act addressing the interment of indigent persons.

(2) The City will supply the grave and perpetual care under this section.

(3) The opening and closing fee for the interment will be paid to the Cemetery office by the funeral home arranging the burial or the Ministry of Social Services.

(4) Social services interments shall occur in single graves, the location of which shall be within the sole discretion of the City.

(5) Monuments are permitted on social services graves without the recovery of the previously forgiven license fee.

(6) Prior to any supplemental burial (unless also a social services interment), the current license fee, which includes perpetual care, must be paid. A supplementary fee will not be charged and treated as a first burial after the grave purchase.

(7) If a social services interment is scheduled for an existing (used) grave, a supplementary fee will not be charged. The opening and closing fee would apply, as per subsection 3.

DISINTERMENTS

18. (1) The disinterment of human remains, shall be permitted only:

(a) by order of the Chief Coroner; or

(b) upon issuance of a disinterment permit from the Minister of Health, or his or her designate, issued pursuant to an application under The Public Health Act, 1994 and the Disease Control Regulations;

(c) where The Public Health Act, 1994 does not apply, upon application by the Authorized Decision-Maker of the deceased in the form prescribed by the Director; and

(d) upon payment of the required fee as set out in the current Cemetery Rates; and
(e) subject to any conditions as determined by the Director.

(2) A person making an application for the disinterment of human remains pursuant to subsection 1 shall ensure that a licensed funeral director is present during the disinterment for the handling and transportation of the human remains.

(3) Any disinterment will be in full compliance with all provincial laws and regulations. The City crews will be responsible for digging to the top of the casket or maintenance vault only. Removal of the remains shall be the responsibility of the person authorized to remove the human remains.

(4) No casket disinterment shall be carried out between November 1 and April 30 unless required by the governing authority of the Province of Saskatchewan. The proposed time of disinterment shall, subject to the provisions of any order of the governing authority of the Province, be subject to the consent of the Director.

(5) No urn disinterment shall be carried out between November 1 and April 30 unless the disinterment is to accommodate a supplementary casket burial into the same grave.

(6) The person who makes the application for the disinterment of human remains under this section is responsible for the removal of covering or cribbing of any type from the grave before any disinterment can take place within the grave.

(7) The disinterment of cremated human remains shall be permitted only by approval of the Director upon receipt of the application for the disinterment of cremated remains form and payment of the disinterment fees as set out in the current Cemetery Rates.

(8) Unless approved by the Director, disinterment's will not be permitted:

(a) on Saturdays, Sundays, holidays, and designated days off for civic staff, except on the advice or direction of the Medical Health Officer for the City; or

(b) from a grave where two (2) caskets were buried as "double depth" burials; or

(c) from a grave where the casket or urn was interred more than fifty (50) years prior to the date of the application; or

(d) from a community grave.

COMMUNITY GRAVES

19. (1) As of 1999, no further burials are permitted into community graves.

(2) No cemetery certificate shall be given nor shall removal of remains be permitted from community graves.

CHILDREN'S SECTIONS

20. (1) The Rosedale Cemetery has children's sections to accommodate the burials of children six (6) years of age and under.

(2) Each grave in a children's section can be used for one child-sized casket (or cremation) and up to two (2) supplementary cremated remain interments. The supplementary interments must be of parents or siblings of the child. A supplementary burial fee will be charged for any additional burial in an existing grave after the first.

(3) The fees for the interment of a child less than seven (7) days of age shall be half of the regular child's burial rates. This fee discount applies to:

(a) the purchase of a grave in the children's section;

(b) the supplementary fee for the child's burial into a regular grave; and

(c) the opening and closing fee for the burial of the child.

(4) The discount referenced in subsection 3 does not apply to the purchase of any other kind of grave.

VETERANS' SECTIONS

21. (1) The City shall set aside and maintain portions of the Cemeteries as veterans' sections for the burial of veterans and such areas shall be under the direction, control and supervision of the Director.

(2) Only veterans may purchase single graves in the following veterans' sections:

(a) Block 10 (Lots 8 and 8A);

(b) Block 11 (Lots 1-4 and 184-201); and

(c) Block 11A.

(3) Veterans and their spouses may purchase graves in the veterans' section located in Block 37 of the Rosedale Cemetery.

(4) Each casket sized veteran grave can be used for:

(a) one (1) casket interment and up to six (6) cremated remain interments of family members; or

(b) six (6) cremated remain interments.

(5) A supplementary burial fee will be charged for each additional burial in a grave after the first.

(6) Memorialization in veteran sections is limited as per the current City of Moose Jaw Monument Regulations.

RECOVERY OF UNUSED GRAVES

22. (1) The Director is authorized and empowered to recover unused graves in accordance with the provision of the Cemeteries Act.

DESIGNATED AREAS

23. (1) Groups or organizations including ethnic, religious or members of the Canadian Armed Forces may request to have a number of graves allocated without advance payment in specific areas of the Cemetery. The location and size of the area allocated will be subject to the following criteria:

(a) the graves must not be currently needed by members of the general public;

(b) the number of graves will be based on the expected need for the projected remaining years of available graves at the Cemetery;

(c) the request does not disrupt the maintenance and operating plan of the Cemetery;

(d) the area has not previously been reserved by another group and in the case of a dispute, the Director's decision shall be final;

(e) if allocated space results in unused graves when the Cemetery is sold out of graves to the general public, the graves will be reallocated for sale to the general public; and

(f) designated Cemetery areas may not be used to discriminate against any individual, provided that the individual meets the eligibility requirements and complies with the interment practices for the area as approved by the Director.

MORTUARY VAULT

24. (1) The use of the mortuary vault shall be available without charge for all interments which are to take place in the Cemeteries when these interments are scheduled during holidays or when the weather or ground conditions are such as to make regular interment too difficult.

(2) Fees for the use of the mortuary vault shall apply if burial is postponed by family.

(3) The fees for storage in the mortuary vault for burials to take place in any cemetery other than in City Cemeteries shall be those fees prescribed in the current Cemetery Rates.

(4) The Director shall have the right and authority at any time to direct the burial of any casket in the mortuary vault, if he or she deems such burial advisable. Such burial must not take place without first notifying the Authorized Decision Maker of the deceased of this intention.

(5) The body of any person which is infected with any contagious disease at the time of death shall not be permitted in the mortuary vault unless enclosed in a metal lined casket that has been hermetically sealed.

(6) The Director may refuse to allow any body not in fit condition or not enclosed in a proper casket to be placed in the mortuary vault.

MONUMENT REGULATIONS

25. (1) The City Administration shall have the power to create regulations to this Bylaw so long as such regulation is:

(a) made in conformity with this Bylaw;

(b) made for the sole purpose of regulating this Bylaw;

(c) and approved by the Director of Parks and Recreation.

(2) Such regulation shall come into effect upon resolution by City Council.

(3) Refer to the City of Moose Jaw Monument Regulations document for specific Monument Regulations.

FLOWERS AND TRIBUTES

26. (1) Natural or artificial flowers shall, at all times, be permitted in holders, vases or other receptacles made of material other than glass, so long as such holders, vases and receptacles are permanently secured to the rock pitched granite base or to a monument on a rock pitched granite base as per the City of Moose Jaw Monument Regulations.

(2) Ornaments, including flower holders or vases, crosses and solar lights, and statues, may be permitted on the base or monument provided they are approved by the Director prior to installation and provided they meet criteria as outlined in the current Monument Regulations.

(3) Any item not permanently attached such as potted plants, perennials, lawn-edging, chimes, rocks, steppingstones, or other decorative items are not permitted on graves and shall be removed and disposed of by the City.

(4) All other items placed on a grave, flower bed, monument or concrete foundation are considered temporary and may be removed and disposed of by the City.

(5) To preserve the proper appearance of the Cemetery, the Cemetery Supervisor may remove any floral arrangement, plant material, or object of any kind at any time which has become unsightly, is considered to be an obstacle to convenient and safe mowing of the grass or is contrary to this Bylaw and its Regulations and the Monument Regulations.

(6) The City may remove any flowers and tributes and retain the items for thirty (30) days. If no claim is made to the City after the expiry of thirty (30) days, the City shall dispose of the article.

(7) The City shall not be responsible for any loss occasioned by any person as a result of the removal of flowers and tributes, nor the failure of the Licensee or Authorized Decision-Maker or any other party to claim a removed decorative element within thirty (30) days in accordance with this section and the resulting disposal of the decorative elements.

(8) The City shall not be liable for any loss or damage to any such holders, vases nor other receptacles unless such damage is shown to be caused by the negligence of the City or its employees.

(9) All items placed in the Cemetery by the public shall be at their own risk. The City accepts no responsibility for any damaged or missing items.

CITY RIGHTS

27. (1) Subject to the provisions of the Cemeteries Act, any matters respecting burials or cemeteries not dealt with in this Bylaw shall be dealt with by the Director in the manner that he or she deems most appropriate, having consideration for the appearance of the City Cemeteries and the scope of this Bylaw.

(2) The Director may reserve temporarily or permanently from use any portion of the Cemetery, which in his or her opinion is undesirable for the purpose of burials because of location, contour or environmental conditions.

OFFENCES

28. (1) No person shall, without prior approval from the Director:

(a) be in the Cemetery between 9:00 pm and 6:00 am;

(b) disturb the quiet and good order of a Cemetery with noise or other improper conduct;

(c) carry firearms in the Cemeteries unless such person is participating in a military funeral;

(d) engage in or carry on any game, sport or other activity within a Cemetery;

(e) permit any animal, fowl, or livestock within the limits of the Cemeteries except as approved for special events;

(f) plant any tree, shrub, herbaceous perennial or annual flower in the Cemeteries;

(g) remove, destroy, prune or otherwise injure any tree, shrub, plant or flower growing in the Cemeteries;

(h) construct any fence, railing, trellis or coping in or around the Cemeteries;

(i) litter any paper or refuse of any kind in the Cemeteries;

(j) enter any portion of the Cemeteries set apart for storage facilities;

(k) enter the mortuary vault at any time;

(l) remove or destroy or attempt to remove or destroy any remains put in any grave or vault;

(m) operate a vehicle on any portion of the Cemeteries not set aside as a roadway;

(n) travel in a vehicle in the Cemetery at a speed greater than 15 kilometers per hour;

(o) destroy, mutilate, deface, injure or remove a monument, building, road or other structure placed in a Cemetery, or a fence, railing or other work for the protection or ornament of a Cemetery; or

(p) engage in advertising of any kind within the Cemetery without the approval of City Council.

PENALTIES

29. (1) The Director may expel any person or prohibit the entrance of any person who conducts himself or herself in an improper manner within the Cemetery.

(2) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine up to $5,000.00 in the case of an individual or $10,000.00 in the case of a corporation.

(3) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a judge and, in default of payment, the person convicted may be imprisoned for a term of not more than twelve (12) months, unless the fine or penalty are paid sooner.

(4) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the City, whether any penalty is imposed for the contravention.

(5) Conviction of a person for a contravention of any provision of this Bylaw does

not relieve him or her from compliance with the Bylaw, and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.

(6) A person who fails to comply with an order made pursuant to subsection 4 within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than $250.00 for each day during which the failure continues, or to imprisonment for a term of not more than ninety (90) days, or to both such fine and imprisonment.

REPEAL OF PREVIOUS BYLAW

30. (1) Bylaw No. 4457 is hereby repealed.

EFFECTIVE DATE OF BYLAW

31. (1) This Bylaw comes into force and effect upon the passage thereof.

READ a first time the 16th day of December, A.D. 2019
READ a second time the 16th day of December A.D. 2019
READ a third time the 27th day of January, A.D. 2020
PASSED AND ENACTED this 27th day of January, A.D. 2020.

(Sgd.) "Myron Gulka-Tiechko"
City Clerk

(Sgd.) "Fraser Tolmie"
Mayor